

April 14, 2010

The Township Committee met on the above date at 7:30 PM. Mayor Kelly called the meeting to order and opened with the flag salute and a moment of silence. Roll call was taken showing present Mayor Brian J. Kelly, Deputy Mayor Lawrence Durr and Committeeman Michael Hlubik. Also present was John C. Gillespie, Township Attorney and Nancy W. Jamanow, Township Engineer. The Open Public Meetings Act statement was read and compliance noted.

The meeting was opened to the public for comments on matters not appearing on the agenda. John Morgan who owns property on Ward Avenue asked if the Township has met with the Turnpike concerning properties with TDR credits which the Turnpike is taking. Mr. Gillespie explained that he has spoken to the attorney involved with the Turnpike concerning this issue and there has been no reply. He has spoken with Mr. Morgan's attorney about this issue as well. There has been no taking of the Morgan property by the Turnpike at this time.

Michael Nye of Thorn Lane had a question concerning the pedestrian bridge to the school site and the status. Mrs. Jamanow responded that she has been in dialogue with the developer concerning the status. It is proceeding but no status update at this time.

Presentation of Village Square Park Design

Phil Caton and Geoff Vaughn of Clarke Caton Hintz. Phil gave a power point presentation of the proposed plan. Mr. Durr questioned the dimensions of the stage area and the reply was that the stage area has a 40' diameter at the raised area. Mr. Durr then questioned the number of trees and shrubs, and is concerned that it will be a dense forest area when the trees are at maturity. Most of the trees around the perimeter are deciduous and will not touch the ground and will be planted far enough apart that they will not touch each other. Phil Caton stated that he would like the areas under all of the trees to be a low meadow as opposed to lawn. Mr. Vaughn has met with Greg Lebak of Public Works concerning the design and it has been determined that there will be ample room to get equipment in. When questioned about the stage and trellis materials, it was explained that there will be brick piers for the trellis and the terrace will be blue stone. All materials used in the park will match materials used in other parks throughout the Village. The sign consists of two pier columns and a wall and raised metal letters. Mr. Durr questioned the need for the park to be named or for a sign. Mr. Caton replied that he originally thought all of the parks throughout the development would be named. Mr. Durr agreed that it would be a good idea for emergency purposes to designate each one. Mayor Kelly stated that he is not a big fan of formal signage and would prefer something more subtle - perhaps a brass plaque. Mayor Kelly questioned the intent of the meadow along the sides around the trees. Mr. Caton responded that it would deter entrance to the park through those areas, and there is no intention for those areas to be used. The Township could chose to mow those areas in the future if they wish. Mayor Kelly preferred indirect lighting on the rear of the terrace area. Constant lighting will make it appear more urban. Mayor Kelly then questioned the purpose of the lighting. Is it necessary for safety or just aesthetic? Mr. Caton replied that the lighting against the red brick will cast a warm glow and provide security at the same time. Could be dusk to dawn lighting or on a timer. Mayor Kelly asked Chief Wilson about the potential for problems with constant lighting. The Chief responded that the area will be patrolled and he would be more concerned with the impact on nearby residents. Mr.

Durr stated that the design attempts to keep area low maintenance but is concerned with the amount of leaves that will be produced from the trees. Mr. Caton responded that the collection of the leaves could be coordinated with the mowing. Mr. Durr replied that it will be a very large job to collect all of those leaves and the Township does not currently have the equipment to perform that task. Mayor Kelly opened the discussion to the public for comments. Matt Weismantel of 80 Harness Way asked about lighting that could be added to allow large groups of people to enter or exit the park safely. Mr. Caton responded that there are large pole lights within the park that could be controlled. Joe Landree of 151 Hogback Road believes the meadow will attract mice that may find their way to the surrounding houses. Mr. Landree also questioned the walkway areas and suggested they be limited to access by vehicles by way of poles or bollards. Mr. Landree asked why there is no indication of a flag pole on the plans and why isn't it being proposed? Mr. Caton responded that there are two flagpoles across the way at the school. The Committee liked the idea of a flagpole in the park and Mr. Caton will add it to the plans. Michael Nye asked about the meadow area and if it rings the entire area of the park. If so, will it lay down along the sidewalk and look unkept? Mr. Caton responded that there should be a section along the sidewalk that gets mowed. Natalka Weismantel asked the Planners to speak more to the play area. Geoff Vaughn stated that there will be a narrow column of trees to run around and low boulders in a mulch bed to play on. Mrs. Weismantel stated that with the other parks throughout the development having formal play structures and this park with the open area, the pedestrian bridge becomes more important. Mr. Durr asked about the material for the walkways. He was recently contacted by a contractor who has a product that is recycled tire material with urethane. Completely pervious material and may serve the purpose. Matt Weismantel asked the Planners for their timeline for this project. Mr. Caton responded that he is coordinating with the Township Engineer to get the plans ready for bid and still needs approval from the Township Committee for the electrical consultant. The intention is to construct the park this summer for completion before school opens. Mrs. Jamanow stated that the town owns 4/5 of property. The strip along Saddle Way is still owned by K. Hovnanian who is willing to deed it over to the Township. They are currently working to restore the area to the correct grade. Mrs. Jamanow stated that if the Planners are counting on Turnpike reforestation trees for the landscaping, that will not happen in time. Mr. Caton stated that the electrical engineer proposal includes 3 site visits for a total of \$1500. Mr. Durr questioned the need for that, thinking it should be the responsibility of the Township's Electrical inspector to inspect the work. Mr. Caton stated that the Electrical Inspector will be inspecting to make sure the work meets the code, not necessarily if the fixtures are installed correctly as per the design. The design engineer will not take responsibility for anything installed incorrectly if he does not perform the inspection. Mayor Kelly asked if that wouldn't be part of the performance bond that is posted by contractor? Mr. Caton will investigate the issue to see about reducing the cost. Joe Landree asked if there will water in park? The Planners responded that there will be drinking fountains and a water source near the trellis. The Committee, on a motion by Mr. Hlubik and second by Mr. Durr, authorized Mr. Caton to go forward with preparing the bid specifications with the sign as an alternate, addition of a flag pole and bollards in the walkways. The estimate for the Electrical Engineer will be an addendum to Mr. Caton's contract for the park design.

The minutes of the Executive Session of March 3, 2010 and the Regular session of March 23, 2010 were approved on a motion by Mr. Hlubik and second by Mr. Durr. All agreed. The minutes of the March 25, 2010 Regular session were approved on a motion by Mr. Hlubik and second by Mr. Durr. All agreed with the exception of Mayor Kelly who abstained.

Police Department Report

Chief Wilson reported 274 calls for the month of March and outlined the training that took place during the month. As Emergency Management Coordinator, Chief Wilson reported that the Township will be receiving 75% of our expenses for the snowstorms of February 5 and 6.

Mayor Kelly stated that there seemed to be tennis lessons being given at the Municipal tennis courts over weekend. There was a very large crowd so the Committee may need to address those policies.

Engineer

Road and drainage ROW request – The County is preserving the Salentri property on Waln Road. Mrs. Jamanow reported that this property does not have the additional ROW that the adjacent lots have and she will request an additional 8.25 feet be excepted out of the deed of easement.

Additional Lighting at Elementary School – This matter was presented to the Committee at the last meeting by the School Board President. Mrs. Jamanow stated that these lights are shown on the schools original plan so she is confused as to the question. Mr. Hlubik stated that he does not feel these lights should remain constantly lit. Mrs. Jamanow further stated that the plans show lighting of the parking area. Mr. Hlubik feels that if the school needs the lights they should pay for the lights. If they were on the original plans they should be the school's responsibility. Mr. Gillespie stated that this request may be the utility company needing consent to install lighting on Township Property. The Township needs to formalize the agreement about when the lights will be lit and who will pay for them. Mr. Gillespie will put together an agreement with the school.

Flowmeter at pump station # 1 – Mrs. Jamanow received a price for a permanent flow meter of \$19,000. The temporary rental was about \$7,000. Mr. Durr stated that he believes it is something we will use in the future and should be a permanent fixture. He believes the \$7,000 rental is throwing money away. Mr. Gillespie stated that he would like to have the ability to always know what the flows are. The Committee agreed to bid the flowmeter on a motion by Mr. Durr and second by Mr. Hlubik. Mrs. Jamanow will get quotes and check on the useful life.

School site – Mrs. Jamanow stopped at the school site last week to look at the pedestrian bridge area and some other issues and the condition of the school site needs to be addressed. There is a large amount of trash and debris around the site, the silt fence is down and with all of the rain we have had, there could be an impact on the creek. Mrs. Jamanow presented a brief list of items that need to be addressed. She can forward the list to Hill Construction if the Committee agrees. Mayor Kelly stated that the information should also be communicated to the school board.

Pedestrian Bridge – Mrs. Jamanow attended a pre-application meeting today with DEP about the pedestrian bridge connection from Chesterfield Downs to the new School and the Cross Creek Development to Chesterfield Greene. Both are complicated because when developers received permits from DEP, a deed of conservation was put on the property which does not allow paths to be constructed. DEP was very cooperative in explaining the process for getting this done. Mrs. Jamanow reminded the Committee that the Township does not own any of these properties. She will draft a memo to the Committee to outline the steps to be taken.

Black Road – The DEP informed Mrs. Jamanow today that they would get to the permit application review in approximately two weeks.

Ordinances for Introduction

Ordinance 2010-7 was approved for introduction on a motion by Mr. Hlubik and second by Mr. Durr. All agreed. Public hearing for this Ordinance will be May 12.

ORDINANCE 2010-7

AN ORDINANCE OF THE TOWNSHIP OF CHESTERFIELD TO FIX SALARIES, WAGES AND COMPENSATION OF OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF CHESTERFIELD FOR THE YEAR 2010

BE IT ORDAINED that the Township Committee of the Township of Chesterfield in the County of Burlington and State of New Jersey hereby determines and fixes the salaries of the officials and employees of the Township of Chesterfield as follows:

Board of Health Members	\$ 311.10
Building / Fire Inspector	\$ 49,470.00
Building / Fire Subcode	\$ 5,100.00
Chief Financial Officer	\$ 2,675.46
Chief of Police	\$ 91,812.42
Construction / Assessment Clerk	\$ 46,084.00
Construction Official	\$ 10,200.00
Construction Subcodes / Inspectors	\$ 25.00 – 50.00 p/h
Custodian	\$ 12.00 – 18.00 p/h
Deputy Tax Assessor	\$ 3,000.00
Deputy Township Clerk	\$ 10,608.00
Dog Registrar	\$ 700.00 – 1,200.00
Emergency Management Coordinator	\$ 3,570.00
Environmental Commission Secretary	\$ 2,000.00 – 4,000.00
Housing Inspector	\$ 2,690.76
Information Technology Specialist	\$ 5,100.00
Land Use Administrator	\$ 0 – 16,000.00
Land Use Secretary	\$ 4,000.00 – 11,000.00
Operations Manager	\$ 7,120.00
Part Time Police Officer	\$ 7.57 – 21.75 p/h
Police Department Secretary	\$ 31,824.00

Police Officer – Academy	\$ 7.57 – 11.18 p/h
Principal Public Works Director	\$ 68,841.84
Public Works Laborer – Seasonal	\$ 7.25 – 25.00 p/h
Public Works Stipend for No.Hanover Twp.	\$ 1,000.00 – 3,000.00
Recycling Coordinator	\$ 214.20
Registrar of Vital Statistics	\$ 1,023.06
Road Workers	\$ 28,000 – 57,000
Sewer Maintenance Director	\$ 7,535.76
Tax Assessor	\$ 27,650.16
Tax Collector	\$ 27,050.40
TDR Coordinator	\$ 1,060.80
Technical Asst. / Construction Official	\$ 25,100.16
Temporary Clerical	\$ 7.25 – 25.00 p/h
Temporary Court Liaison	\$ 2,150.00
Township Clerk	\$ 40,426.68
Township Committee	\$ 6,500.00
Treasurer	\$ 32,824.00

BE IT FURTHER ORDAINED that the following salaries have been approved by the Township Committee of the Township of Chesterfield as part of a collective bargaining agreement between the Township of Chesterfield and the Fraternal Order of Police Local 114:

Full-Time Police Officer:	\$ 30,044.80 – \$ 72,863.15
Police Officer Recruit	\$ 30,044.80
Police Officer – Step 1	\$ 40,060.08
Police Officer – Step 2	\$ 46,060.43
Police Officer – Step 3	\$ 54,260.43
Police Officer – Step 4	\$ 60,066.03
Police Officer – Step 5	\$ 66,036.65
Police Officer – Step 6	\$ 69,526.78
Police Officer – Step 7	\$ 72,863.15
Police Sergeant	\$ 77,745.23

BE IT FURTHER ORDAINED that all salaries are retroactive to January 1, 2010 for all persons employed by the Township at the time this Ordinance is legally adopted by the Township Committee, after final adoption of the 2010 Municipal Budget. If an employee is appointed to a position after January 1, 2010, the salary becomes effective as of that date.

Ordinance 2010-8 was approved for introduction on a motion by Mr. Hlubik and second by Mr. Durr. Public hearing in this Ordinance will be May 12.

**CREATING CHAPTER 173 OF THE CODE THE TOWNSHIP
OF CHESTERFIELD ENTITLED “TOWING OF VEHICLES”**

WHEREAS, N.J.S.A. § 40:48-2.54 requires municipalities to adopt an ordinance setting forth a model schedule of towing and storage services which the municipality requires and the rates therefor; and

WHEREAS, when towing is done by the Township without the consent of the owners of the vehicles the rates shall be based on the usual, customary and reasonable rates of operators towing and storing motor vehicles in the municipality; and

WHEREAS, the Township desires to create a more uniform system which will continue to provide rotation of towing companies but will increase the administrative feasibility of rotation for the benefit of the towers and the Township; and

WHEREAS, for the convenience of the residents and the operation of the Police Department, the Township requires regulations governing storage locations and hours of operation; and

WHEREAS, the Police Department and Township Administration have prepared an ordinance to accomplish this purpose and recommends the same for adoption; and

WHEREAS, the Township Committee of the Township of Chesterfield deems it to be in the best interests of its residents to adopt such recommendations.

BE IT ORDAINED by the Township Committee of the Township of Chesterfield in the County of Burlington and State of New Jersey, that the Code of the Township of Chesterfield be and is hereby to create a new Chapter 173 entitled “Towing of Vehicles” to read as follows:

§ 173-1	Purpose and Scope
§ 173-2	Definitions
§ 173-3	Standards for Towers, Equipment, Personnel, Storage; Miscellaneous
§ 173-4	Application for Towers; License Required
§ 173-5	Term of Contract
§ 173-6	Independent Contractor Status; Hold Harmless
§ 173-7	Suspension or Revocation of License to Tow
§ 173-8	Storage and Removal of Vehicles
§ 173-9	Records Maintenance
§ 173-10	Rate Schedule
§ 173-11	Dispute Resolution

§ 173-1 Purpose and Scope.

Through its adoption, the Township desires to establish criteria for selecting towing companies to perform municipal towing services. The criteria will include the equipment

required, criminal and driver histories of all operators, ability to provide twenty-four hour service, storage of vehicles in a location convenient to both the Police Department and the vehicle owner, indemnification and insurance requirements. Further, this ordinance adopts a standard application for potential towing companies, establishes maximum rates to be charged, and establishes a procedure for awarding, suspending or revoking contracts for municipal towers. It is the intent of this ordinance to provide a contractual opportunity to those towing companies that meet these standards while establishing requirements that provide convenience to the Chesterfield Police Department and residents for investigations, storage and retrieval of vehicles. It is expressly understood that towers will take all reasonable efforts to become and remain familiar with the rules, regulations and requirements established in this Ordinance and in effect during the course of the terms of the contracts to be authorized herein.

§ 173-2. Definitions and Word Usage.

- A. For purposes of this chapter, the following terms, phrases and words shall have the meanings given, herein:

ABANDONED VEHICLE - A vehicle located on a public right-of-way not in operation and with no operator or owner visible and as defined in Title 39 of the Revised New Jersey Statutes.

BASIC TOW - means private property towing as defined in this section and other ancillary services that include the following: arriving at the site from which a motor vehicle is to be towed; 15 minutes waiting time; hooking the motor vehicle to, or loading a motor vehicle on to a tow truck; transporting a motor vehicle to a storage facility; unhooking or unloading a motor vehicle from the tow truck; and situating the vehicle in the space in which it is to 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.

CHIEF OF POLICE - means the Chief of Police of Chesterfield Township or his designee.

DEBRIS - shall include but not be limited to, glass, sheet metal, fiberglass, fluids, tires, vehicle components and other material that may normally be associated with a motor vehicle accident.

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

DISABLED VEHICLE - Any vehicle located on or along any public right-of-way, not in operation and with no operator visible and/or not legally parked, shall constitute an inoperable vehicle.

EXTENDED SITE CLEAN-UP - is the removal of debris at the point of impact, as well as along the path of pre-impact and/or post-impact, where vehicle disintegration and/or other property damage occurred as a result of the motor vehicle accident or incident and shall be included by the terms of the contract.

FULL CAPACITY TOWER - a tower with the capability and equipment to handle all tow regardless of class or weight of vehicle.

GEOGRAPHIC CENTER OF CHESTERFIELD - for the purposes of this ordinance, the geographic center of Chesterfield shall be the intersection of Bordentown-Chesterfield Road (CR 528) and Chesterfield-Crosswicks Road (CR 677). All measurements taken from that location shall be by radius and without regard to actual roadways.

IMPOUNDED VEHICLE - Any suspected stolen, unregistered, uninsured, unsafe vehicle or any vehicle suspected of being involved in a criminal investigation on which a "HOLD" has been placed by the Police Department.

LIMITED CAPACITY TOWER - a tower with the capability and equipment to tow only medium and low duty tows as further described throughout this chapter.

PERSON - Any person, firm, partnership, association, corporation, company or organization of any kind.

STANDARD SITE CLEAN-UP - is the amount of debris removal that should reasonably be anticipated at the scene of a motor vehicle accident or incident. The Standard Site Clean-up is usually confined to the point of impact, the final resting points of all vehicles and the associated debris field. The fee for this service shall be included in the removal/recovery fee that is established by the terms of this contract.

TARPING - the covering of a motor vehicle to prevent weather damage

TOW TRUCK - means a motor vehicle equipped with a boom or booms, winches, slings, tilt-beds or similar equipment designed for the towing or recovery of motor vehicles. Any truck used in service for Chesterfield towing must have adequately operating hydraulic equipment which meets current industry standards.

TOWER - A person engaged in the business or offering the services of a vehicle tower or towing service, whereby disabled motor vehicles are towed or otherwise removed from the places where they are disabled, impounded or abandoned by use of a tower or truck so designed for that purpose.

TOWING - means the moving or removing from public or private property or from a storage facility by a motor vehicle or a consumer's motor vehicle that is damaged as a result of an accident or otherwise disabled, 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.

TOWNSHIP - The Township of Chesterfield, located in Burlington County, New Jersey.

TRANSMISSION DISCONNECT - means manipulating a motor vehicle's transmission, so that the motor vehicle may be towed.

VEHICLE - Any motor vehicle of any type or size, including but not limited to passenger vehicles, trucks, trailers and other heavy vehicles and equipment.

WAITING TIME - means any time a towing company spends at the site from which a motor vehicle will be towed, during which the towing company is prevented from performing any work by another individual, beyond the time included as part of a basic tow.

WINCHING SERVICE - Any operation in which a vehicle is moved onto a roadway, from a position off the roadway, or any other operation in which substantial work is required to prepare a vehicle for normal towing. Winching includes righting a motor vehicle that is on its side or upside down. Winching is not the standard pulling of a vehicle onto a tilt-bed carrier or lifting a vehicle with a conventional tow sling. Winching shall be based upon each half-hour spent performing winching.

WINDOW WRAP - means any material used to cover motor vehicle windows that have been damaged.

- B. When not consistent with the context, words used in the present tense include the future; words in plural number include the singular number; and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

§ 173-3. Standards for Towers, Equipment, Personnel, Storage; Miscellaneous

A. Standards for Tower Personnel

- (1) The tower shall have a sufficient number of employees available to comply with the minimum operational requirements of this chapter. The number of

employees on duty, on call and available to respond 24 hours a day, seven days a week shall not be less than three (3) qualified individuals.

- (2) No person shall be utilized for towing or perform any services under this contract unless the Township has obtained a criminal background and motor vehicles records check and the individual has been granted approval by the Chief of Police. A driver shall be automatically disqualified where the individual has been convicted of a crime of the fourth degree or higher. Any driver convicted of a disorderly persons offense shall be authorized at the discretion of the Chief of Police taking into account the nature of the crime, the date of the event and efforts taken by the individual to make societal amends.
- (3) The tower shall submit with the application to the Township the names and addresses, driver's abstracts and criminal history authorization forms of all proposed drivers and employees who will be rendering service under this contract on behalf of the tower. This information will be kept current to the Township by the tower.
- (4) Background checks will be performed internally by the Chesterfield Police Department as well as through the New Jersey State Police through a fingerprint system. Applicants will be required to submit fingerprint background checks through the Morpho Trak System. All costs associated with the fingerprint background check will be born by the applicant.
- (5) All tower/operators shall be over the age of eighteen (18) years and must have a valid, current New Jersey driver's license with no restrictions or conditional endorsements except condition requiring glasses. All Commercial Driver Licenses requirements must be met to operate Commercial Driver's License equipment. The applicant will provide a certified motor vehicle abstract for each driver listed on its application. The abstract must have been prepared by the New Jersey Division of Motor Vehicles within one hundred and twenty (120) days of submission to the police department. All costs associated with obtaining motor vehicle abstracts will be born by the applicant.
- (6) Upon completion of an annual criminal and motor vehicle background check, each passing employee shall be included on a list of approved operators maintained by the police department. No operator shall respond to a police tow dispatch unless said operator's name appears on the approved operators list. Any tow company that permits an operator not on the approved list to respond to a police tow dispatch will be subject to the provision of Section 173-7 of this ordinance
- (7) It shall be the responsibility of the tower to require that their employees/tow operators are competent, efficient, courteous and knowledgeable in the legal and technical requirements of emergency towing and/or recovery of vehicles. A program of continuing in-service training for driver operators is mandatory, such as a national certification (TRAA level I, II or III). Towers shall be active members in good standing of the Garden State Towing Association and/or the Wrecker Towing Association and provide proof of same at the time of submission of the application.

- (8) It shall be the responsibility of the tower to insure that all tow truck operators who respond to incident scenes receive training in the recognition of and the response to hazardous materials prior to towing in Chesterfield Township. Such training must include, but not be limited to, the "First Responder Operations Level" as defined by the New Jersey Department of Health. Valid certificates of training must be supplied with application. Employees shall be outfitted in a standard uniform and be equipped with DOT and ANSI approved Level III traffic safety vests to be worn at all times while actively engaged in vehicle removal.
- (9) The tower shall be solely responsible for all requested tows and shall not sub-contract or sub-lease tows or personnel. The Chief of Police shall have the authority to permit such actions based upon a set of conditions that create an emergent circumstance.

B. Standards for Equipment

- (1) The Township shall establish two (2) lists of towers: the primary list shall include both limited and full capacity towers. The secondary list shall be for full capacity towers only. The tower shall have sufficient equipment to tow any size vehicle utilizing the highways, streets and roads in the Township of Chesterfield for the type of tow contract requested in the application. The minimum requirements for full capacity towers are one heavy-duty large-capacity wrecker minimum of twenty-five-ton capacity, one medium-duty wrecker minimum of ten-ton capacity and two light-duty flatbeds, minimum four-ton capacity. The limited capacity towers shall meet these vehicle requirements minus the heavy-duty large-capacity wrecker. All vehicles must be in compliance with all safety standards and equipment required as listed in N.J.S.A. 39:3-43 et seq. including emergency lights, equipment, reflectors/flares and permits. Tower's name shall be prominently displayed in such a manner to conform to the provisions of N.J.S.A. 39:4-46. The specifications are as follows:
 - a. Heavy Duty
 - i. Minimum of twenty-five ton capacity.
 - ii. Air brakes.
 - iii. Minimum 1,100 by 22.5 tires with dual rear wheels
 - iv. Air fittings for releasing air-pressure-lock brakes on dump trucks and tractor-trailers.
 - v. Under reach capabilities
 - vi. All required ICC safety equipment must be carried.
 - vii. Must meet or exceed all federal and New Jersey Division of Motor Vehicle requirements.
 - viii. Portable safety lighting to be installed on rear of towed vehicle.
 - ix. Off-side truck winching.
 - b. Medium Duty
 - i. Minimum ten-ton capacity.
 - ii. Minimum 1,100 by 22.5 tires with dual rear wheels

- iii. Chassis requirements should be 10 tons gross weight.
- iv. Steering wheel lock for towing vehicles from the rear.
- v. Wheel lift under reach capacity.
- vi. All ICC safety equipment must be carried.
- vii. Must meet or exceed all federal and New Jersey Division of Motor Vehicle requirements.

c. Light Duty

- i. Minimum of four-ton capacity
- ii. Chassis requirements should be 10,000 pounds gross vehicle weight and dual rear tires.
- iii. At least two (2) vehicles to be flatbeds .
- iv. All ICC safety equipment must be carried.
- v. Must meet or exceed all federal and New Jersey Division of Motor Vehicles requirements.

- (2) At the time of the submission of the application, the tower shall submit proof satisfactory to the Township and the Police Department of ownership of the required vehicles. Adequate proof shall be proof of ownership by recorded title of the required number of vehicles necessary to meet the chapter requirements or executed lease/rental agreement for the equipment required extending six (6) months beyond the length of the term. Failure to submit the aforementioned satisfactory proof shall result in the disqualification of the tower.

C. Standards for Storage Yard

- (1) The vehicles must be towed to a location containing a minimum storage area sufficient for the storage of twenty (20) vehicles. The applicant shall submit as part of the application process proof that he owns or can lease the aforementioned minimum storage area. For the convenience of the public and for the Chesterfield Police Department for investigative purposes, the storage area must be located within a fifteen minute drive of the geographic center of the Township. If the tower has an option to lease the required storage area, he shall submit with his application a copy of the option agreement, containing the legal description together with a copy of the survey of the land. The lease shall extend to at least one (1) year after the termination of the contract. The surveys as required herein shall have set forth thereon a certification by the surveyor to the Township as to the square footage within the storage area as surveyed. The storage area shall meet the following requirements:
- a. The land used for the storage of vehicles shall meet zoning requirements and/or have achieved zoning approvals for such use and must meet all applicable municipal codes.
 - b. No towed vehicle may be parked upon the public street and shall be stored by the tower within the storage area as hereinafter defined.

- c. The storage area shall be manned by an employee authorized to release vehicles Monday through Friday from 9:00 a.m. to 5:00 p.m. and Saturdays from 9:00 a.m. to 12:00 p.m., holidays excluded.
- d. During unmanned hours, the storage area must be accessible by the police with twenty (20) minutes notice.
- e. The storage area shall accept all types of cars and trucks and be able to hold at least twenty (20) standard vehicles.
- f. The entire land area shall be enclosed by a fence of sturdy construction of at least six (6) feet in height and shall be secured with adequate lighting from dusk to dawn in accord with Township zoning regulations.
- g. All the land proposed to be utilized by the tower for storage shall be level and clear of all debris and must be clearly marked (1) to prevent unauthorized access; (2) with the name and number of the towing company and hours of operation. Said signage shall conform to zoning standards.
- h. The tow office/reception area shall be an enclosed part or portion of a regular structure which offers protection from the elements and is climate controlled for the customers and employees alike. Temporary trailers or makeshift enclosures are not permitted unless said building possesses all required zoning and construction approvals and accessibility requirements.
- i. The tower shall be responsible for each vehicle and its content in the tower's possession until final disposition and removal as permitted by the Township. All vehicles, regardless of condition, shall be stored singly and so arranged to permit inspection and subsequent removal. Adequate walkway inspection space between vehicles shall be provided at all times.

D. Legal Requirements

- (1) Response Times. The tower shall be available twenty-four (24) hours a day, seven (7) days a week for the use of the Township at the direction of the authorized representatives of the Police Department as per the rotation requirements hereinafter set forth. The Police Department/Central Communications shall utilize a rotational towing list. Towers shall be called or dispatched on a rotational basis by the Police Department/Central Communications. If the tower is a limited capacity tower, as defined herein, the Township reserves the right to utilize a tower from the full capacity list if conditions warrant. In the event that said tower is unavailable with respect to a particular incident, then the next tower on the primary rotation shall be called or dispatched to the scene. The rotation lists shall be as a result of the receipt and review of the approval of the aforementioned applications and the award of a contract with respect thereto. In the event that none of the towers set forth on the primary rotation list are available or are able to provide the appropriate services as requested by the Township, or if an emergency exists, the Township may request such services from any other available source. In such cases, the tower will tow the vehicle to a location identified by the Police Department and

will be eligible for towing charges only. During adverse weather conditions, heavy traffic conditions or emergency conditions, the towers on the rotation list shall give priority to requests from the Township over any other request which may be received by the tower.

- (2) When called, the tower must respond to the scene within twenty (20) minutes of the call from police dispatch.
- (3) Stand-By Service Periods. In addition to the service requirements of this chapter, the tower shall be required to furnish extra towing equipment and service during storm periods, periods of snow emergencies, traffic emergencies, disasters, any acts of God and for any other reason when so designated by the Township and/or Chief of Police, or their duly authorized representatives. During such periods which are herein referred to as standby service periods, the tower shall be required to furnish adequate equipment and service to be held ready to remove all types of vehicles. Standby service will begin when the Chief of Police calls the tower initially and will end when he terminates the standby status by calling the tower. The Township reserves the right to designate temporary areas owned or leased by the Township for the storage of vehicles in said area at the direction of the Chief of Police.
- (4) Debris Removal:
 - a. It shall be the responsibility of the tower to provide for the clean-up and removal of debris from the scene of any incident that requires towing and/or recovery service, with the understanding that the debris to be removed must be a direct result of the incident that necessitated the services of the tower.
 - b. The tower shall be responsible for the clean-up of all fluids contained on the paved roadway, which are discharged from a damaged vehicle, which does not meet the requirements of a Hazardous Materials incident. Such clean-up shall include gasoline, diesel fuel, oil, antifreeze, hydraulic brake fluid, transmission fluid and other such fluids which can reasonably be anticipated to be discharged from a damaged vehicle. Fluid clean-up and removal shall be in accordance with the applicable State and Federal regulations for clean-up and remediation. The tower shall carry the appropriate equipment for said clean-up. It shall be incumbent on all towers and personnel to be familiar with state and federal requirements regarding hazardous material cleanup.
 - c. Clean-up shall be completed prior to the departure of any tow vehicle.
- (5) Indemnity and insurance:
 - a. The tower shall indemnify and hold harmless the Township of Chesterfield from any and all claims against the Township of Chesterfield arising out of the operation of any towing services, garage services, storage services, or repair services, under this chapter.
 - b. Insurance Requirements.

- i. Workers Compensation and Employers Liability Insurance - A tower shall procure and shall maintain worker's compensation insurance in accordance with statutory requirements for all of his/her employees to be engaged in work on the project.
- ii. General Liability Insurance. - The tower shall procure and maintain, during the entire time it is performing services under Chapter 173 of the Township Code, General Liability insurance of not less than One Million Dollars (\$1,000,000.00) bodily injury and property damage in any one occurrence.
- iii. Automobile Liability Insurance. - The tower shall procure automobile liability insurance for claims arising from owned, hired, and non-owned vehicles with limits of not less than One Million Dollars (\$1,000,000.00) any one person; Two Million Dollars (\$2,000,000.00) any one accident for bodily injury and/or property damage; which insurance shall be maintained during the life of this contract.
- iv. Garage Keepers Liability Insurance. - The tower shall secure and maintain during the life of this Contract Garage Keepers Liability insurance in an amount not less than Sixty Thousand Dollars (\$60,000.00) per location.
- v. Public Liability and Property Damage, Contingent Liability Insurance. - The tower shall also carry public liability and property damage, contingent liability insurance to indemnify the Township of Chesterfield and the public against any loss due to injuries, accidents or damages of any character whatsoever, where any such damage is the result of any act or omission of the tower, his agents or employees in or due to the execution of the work called for under the contract and this chapter. Such policies shall contain the provision that thirty (30) days' notice of change or cancellation be given to the Township by the insurance company. Public liability insurance limits shall be at least \$500,000 per accident and be specifically endorsed to provide collision insurance for vehicles in tow. In addition, the tower shall have coverage for contractual liability and also name the Township as an additional insured. All insurance required hereunder shall remain in full force and effect for the period of the contract. Insurance policy shall cover on an occurrence basis.
- vi. Owner of Record or Lessee - The tower shall be the owner of record of the property used for storage or be listed as the Lessee of said property. Tower shall maintain Three Million Dollars (\$3,000,000.00) General Liability Insurance for the leased property where the vehicles are to be stored and said insurance shall be maintained for one (1) year past the conclusion of the contract period.
- vii. Certificate of Insurance. - Certificates of insurance showing that both the tower and the Township of Chesterfield are named as additional insured, in conformance with the above, shall be furnished to and filed with the Township Clerk, subject to approval of the Township Solicitor.

§ 173-4. Application for Towers; License Required

- A. Generally. The governing body of the Township, at the beginning of the assigned period, shall appoint a maximum of six (6) towers to be called by the Police Department on a per-incident rotational basis. In the event more than six (6) compliant towers apply, priority will be given to full capacity towers over limited capacity towers. A non-refundable \$500 application fee shall be paid to the Municipal Treasurer by each applicant. In the event that the tower is unavailable, then the next tower on the primary rotation shall be called. In the event that the tower assigned cannot handle a heavy duty tow, the next eligible heavy duty tow operator on the secondary tow list shall be called for that particular incident.
- B. Application process. Any person interested in being placed on the aforementioned rotation list, by way of a contract award, shall apply by providing a cover letter on company letterhead with the materials outlined in paragraph D of this section. A towing service that has met all the specifications and requirements of this chapter, and has applied to the Township, shall be placed on the towing list; however, to minimize the inconvenience to the Police Department in investigating matters, the maximum number of towing services on the Township towing list shall be six (6) such services.
- C. The initial application under the Chapter shall be due May 1, 2010 with an expected contract period of July 1, 2010 to December 31, 2012. Thereafter, applications shall be due on or before October 31 of the last year of the contract for a three year contract commencing the following January 1st.
- D. The Application shall contain at a minimum the information specified herein:
- (1) Proof that the applicant's business is located within the Township as noted on the Township's Tax Maps or within ten (10) miles of the geographic center of the Township.
 - (2) Request must indicate which category (full or limited capacity) the tower is seeking.
 - (3) List of required equipment and proof of ownership.
 - (4) Experience of applicant in regards to municipal towing, providing at least three references.
 - (5) Available personnel (employees) including a copy of each driver/operator's motor vehicle abstract and authorization to perform criminal background checks.
 - (6) Proper business and trade licenses and license of vehicles.
 - (7) Proper proof that the tow trucks have the capability of communicating with dispatch twenty-four hours a day, seven days a week, either by cellular telephones, beepers, two-way radios, or other comparable equipment.

- (8) Proof that the storage location for all towed vehicles is located within a 15 minute drive of the geographic center of the Township.
- (9) Insurance and proofs of coverage as required by this Chapter.
- (10) List of stockholders. (form available from Township Clerk)
- (11) Non-collusion affidavit. (form available from Township Clerk)
- (12) Affirmative action affidavit. (form available from Township Clerk)
- (13) Hold-harmless agreement. (form available from Township Clerk)
- (14) Certification that the applicant is able to provide towing services anywhere in the Township in accordance with the response times within this chapter.
- (15) Certification that the applicant will be available for service, owner pickups and police inspection of vehicles on business premises twenty-four (24) hours a day, seven (7) days a week and will abide by the fees set forth in this chapter.
- (16) Certification that the applicant shall consent to the appointment of the Township Clerk as the applicant's true and lawful attorney for the purpose of acknowledging service out of any court of competent jurisdiction to be served against the applicant.
- (17) New Jersey Business Registration Certificate.

D. Review of application. The Chief of Police shall conduct a background check of the applicant and any employees to be utilized in the towing and storage operation. The background check is to determine if either the applicant or its employees have been convicted of a criminal offense within the last ten (10) years or have had their drivers' licenses suspended or revoked within the past year. Conviction of a criminal offense or suspension of a driver's license as noted shall be an incurable cause for the disqualification from being awarded the contract. The Chief of Police may conduct an inspection of the employees, vehicles, equipment and storage area proposed to be utilized by the applicant to verify the accuracy of the information contained in the application and to determine compliance with the applicable laws, regulations and standards of performance required by this chapter. The Township may, at an additional cost to the applicant, obtain a Better Business Service Bureau Report and any other reports that the Chief of Police may deem necessary. After a thorough investigation, the Chief of Police shall recommend to the Township Committee whether an applicant has met the requirements of this chapter and be awarded the appropriate contract to provide towing services to the Township of Chesterfield in accordance with the terms and conditions of this chapter.

E. Township Committee decision. The Chief of Police shall conduct the aforementioned review and investigation and render a report to the Township Committee recommending either approval or denial of the application. The Township Committee shall take action with regard to the application and award or not award a contract.

The Township shall issue a license to any qualifying and approved tower and said tower shall become part of the towing rotation up to a maximum of six (6) towers giving preference to qualifying full capacity towers.

- F. Rejection of Application. If any applicant is rejected based upon the background investigation, equipment or storage requirements, said applicant shall have the opportunity to appeal the recommendation of the Police Chief to the Township Committee according to the procedures established at § 173-7 of this chapter.

§173-5. Term; Renewal.

- A. The term of each contract shall run from the time of the award until December 31, 2012. Thereafter, the term shall be three years commencing on January 1 of the first year and terminating on December 31st of the third year.
- B. Each tower shall be required to file a new application, fee and related materials on or before October 1st of the third year term for consideration for the next three year term.
- C. At the discretion of the Chief of Police and based upon complaints received by the Township, the Chief of Police may require an annual background check of tower's personnel. Said background check will be at the tower's expense.

§173-6. Independent Contractor Status; Hold Harmless

- A. By submission of the fee and application, the tower agrees that all personnel and equipment used under the terms of the contract shall be and remain property of the tower, and in no event shall the property or any employee of the tower be represented or considered belonging to or employed by the Township of Chesterfield. The tower shall be operating under a contract and in no way or sense is an agent or employee of the Township of Chesterfield.
- B. Hold-harmless agreement; liability.
 - (1) The tower, by submission of the fee and application, agrees to assume the defense of and indemnify and hold harmless the Township, its elected officials, boards, committees, officers, employees and agents from all suits, actions, damages or claims to which the Township may be subjected, of any kind or nature whatsoever, resulting from, caused by, arising out of or as a consequence of the provisions of providing the services required by this chapter. Prior to providing the towing services, the tower shall execute the appropriate contract containing the required hold harmless clause.
 - (2) The owner of the garage or the parking or storage location shall also agree to indemnify and hold harmless the Township and its officers, employees and agents from any and all suits, actions, damages or claims arising out of the performance of the duties specified in this chapter.

- (3) The Township of Chesterfield shall not be liable for any service whatsoever which may be rendered to motor vehicles, and the tower shall only seek payment from the driver and/or owner of such vehicles for compensation.

§173-7. Complaints, Suspension or Revocation of License to Tow.

- A. Complaints of any kind, relative to service, overcharging, theft of parts, damage to towed or stored vehicles, discourteous treatment and the like shall be referred to the Chief of Police for investigation and recommendation to the Township Committee, if necessary. The Township shall notify the tower in writing.
- B. If the violation is not corrected within forty-eight (48) hours of the receipt of said written notice, the Township shall suspend or revoke the contract and immediately remove the tower from the rotation.
- C. Adequate grounds for a revocation of the contract shall include, but are not limited to, a violation of the terms of this chapter, fraudulent or inaccurate application information, unsatisfactory service or the violation of the New Jersey Department of Insurance Rules and Regulations or any statute or regulation of this Chapter.
- D. The tower has the right to appeal to the Township Committee within ten (10) days of the receipt of the Township's written decision and shall receive a hearing within thirty (30) days of the receipt of the notice.
- E. Upon conclusion of the hearing, the Township Committee shall determine whether to affirm, reverse or modify the Township's decision. If the Tower's license is revoked, the Tower shall not be eligible to reapply for three (3) additional years from the date of revocation at the next contract term.

§ 173-8 Storage and Removal of Vehicles

- A. Removal. Vehicles shall be removed as follows:
 - (1) Abandoned vehicles.
 - a. Abandoned vehicles as defined in Title 39 of the New Jersey Revised Statutes shall be removed under the direction and supervision of the Police Department on a twenty-four-hour-a-day basis. All calls with respect thereto shall be answered within a twenty (20) minute response time from the time of notification under normal conditions seven (7) days a week, anywhere within the Township limits, unless the Police Department determines it is not a threat to vehicle, traffic or persons, and could be removed during business hours. Abandoned vehicles shall be towed without charge to the Township to the aforementioned required storage area and stored thereon for no longer than ninety (90) days without any charges or liens accruing against the Township. Abandoned vehicles remaining after ninety (90) days may be removed from the

secured area, provided that a junk title has been applied for pursuant to the provisions of Title 39, said application to be by the tower.

- b. The tower may be penalized one hundred fifty dollars (\$150.) per day for each abandoned vehicle not removed and towed within a reasonable amount of time after notification by the Police Department and may be grounds for termination of the contract.
- c. The requirement to tow abandoned motor vehicles shall only apply to public rights-of-way, easements, avenues and places, including public parks and playgrounds, and all quasi-public areas. The owner of private property shall be responsible for the removal of any unattended or disabled vehicles in accordance with the provisions of N.J.S.A. 39:4-56.6 and shall employ a tower of their choice.
- d. The Township retains the right to require that the abandoned vehicle shall be towed to municipal property and to retain any moneys realized from the sale of such vehicles. The Township shall pay the towers reasonable fees as set forth in this chapter for towing a vehicle sold in this manner from the proceeds of the sale. Abandoned vehicles, not claimed by the owner or lien holder, may be sold at public auction pursuant to the provisions of N.J.S.A. 39:10A-1 through 7. Prior to the sale at auction of any abandoned vehicle, the Township will obtain the appropriate junk title or certificate of ownership for said abandoned vehicle from the Division of Motor Vehicles. Otherwise, it shall be the responsibility of the tower to provide for the disposition of abandoned vehicles and the issuance of junk motor vehicle titles in accordance with the provisions of Title 39. The Township Police Department shall assist in providing any information needed for the proper disposition of such vehicles.
- e. Charges for removing abandoned vehicles at the direction of the Chesterfield Police Department shall be billed to the registered owner of the vehicle. In the event that the registered owner of the vehicle cannot be determined or located, the charges for removing the vehicle shall be applied to the price of the vehicle when auctioned. In accordance with the provisions of N.J.S.A. 40:48-2.49 et seq., storage fees that are to be applied by the Township for abandoned vehicles to be auctioned shall not exceed \$3.00 per day per vehicle for the first 30 days of storage, and \$2.00 per day for the 31st day of storage and any additional day thereafter with a limit of \$400 per vehicle, regardless of the duration of the storage. The Township, pursuant to N.J.S.A. 40:48-2.49-2.50 shall not be charged in excess of \$400 for the storage of any towed vehicle.
- f. In those situations involving the confiscation of automobiles, fatal accidents or any other situation where the Township initial legal action or evidentiary evaluation is necessary requiring the storage of a vehicle for a prolonged period of time, the storage fees that are to be paid by the Township shall not exceed \$3.00 per day per vehicle for the first 30 days of storage, and \$2.00 per day for the 31st day of storage and any additional day thereafter with a limit of \$400 per vehicle, regardless of the duration of the storage. The Township, pursuant to N.J.S.A. 40:48-

2.49-2.50 shall not be charged in excess of \$400 for the storage of any towed vehicles.

B. Vehicles not abandoned.

- (1) All vehicles involved in accidents, disablements, stolen vehicles, vehicles involved in suspected crimes and the like shall be towed and stored under the direction and supervision of the Police Department twenty-four (24) hours a day, seven (7) days a week. All calls with respect thereto shall be answered within a twenty (20) minute response time from the time of notification under normal conditions seven (7) days a week, anywhere within the Township limits. Vehicles shall be available for release between the hours of 9:00 a.m. to 5:00 p.m., Monday through Fridays and Saturday 9:00 a.m. to 3:00 p.m., excluding legal holidays. Sundays and legal holiday hours are optional at the towers discretion. As such, if the tower decides not to open on a Sunday or a legal holiday no storage charge shall be assessed if the vehicle is picked up by noon on the following normal business day. Any vehicle towed and stored after 4:00 p.m. and claimed prior to 11:00 a.m. the next day shall only be charged for one (1) day storage. If state law as it exists or may be amended from time to time requires storage facilities hours of operation at greater or different hours than those posted here, the tower shall comply to whichever provided greater hours to the public.
- (2) The tower shall arrive at the scene of the accident within twenty (20) minutes under normal conditions after police notification. Repeated late arrivals at the scene of accidents may result in the termination of the contract as otherwise provided in this chapter.
- (3) In the event that the tower has been summoned by the Township for purposes of towing a vehicle and the owner of the vehicle has also summoned his own tower and said tower arrives on the scene prior to the removal of the vehicle by the Township tower, then the owner is entitled to remove his own vehicle at no cost or expense to the owner or to the Township. There shall be no charge to the Township for the tower appearing at the scene under said conditions. The Township will make every effort to minimize the inconvenience above to the tower. The tower will maintain its place on the rotational list.

D. Storage.

- (1) The tower shall store the abandoned and non-abandoned vehicles in the storage area as required in this chapter. The vehicles shall be stored until claimed by the owner or until auctioned by the Township in compliance with state law or as otherwise to be disposed of pursuant to state law. Vehicles to be removed shall be towed to the tower's storage area or to Township property at the discretion of the Township Police.

E. Township Vehicles.

- (1) During the towers rotation period the tower will tow any Township-owned vehicle to any location within the Township's borders without cost to the

Township. The tower may invoice for mileage cost if required to tow outside Township borders. Tows beginning in Chesterfield Township, going through an adjacent municipality and returning to Chesterfield Township do not qualify for mileage reimbursement.

§ 173-9 Records Maintenance

A. Records, inspection; release of vehicle. The tower shall maintain records of all vehicles towed, stored and released by him pursuant to this chapter. Records shall be kept for a seven-year period. The tower shall maintain a record of all property found anywhere in a towed vehicle, including trunk and glove compartment, if opened or key available, and the tower shall be responsible to safeguard and release the contents to the owner.

- (1) Only the Chief of Police shall have access to any part of the storage area at any time of the day or night for inspection purposes, including both indoor and outdoor areas. Authorized representatives of the Police Department or the Township Clerk or their designees shall have access to any of the records required to be kept by the tower.
- (2) The tower shall not release vehicles towed under this contract without the claimant's first obtaining a release from the Police Department.
- (3) The service, equipment and personnel are subject to periodic inspections and approval by the Township. The Township reserves the right to have a qualified person or agency make such inspections.
- (4) The tower shall submit monthly reports, on or before the 10th of the month, to the Chesterfield Township Police Department of all vehicles towed the previous month, as well as vehicles which are unclaimed from previous months. The report shall identify each vehicle by make, model, year, license plate, vin/serial number and police incident/case number. In addition, the odometer reading is needed on all vehicles left on the lot over 30 days. Motor Vehicle Commission requires this information when requesting a title for auction. The contractor further agrees to furnish the Township with such records, reports and information of services rendered as the Township may reasonably request. Failure to provide the required reports by the 10th day of the month will result in the contractor being suspended from the tow list until the report is received according to the procedures in § 173-7.

§ 173-10 Rate Schedule

A. Generally.

- (1) At the time of tow, each tower licensed shall be responsible for providing a three (3) inch by five (5) inch pre-printed card identifying the towing company's name, address, storage location, hours of operation for pickup, phone number and rates for towing and storage according to the terms of this ordinance. Said card shall be presented and explained to the owner or occupant of the vehicle on scene or, in the alternative when the owner or occupant is absent or not

physically or mentally capable of receiving said card, provided to the officer requesting tow for inclusion in the police report.

- (2) Towing and storing charges and fees shall be in accordance with N.J.S.A. 40:48-2.50 as well as the provisions of this chapter. Except as otherwise provided herein, the charge and fee for towing and storage of vehicles within the Township of Chesterfield shall be in accordance with the provisions of the rules and regulations of the New Jersey Department of Insurance. The Township shall not be responsible for the collection or payment of any charges for the towing or storage of vehicles. The charges and fees and rates applicable to services performed pursuant to this chapter shall be posted in a conspicuous place visible to the public at the tower's storage area and shall be posted on each and every vehicle. The tower shall prepare a bill for charges pertaining to each vehicle and present the same to the claimant of a vehicle. The bill shall be itemized in detail as to the actual services rendered and shall contain a statement that the claimant may complain with respect thereto to the Township. The Township will not be responsible for charges due and owing from a claimant of a vehicle. The Township shall not be responsible for the collection or payment of any charges for the towing or storage of vehicles. Vehicles impounded as a result of police investigations involving stolen vehicles or fatal/serious/suspicious accidents will not result in storage charges, however the Township reserves the right to store such vehicles at a location of its choosing. Said location will include inside storage, lock down measures, full access accountability and twenty-four, seven access by the police department.
- (3) In the event the Township conducts an auction of unclaimed abandoned vehicles pursuant to Title 39, the tower's bill for towing and storage shall be an expense of possession and sale and shall be paid from the proceeds of such auction. Each vehicle auctioned shall be a separate item for purposes of this subsection. The title fee for which the Township must pay the State of New Jersey for title certificates shall be paid by the purchaser at the auction even if the tower is the purchaser and shall be in addition to the bid price of each vehicle. In the event the Township determines to utilize the provisions of Title 39 with respect to unclaimed vehicles, the tower shall receive no compensation for its services.
- (4) The fee for towing a vehicle shall include the service rendered from the scene where the vehicle is located to the storage area and from the storage area to the curb-line of the property on which is located the storage area. The charge for towing includes any incidental and related costs such as connecting and reconnecting a transmission, drive line or axle. There shall be no additional charges for any other services, including but not limited to waiting time, cleanup costs and additional labor when the towing services as defined herein are provided, except as otherwise provided herein. The tower may charge a fee for a vehicle lockout service, i.e., when a tower responds and opens a locked vehicle when the owner/operator has locked the keys in the vehicle or is otherwise unable to open the vehicle.

- B. Charges and fees. The charges, fees and rates for vehicles to be towed and stored shall be categorized in the following manner. There will be no mileage charge for vehicles towed.

Refer to Schedule A for Towing Service Charges – Flat Fee

Refer to Schedule B for Winching Service Charges – per each half-hour of winching

Refer to Schedule C for Administrative, Storage and General Charges

Refer to Schedule D for Miscellaneous Charges

- C. Specialized equipment. In cases where the tower must hire laborers or rent or utilize specialized equipment not specified in this chapter, all reasonable charges therefor shall be paid by the owner of the vehicle, after the owner of the vehicle or his agent has given his prior written consent thereto. The consent requirement may be waived when the Chief of Police deems the vehicle to be a hazard to health or safety, whereupon said vehicle will be removed by the direction of the Chief of Police, with the owner then being responsible for all personnel, equipment and labor costs. The necessity for specialized equipment shall be determined by the Chief of Police.
- D. Unloading of goods. In the event that it is necessary to unload a vehicle which has been used for transportation of goods prior to or after towing, an agreement shall be reached between the tower and the owner of the vehicle or the owner’s agent or representative as to the charge for said service. No written agreement is necessary in an emergency situation, and the Chief of Police shall determine when an emergency exists.

§ 173-11 Dispute Resolution.

- A. Disputes and adjustments.
- (1) Any disputes over the interpretation of the contract, including the reasonableness of any fees assessed, shall be settled amicably, if possible, through negotiations between the tower, the Police Department and the Township.
 - (2) In cases where the Township has been at fault in wrongfully directing that a vehicle be towed, the tower may petition the Township Committee for reimbursement of costs incurred in the towing and storage of said vehicle.

Schedule A: Towing Service Charge – Flat Fee

Class	Category	GVW (Lbs)	2010	2011	2012
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Class 1	Light Duty	6,000 or less	\$150.00	\$160.00	\$175.00
Class 2	Light Duty	6001-10,000	\$150.00	\$160.00	\$175.00
Class 3	Medium Duty	10,001-14,000	\$250.00	\$275.00	\$300.00
Class 4	Medium Duty	14,001-16,000	\$250.00	\$275.00	\$300.00
Class 5	Medium Duty	16,001-19,500	\$300.00	\$325.00	\$350.00
Class 6	Medium Duty	19,501-26,000	\$350.00	\$375.00	\$400.00
Class 7	Heavy Duty	26,001-33,000	\$350.00	\$375.00	\$400.00
Class 8	Heavy Duty	33,001 and over	\$450.00	\$475.00	\$500.00

Schedule B: Winching Service Charge

Winching Service Charge (Half-Hour Rate)

Class	Category	GVW (Lbs)	2010	2011	2012
Class 1	Light Duty	6,000 or less	\$47.50	\$62.50	\$67.50
Class 2	Light Duty	6001-10,000	\$47.50	\$62.50	\$67.50
Class 3	Medium Duty	10,001-14,000	\$100.00	\$112.50	\$125.00
Class 4	Medium Duty	14,001-16,000	\$100.00	\$112.50	\$125.00
Class 5	Medium Duty	16,001-19,500	\$112.50	\$125.00	\$137.50
Class 6	Medium Duty	19,501-26,000	\$125.00	\$137.50	\$150.00
Class 7	Heavy Duty	26,001-33,000	\$125.00	\$137.50	\$150.00
Class 8	Heavy Duty	33,001 and over	\$150.00	\$162.50	\$175.00

Schedule C: Administrative, Storage, and General Charges

Administrative:

A one time administrative fee of \$20.00 payable to Chesterfield Township shall be charged to the vehicle owner and collected by the tower for each vehicle towed for the processing and maintenance of towing records. This fee shall be paid to the Township by the 10th of each month. Failure to pay this administrative fee shall result in the removal of the tower from the contract pursuant to § 173-7.

A one time removal fee of \$55.00 may be charged for each vehicle that has to be removed from the storage facility by means of towing. This fee is intended solely for those vehicles that are inoperable due to damage that requires the tower to remove the vehicle from the storage lot in order for another person or firm to remove the vehicle for disposal.

Storage:

There shall be no storage charge for any vehicle that is removed from the storage facility on the same calendar day that it is towed.

Daily Exterior Storage Charge

Class 1 through 5	\$35.00
Class 6 and 7	\$45.00
Class 8	\$50.00

Daily Interior (Covered) Charge (not including tarping)

Class 1 through 5	\$50.00
Class 6 through 8	N/A

**in accordance with §173-8(B(1)), no storage fee shall be imposed if the tower declines to provide pick-up hours on Sundays and legal holidays.

General:

The following general service calls shall apply when the tower responds to a Police request for these services. These types of service calls typically do not require the vehicle to be physically removed from the location rather the tower provides the service on scene and the vehicle is driven by the owner/operator from the scene. Should the services be unsuccessful on scene and the removal of the vehicle is required to complete the repairs/service, at the vehicle owners/operators approval, the above towing fees shall apply.

Lock-Out	\$75.00/hour**
**the hour begins upon the tows arrival on scene	
Tire Change	\$75.00 per tire
Fuel Supply	\$60.00 (includes 5 gallons of fuel)
Jump Start	\$75.00

These charges shall not apply to Township vehicles.

Schedule D: Miscellaneous Charges

Miscellaneous:

Waiting Time: waiting in excess of the initial 15 minutes from the time of arrival on scene to the start of the vehicle removal shall be calculated in 15 minute intervals. A flat fee of \$35.00 per 15 minutes of waiting time shall be permitted after the initial 15 minutes from arrival.

Excessive Clean Up: Clean up of debris in excess of what one would reasonably expect at the scene of a motor vehicle collision, as noted in §173-3J(1) through (6), shall be charged in 30 minute intervals. A flat fee of \$50.00 per half hour of excessive clean up shall be permitted.

Fluid Clean Up: A flat fee of \$10 per bag of absorbent materials used pursuant to §173-3J(5) shall be permitted. Failure to utilize a full bag will be indicative that a standard clean-up occurred and no fee shall be incurred.

Window Wrap: A flat fee of \$35 per window for window wrap shall be permitted providing the window wrap was done at the direction of the vehicle owner/operator.

Tarping: A flat fee of \$50 shall be permitted to tarp a vehicle provided the tarping was done at the direction of the vehicle owner/operator.

Transmission Disconnect: A flat fee of \$100 shall be permitted if the vehicles drive train components are required to be disconnected in order to remove the vehicle. The removal of the drive shaft, drive axel, linkage or any other component under the vehicle which said removal would permit the rotation of the vehicles tires for removal would constitute a "disconnect".

Decoupling: A flat fee of \$35 is permitted for decoupling as defined above.

Specialized Equipment: The use of specialized equipment other that the first tow truck to recover a motor vehicle that cannot be recovered by winching or pieces of a motor vehicle that cannot be moved by hand, which may be both labor and an equipment charge billed in half-hour increments.

SECTION TWO: All Ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency

SECTION THREE: If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this ordinance shall be deemed valid and effective.

SECTION FOUR: This ordinance shall take effect immediately upon final passage and publication according to law with the expectation that contracts will be awarded with a term commencing July 1, 2010.

Ordinances for Public Hearing

The public hearing on Ordinance 2010-5 was opened on a motion by Mr. Hlubik and second by Mr. Durr. Mayor Kelly explained the ordinance and, hearing no comments, the public hearing was closed on a motion by Mr. Hlubik and second by Mr. Durr. Ordinance 2010-5

AN ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK was finally adopted on a motion by Mr. Hlubik and second by Mr. Durr. All agreed.

The public hearing on Ordinance 2010-6 was opened on a motion by Mr. Hlubik and second by Mr. Durr. Joe Landree of 151 Hogback Road asked if the contractor's liability insurance covers the officers. Mr. Gillespie explained that they are still police officers and, if injured, are covered under the Township's workers compensation insurance. Hearing no other comments, the public hearing was closed on a motion by Mr. Durr and second by Mr. Hlubik. On a motion by Mr. Hlubik and second by Mr. Durr, Ordinance 2010-6 AN ORDINANCE TO AMEND CHAPTER 42 OF THE CODE OF THE TOWNSHIP OF CHESTERFIELD, SPECIFICALLY ARTICLE II AS IT RELATES TO PAYMENT FOR EXTRA DUTY ASSIGNMENTS was finally adopted. All agreed.

Resolutions

Resolutions 2010-4-1, 2010-4-2, 2010-4-3, 2010-4-4 and 2010-4-6 were all approved on a motion by Mr. Durr and second by Mr. Hlubik. All agreed.

RESOLUTION 2010-4-1 RESOLUTION APPOINTING MARVIN AMES AS A PART TIME POLICE OFFICER

WHEREAS, the Township of Chesterfield employs a full time Police Department consisting of nine full time Police Officers in addition to the Chief of Police; and

WHEREAS, in an effort to provide additional manpower when needed, Police Chief Kyle Wilson has recommended the hiring of a part time Police Officer; and

WHEREAS, Chief Wilson has recommended Marvin Ames be appointed to this position; and

WHEREAS, the Township Committee agrees with the recommendations of the Chief and has determined that Marvin Ames is qualified to fill this position;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chesterfield in the County of Burlington and State of New Jersey that Marvin Ames is hereby appointed as a part time member of the Chesterfield Township Police Department, effective April 1, 2010 through December 31, 2010.

RESOLUTION 2010-4-2

RESOLUTION APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY IN A SAFE AND SECURE COMMUNITIES PROGRAM ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY

WHEREAS, the Township of Chesterfield wishes to apply for a project under the Safe and Secure Communities Program; and

WHEREAS, the Chesterfield Township Committee has reviewed the application and has approved said request; and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and the Township of Chesterfield for the purpose described in the application;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chesterfield in the County of Burlington and State of New Jersey that:

1. As a matter of public policy the Township of Chesterfield wishes to participate to the fullest extent possible with the Department of Law and Public Safety.

2. The Attorney General of New Jersey will receive funding on behalf of the Township of Chesterfield.

3. The Division of Criminal Justice shall be responsible for the receipt and review of the applications for said funds.

4. The Division of Criminal Justice shall initiate allocations to the Township of Chesterfield as authorized by law.

RESOLUTION 2010-4-3

RESOLUTION OF THE TOWNSHIP OF CHESTERFIELD AUTHORIZING THE RENEWAL OF THE INTERLOCAL SERVICES AGREEMENT, AS AMENDED, WITH MANSFIELD, NORTH HANOVER, AND SPRINGFIELD TOWNSHIPS CONCERNING EXTRA DUTY ASSIGNMENT OF POLICE OFFICERS

WHEREAS, the Townships of Chesterfield, Mansfield, North Hanover, and Springfield are neighboring Townships in Northern Burlington County; and

WHEREAS, their Police Departments provide traffic control and other off-duty police services to third parties; and

WHEREAS, the Townships often rely upon each other for additional officers to provide such services to third parties; and

WHEREAS, the Township of Chesterfield has entered into an Interlocal Services Agreement with the aforementioned Townships which requires annual renewal; and

WHEREAS, the Township of Chesterfield has recently amended the Ordinance governing the fees to be charged for these services; and

WHEREAS, the Township of Chesterfield wishes to renew the Interlocal Services Agreement which has been amended to reflect these new charges, until December 31, 2010;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chesterfield in the County of Burlington and State of New Jersey that the Mayor and Township Clerk are hereby authorized and directed to notify the Townships of Mansfield, North Hanover, and Springfield that the Township Committee has elected to renew the agreement for the 2010 calendar year and provide each Township with a certified copy of this Resolution.

RESOLUTION 2010-4-4

RESOLUTION AUTHORIZING AUCTION OF MUNICIPAL PERSONAL PROPERTY

WHEREAS, the Township of Chesterfield owns personal property which is no longer needed for public use; and

WHEREAS, N.J.S.A. 40A:11-36 authorizes the governing body, by resolution, to sell its personal property no longer needed for public use; and

WHEREAS, the Township Committee is desirous of authorizing said auction of equipment;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chesterfield, County of Burlington, State of New Jersey that the following items shall be sold at public auction at the Chesterfield Township Municipal Building, 300 Bordentown-Chesterfield Road in Chesterfield Township on Wednesday, May 12, 2010 at 7:00 PM:

1972 International 1910-A Dump Truck
VIN 707911G491856 102,043 miles
MINIMUM BID: \$1,500.00

11' Good Roads Snow Plow
MINIMUM BID: \$ 150.00

10' Valk Snowplow
MINIMUM BID: \$ 150.00

BE IT FURTHER RESOLVED that public inspection of this equipment shall be permitted between the hours of 7:30 AM and 3:30 PM, Monday through Friday at the Municipal Building.

BE IT FURTHER RESOLVED that the Township reserves the right to reject any and all bids that do not meet the minimum bid requirements.

RESOLUTION 2010-4-6

**RESOLUTION AUTHORIZING REFUND OF
PROPERTY TAX OVERPAYMENT**

WHEREAS, Block 202.25 Lot 4 known as 1 Glock Farm Way is owned by Ramakrishna & Sandhya Beravole; and

WHEREAS, a estimated 2009 3rd quarter payment was made by Quality Title on behalf of the homeowner which created an overpayment in the amount of \$1,104.60; and

WHEREAS; Quality Title has requested the overpayment be refunded to the homeowner.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Chesterfield in the County of Burlington and State of New Jersey that the Tax Collector is hereby authorized to refund an overpayment in the amount of \$1,104.60 on Block 202.25 Lot 4 to the homeowner Ramakrishna & Sandhya Beravole.

Mayor Kelly asked Mrs. Jamanow for an update on the turnpike and the need for Resolution 2010-4-5. Mrs. Jamanow spoke to John Keller at the Turnpike who stated that the Township could modify the resolution but it was needed. The Resolution has been modified to state that the Township asked for additional sound barriers and were denied. The Township needs to adopt the Resolution in order to get back the original barriers. The Committee asked that a letter be sent with the resolution and ask someone to come out and look and see how close the turnpike will be to residences in some areas. Reforestation on private property should also be included in letter. Mr. Durr asked if the Township could enter into a joint venture with the turnpike to pay for a portion of the sound barriers in certain areas. Resolution 2010-4-5 was approved on a motion by Mr. Hlubik and second by Mr. Durr. All agreed.

RESOLUTION 2010-4-5

RESOLUTION IN SUPPORT OF THE CONSTRUCTION OF NOISE BARRIERS ALONG CERTAIN PORTIONS OF THE NEW JERSEY TURNPIKE AS PART OF THE INTERCHANGE 6 TO 9 WIDENING PROGRAM

WHEREAS, the New Jersey Turnpike Authority (the “Authority”) adopted a policy governing the construction of noise barriers along residential areas in proximity to the New Jersey Turnpike (the “Turnpike”) entitled *Policy for the Construction of Noise Barriers in Residential Areas*, dated October 31, 2006 (the “Policy”); and

WHEREAS, the Authority is presently engaged in the Final Design of a Program to Widen the Turnpike Between Interchanges 6 and 9 (the “Widening Program”) which may result in increased noise levels for certain surrounding areas; and

WHEREAS, the Authority has determined that certain areas located in the Township of Chesterfield, as more specifically depicted in the engineering drawings attached hereto and made a part hereof as Exhibit A, are eligible for noise barriers pursuant to the criteria set forth in the Policy; and

WHEREAS, the Authority proposed to construct noise barriers at the locations depicted in Exhibit A attached hereto and part of part hereof; and

WHEREAS, the Policy requires that the governing body of a municipality within which the Authority proposed to construct noise barriers pass a resolution supporting the construction of same; and

WHEREAS, the Township Committee requested that the Authority erect additional sound barriers in the Township due to the recent approval and construction of new homes in the Receiving Area of the Township; and

WHEREAS, after careful review of the *Policy for the Construction of Noise Barriers in Residential Areas* by the Township Engineer, and by letter dated February 17, 2010, it has been determined that the Receiving Area of the Township does not meet the criteria established for sound barrier construction;

WHEREAS, the Township Committee requested sound barriers in additional areas of the Township; and

WHEREAS, the Turnpike Authority rejected this request based on their review of the *Policy for the Construction of Noise Barriers in Residential Areas*;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Chesterfield fully supports the Authority’s proposal to construct noise barriers within the Township of Chesterfield, consistent with and substantially similar to the manner depicted

in said Exhibit A, attached hereto and made a part hereof, said noise barriers being a part of the improvements being undertaken for the Widening Program; and

BE IT FURTHER RESOLVED that the Clerk of the Township is hereby authorized and directed to forward a certified copy of this Resolution to the New Jersey Turnpike Authority.

On a motion by Mr. Hlubik and second by Mr. Durr, all discussion items will be postponed to next meeting. All agreed.

Payment of Bills

On a motion by Mr. Hlubik and second by Mr. Durr, the bill list was approved for payment as presented. All agreed.

Mayor Kelly once again opened the meeting to the public for comments. Joe Landree of 151 Hogback Road saw the street lights with the solar cells that Mr. Schoen mentioned at the last meeting and they do not look bad. Mr. Landree asked if the flowmeter that the Township is purchasing has to be certified? Mrs. Jamanow responded that it does and the cost for the initial certification is part of the fee. It will have to be certified yearly. Mr. Landree brought it to the attention of the Committee that trucks are using Hogback Road. Chief Wilson stated that they are trucks working on the turnpike project and it is considered a local delivery which is not a violation. They are not crossing a weight restricted bridge. If they are not allowed to use Hogback they will come through Crosswicks. Chief Wilson feels they should use Ward Avenue however, he is having a battle with the neighboring jurisdiction over using Ward Avenue. Mr. Gillespie stated that other towns have no jurisdiction over weight limits on our roads.

Hearing no other comments, the Committee approved Resolution 2010-4-7 to enter Executive Session for the purpose of discussing pending litigation and an affordable housing project on a motion by Mr. Durr and second by Mr. Hlubik. All agreed. The Committee entered closed session at 9:32 PM.

The Committee resumed open session at 10:10 PM. Mayor Kelly asked about the return of the preliminary sewer payment to Orloski's. The Planning Board adopted a resolution abandoning the approvals. Mr. Gillespie stated that it requires a Resolution of the Township Committee and the Clerk reminded the Committee that this payment has been included in the sewer budget for this year, however, the budget has not yet been adopted. This matter will be listed for May 12 assuming the budget will be adopted that evening.

On a motion by Mr. Hlubik and second by Mr. Durr, the meeting was adjourned at 10:13 PM. All agreed.

Respectfully submitted,

Bonnie J. Haines
Township Clerk