

**NORTH HANOVER TOWNSHIP
TOWNSHIP COMMITTEE MEETING MINUTES
March 19, 2020, 7:00 P.M.**

CALL TO ORDER Mayor DeBaecke called the meeting to order at 7:00 p.m.

FLAG SALUTE: Led by Mayor DeBaecke

ROLL CALL: Mayor DeBaecke
Deputy Mayor Doyle
Committeeman Kocubinski
Committeeman O'Donnell

Absent: Committeeman DeLorenzo

Also Present: Township Clerk Picariello and Township Attorney Roselli

SUNSHINE STATEMENT: “The provisions of the Open Public Meetings Act have been met. Notice of this meeting has been transmitted by email to the Courier Post, Burlington County Times and The Trenton Times as well as given to those having requested same and posted on the Township bulletin board located in the foyer of the municipal building”.

PUBLIC COMMENT AS IT RELATES TO AGENDA ITEMS

Mayor DeBaecke opened the meeting to the public. There were no public comments this evening.

MOTION TO CLOSE PUBLIC COMMENT

Proposed By: Deputy Mayor Doyle
Seconded By: Committeeman O'Donnell

REVIEW OF CORRESPONDENCE

There was no correspondence this evening.

ENGINEER'S REPORT

Engineer Hirsh reported the FY2016 Park Grant project light has been replaced and the contractor painted the fence. In addition, we were still awaiting the bench delivery. He stated we were still awaiting the second round awards for the 2019 Park Grants and expects them to be announced at the end of March. He noted the survey work was beginning shortly on Schoolhouse Road.

DEPARTMENT REPORTS FOR FEBRUARY 2020

- a. Tax Collector
- b. Construction, Zoning & Mobile Homes
- c. North Hanover
- d. Jacobstown Volunteer Fire Company
- e. Police Department

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Committeeman DeLorenzo						X
Deputy Mayor Doyle		X	X			
Committeeman Kocubinski			X			
Committeeman O'Donnell	X		X			
Mayor DeBaecke			X			

MINUTES FOR APPROVAL

- March 5, 2020 – Regular/Budget Meeting

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Committeeman DeLorenzo						X
Deputy Mayor Doyle			X			
Committeeman Kocubinski	X		X			
Committeeman O'Donnell		X	X			
Mayor DeBaecke					X	

BILLS AND CLAIMS FOR APPROVAL

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Committeeman DeLorenzo						X
Deputy Mayor Doyle		X	X			
Committeeman Kocubinski			X			
Committeeman O'Donnell	X		X			
Mayor DeBaecke			X			

ORDINANCE – INTRODUCTION

2020-03 Ordinance of the Township of North Hanover Accepting Deed of Easement for Drainage Purposes

**TOWNSHIP OF NORTH HANOVER
BURLINGTON COUNTY
ORDINANCE 2020-03**

ORDINANCE OF THE TOWNSHIP OF NORTH HANVOER ACCEPTING DEED OF EASEMENT FOR DRAINAGE PURPOSES

WHEREAS, Lennar Plumsted Urban Renewal LLC, a Delaware Corporation having an address of 2465 Kuser Road, Hamilton, New Jersey (hereinafter “Lennar”) is the contract purchaser of certain property know as Block 40, Lots 1, 10, and 18, in the Township of Plumsted New Jersey (herein after referred to as the Plumsted Property); and

WHEREAS, Lennar received Preliminary Site Plan Approval from the Township of Plumsted for the Development of the Plumsted Property and development of the Plumsted Property proposes certain improvements to Province Line Road. Those improvements involve, among other things, the widening of Province Line Road, grading of the roadside swale and installation of storm drainage pipes, inlets and headwalls (herein after the Required Improvements); and

WHEREAS, Mary Jane Barletta (hereinafter “Barletta”) is the owner of all certain property known and described as Block 901, Lot 6.01 on the North Hanover Township Tax Map (hereinafter referred to as "Lot 6.01"); and

WHEREAS, in connection with Lennar's requirement for the installation of the Required Improvements on and along Provinceline Road, Barletta has agreed to convey a permanent drainage easement in, along, under and upon Lot 6.01 under the terms and conditions of a certain Deed of Easement for Drainage Purposes; and

WHEREAS, the Township of North Hanover and Township of Plumsted executed a certain agreement entitled “Provinceline Road Jurisdiction and Maintenance Agreement” dated June 15, 2017 (hereinafter the “Jurisdiction Agreement”) pursuant to which Plumsted Township agreed to have sole jurisdiction and maintenance of that portion of Provinceline Road between New Egypt-Jacobstown Road and Monmouth Road (County Road 537) for a thirty year term, as established in the Jurisdiction Agreement, after which time, jurisdiction and maintenance reverts back to North Hanover Township; and

WHEREAS, the Jurisdiction Agreement identified that Lennar, as part of the approval process for Plumsted Property, would be required to make certain improvements to Provinceline Road, including drainage, that may require the acquisition of easements from certain property owners in North Hanover; and

WHEREAS, the Township Committee has determined that in furtherance of the terms of the Jurisdiction Agreement, that it will agree to accept conveyance of a certain Deed of Easement For Drainage Purposes, generally in the form of that Deed of Easement For Drainage Purposes executed by and between Mary Jane Barletta and Lennar, a copy of which is attached hereto; and

WHEREAS, the Township Committee has also determined that acceptance of said Deed of Easement For Drainage Easement shall be subject to a final form of easement agreement that is acceptable to the Township Committee and Township Attorney.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of North Hanover it does hereby accept conveyance of a Deed of Easement For Drainage Purposes from Mary Jane Barletta and/or Lennar Plumsted Urban Renewal LLC, as the

case may be, generally in the form of the Deed of Easement For Drainage Purposes between Mary Jane Barletta and Lennar Plumsted Urban Renewal LLC, a copy of which is attached hereto, except that said acceptance shall be subject to and conditioned upon a final form of Deed of Easement For Drainage Purposes that is acceptable to the Township of North Hanover Township Committee and the Township Attorney.

BE IT FURTHER ORDAINED that the Township Committee further authorizes the Mayor and Township Clerk to execute the final form of easement agreement.

Attorney Roselli gave an overview of this ordinance as it related to the maintenance agreement with Plumsted Township.

MOTION TO INTRODUCE

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Committeeman DeLorenzo						X
Deputy Mayor Doyle	X		X			
Committeeman Kocubinski		X	X			
Committeeman O'Donnell			X			
Mayor DeBaecke			X			

:
MAYOR SET PUBLIC HEARING FOR APRIL 2, 2020 AT 7:00 P.M.

ORDINANCE – INTRODUCTION

2020-04 Ordinance of the Township of North Hanover, County of Burlington, State of New Jersey, Rescinding and Replacing Ordinance 1997-21 entitled "An Ordinance Providing for the Licensing and Regulation of Towing and Storage Services" by amending section XI of the Ordinance entitled "Fee Schedule"

COUNTY OF BURLINGTON
TOWNSHIP OF NORTH HANVOER
ORDINANCE NO. 2020-04

AN ORDINANCE OF THE TOWNSHIP OF NORTH HANOVER, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, RESCINDING AND REPLACING ORDINANCE 1997-21 ENTITLED "AN ORDINANCE PROVIDING FOR THE LICENSING AND REGULATION OF TOWING AND STORAGE SERVICES" AND ORDINANCE NO. 2006-08 ENTITLED "AN ORDINANCE OF THE TOWNSHIP OF NORTH HANOVER AMENDING ORDINANCE 1997-21 ENTITLED 'AN ORDINANCE PROVIDING FOR THE LICENSING AND REGULATION OF TOWING AND STORAGE SERVICES' BY AMENDING SECTION XI OF THE ORDINANCE ENTITLED 'FEE SCHEDULE'"

WHEREAS, the Township Committee has determined that it is necessary for the Township of North Hanover to update the Township Code regarding the licensing and regulation of towing and storage services, including revising the fee schedule relating to same.

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of North Hanover, in the County of Burlington, State of New Jersey, that ORDINANCE 1997-21 ENTITLED "AN ORDINANCE PROVIDING FOR THE LICENSING AND REGULATION OF TOWING AND STORAGE SERVICES" AND ORDINANCE NO. 2006-08 ENTITLED "AN ORDINANCE OF THE TOWNSHIP OF NORTH HANOVER AMENDING ORDINANCE 1997-21 ENTITLED 'AN ORDINANCE PROVIDING FOR THE LICENSING AND REGULATION OF TOWING AND STORAGE SERVICES' BY AMENDING SECTION XI OF THE ORDINANCE ENTITLED 'FEE SCHEDULE'" be and are hereby rescinded and replaced as follows:

SECTION I. ORDINANCE

A. Definitions.

As used in this chapter:

TOWNSHIP

The Township of North Hanover.

PERSON

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

AUTOMOBILE

A private passenger motor vehicle, whether owned or rented, that is neither used as a public or livery conveyance for passengers nor rented to others with a driver, and includes those vehicles described in the regulations promulgated by the Commissioner of Insurance at N.J.A.C 11:3-38.2.

BASIC TOWING SERVICE

The removal and transportation from a highway, street or other public or private road, or a parking area, or from a storage facility, to the tow operator's storage facility of an automobile which has been damaged or disabled or is recovered after being stolen, and includes other services normally incident thereto, but does not include recovery of such automobile 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.

DAY RATE

The rate for services provided on Mondays through Fridays, except on New Jersey State holidays, between the hours of 8:00 a.m. and 4:30 p.m.

HEAVY SUPPLEMENTAL TOWING SERVICE

Supplemental towing service provided in connection with another motor vehicle having a gross weight of more than 10,000 pounds.

HEAVY TOW LIST

The rotating on-call duty list of licensed tow operators established and maintained by the Chief of Police for the purpose of providing heavy supplemental towing service in accordance with this chapter.

INSIDE BUILDING STORAGE FACILITY

One that is completely indoors, having one or more openings in the walls for storage and removal of vehicles, and is secured by a locking on each opening.

LIGHT SUPPLEMENTAL TOWING SERVICE

Supplemental towing service provided in connection with another motor vehicle having a gross weight of 10,000 pounds or less.

LIGHT TOW LIST

The rotating on-call duty list of licensed tow operators established and maintained by the Chief of Police for the purpose of providing basic and light supplemental towing service in accordance with this chapter.

NIGHT, WEEKEND AND NEW JERSEY STATE HOLIDAY RATE

The rate for services provided at times and on days other than those to which the day rate applies.

OTHER MOTOR VEHICLE

A motor vehicle, as defined in Title 39 of the New Jersey Revised Statutes, other than an automobile, as defined herein.

OUTSIDE SECURED STORAGE FACILITY

One that is not completely indoors, is secured by a fence, wall or other man made barrier that is at least six feet high, is equipped with a passive alarm system or similar on-site security device, and is lighted at night.

OUTSIDE UNSECURED STORAGE FACILITY

One that is neither an inside building storage facility nor an outside secured storage facility.

SUPPLEMENTAL TOWING SERVICE

The removal and transportation from a highway, street or other public or private road, or a parking area, or from a storage facility, to the tow operator's storage facility of another motor vehicle which has been damaged or disabled or is recovered after being stolen,

and includes other services normally incident thereto, but does not include recovery of such other motor vehicle from a position beyond the right-of-way or berm, or from being impaled upon any other object within the right-of-way or berm.

TOW OPERATOR

A person or entity engaged in the business of removal of automobiles and/or other motor vehicles from private or public property, or the storage of automobiles and/or other motor vehicles following removal, or both.

WAITING TIME

Additional time a tow operator spends at the scene other than the time required for the actual tow and/or recovery. Examples of waiting time may include but are not limited to fire/EMS services which must be performed and/or police investigations.

WINCHING SERVICE

Any operation in which a vehicle is moved onto a roadway from a position off the roadway, or any other operation whereby a vehicle is moved by the use of a cable from a position that is not accessible for a direct hookup by conventional means for loading on to a tow vehicle. Winching is not pulling a vehicle on to a tilt bed carrier or lifting a motor vehicle with a conventional tow sling.

WRECKER

A vehicle used to tow or remove other vehicles usually so damaged or disabled that they cannot proceed under their own power.

B. License Required.

No person or entity shall be eligible for inclusion on the light tow list or heavy tow list unless such person or entity possesses a current tow operator's license issued by the North Hanover Township's Municipal Clerk's Office. Nothing herein shall require municipal licensing for the rendering of road service to motorists or for provision of towing and storage services other than the on-call basic and supplemental towing service regulated by this Chapter.

C. Term of License.

Licenses shall be issued by the Township Clerk. Each license shall be issued for a maximum term of one year and shall terminate on January 1 of the year following its issuance.

D. License Fees.

(1). The following fees, per wrecker, shall be paid annually by license applicants in order to obtain a license. No unlicensed wreckers are to be used for towing for North Hanover Township.

Light Duty: \$100
Heavy Duty: \$200

(2). License applicants shall be charged a prorated license fee for a license issued for a partial license term.

(3). License fees shall be nonrefundable for any reason.

E. Application Process.

(1). Every applicant for issuance or renewal of a tow operator's license shall submit an application, on a form prepared by the Chief of Police, which shall include the following information:

a. Name, street address of place of business and business telephone number. The business is required to have an office, storage area and towing equipment within five (5) miles of the Township of North Hanover boundary lines. At the Chief of Police's discretion, exceptions may be made for certified licensed crime scene facilities.

b. List of towing equipment with proof of ownership, insurance coverage and registration.

c. Work-related experience, with at least three current references.

- d. Names, addresses and qualifications of employees, photocopies of employees' drivers' licenses, and disclosure of all motor vehicle offenses for which any employee has been assessed penalty points. Failure to comply with this provision will be reason for denial of the application.
 - e. Business and trade licenses.
 - f. Evidence that the applicant operates a radio dispatching facility, maintains operational two-way radio equipment in all tow trucks that can maintain continuous communication with all tow truck drivers on a 24 hour/7 days a week basis.
 - g. Location and description of the storage facility to be used in performance of the towing service, setting forth proof of ownership or lease, capacity, accessibility to vehicle owners and police officers, and security aspects.
 - h. Evidence of liability and casualty insurance coverage, including automobile liability insurance as set forth in N.J.S.A. 39:3-84.8. Each licensee shall have his/her insurance agent submit a certificate of coverage to the Township and Township of North Hanover shall be listed as Additional Insured.
 - i. Nature of applicant's business entity (such as corporation, agency, partnership, sole proprietorship) and names and addresses of shareholders or members as case may be, or other persons owning 10% or greater interest in the entity.
 - j. Non-collusion affidavit.
 - k. Affirmative action affidavit.
 - l. Hold harmless and indemnification agreement in favor of North Hanover Township and holding Township harmless from any and all claims arising directly or indirectly from the actions of licensee.
 - m. Certification that the applicant is able to provide towing service anywhere within North Hanover Township within twenty (20) minutes after receiving a call.
 - n. Certification that the applicant will be available at the address and telephone number provided for towing service on an everyday, around-the-clock basis at the actual fees set forth in this ordinance and/or in an annual contract, if applicable.
 - o. Such other and further information as the Chief of Police may reasonably require for the purpose of recommending for or against issuance or renewal of a tow operator's license to the applicant.
- (2). The Chief of Police may verify any of the information submitted in the foregoing application by contacting the applicant or any of the sources for the information disclosed by the applicant, including but not limited to business references.
- (3). Review of Application. The Chief of Police shall conduct a background check of the applicant and any employee(s) to be utilized in the towing and storage operation of applicant. The background check is to determine if either the applicant or any employee has been convicted of a criminal offense or have had their driver's license suspended or revoked in the past year. Conviction of a criminal offense or suspension of a driver's license within the past year shall be cause for the disqualification from being appointed to provide towing and impound services for the Township of North Hanover. The Chief of Police or his designee shall 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 provided in the application and to determine compliance with the applicable laws, regulations and standards of performance required by this chapter. The Township shall, at the cost of the applicant, obtain a Better Business Service Bureau report and/or any other reports that the Chief of Police may deem necessary. Upon completion of its investigation, the Chief of Police shall make a determination of whether the applicant should be appointed to provide towing service to the Township of North Hanover in accordance with the terms and conditions of this chapter.
- (4). Independent Contractor. By submission of the fee and application, the applicant agrees that all personnel and equipment used shall be and remain the property of the applicant, and in no

event shall the property or any employee of applicant be represented or considered belonging to or employed by the Township of North Hanover. The applicant, if selected, shall in no way or sense, be considered an agent or employee of the Township of North Hanover and at all times shall be an independent contractor. All individuals, partnerships, companies, corporations or legal entities who are approved for the list under this chapter shall not be permitted to subcontract, lease, sell, franchise, loan or transfer their services to another wrecker on or off the approved towing list.

F. Qualifications.

(1). Every applicant for a tow operator's license, and every licensed tow operator, shall meet the following qualifications which shall be the minimum qualifications required for licensure:

a. Maintain a physical office with a listed telephone number that shall be open for business a minimum of eight hours per day and seven days per week and a schedule shall be filed with the Township Clerk.

b. Must be capable of responding to calls for service on a twenty-four hour per day, seven-day per week basis.

c. Must provide radio-equipped tow vehicle and towing service at any location to which the tow operator is directed within North Hanover Township within twenty (20) minutes after receiving a service call, regardless of weather conditions, on any day, at any time of day: except when extraordinary circumstances, as determined by Chief of Police, occur. Unless heavy or unusual traffic conditions within the Township prevent a wrecker from arriving at the scene within twenty (20) minutes, failure to respond within that time frame shall be considered a breach of this Chapter. If a wrecker fails to respond within twenty (20) minutes from the time of the call for service, the police reserve the right to contact the next available wrecker on the rotational list.

d. Own or lease a storage facility with a physical office and tow trucks, within five (5) miles of the North Hanover Township boundary lines, for a secure storage of towed motor vehicles, to which the owners of the vehicles shall have access upon proper request as provided by section F(3) herein below.

e. Equipment. The tower shall have sufficient equipment to tow any size vehicle utilizing the highways, streets and roads in the Township of North Hanover. The minimum requirements are two heavy-duty large capacity wreckers with a minimum capacity of 25 tons and two light duty wreckers, one of which must be a flatbed with a minimum capacity of four tons. The specifications are as follows:

(1) Heavy Duty:

- (i) Two twenty-five (25) ton capacity wreckers.
- (ii) Air brakes.
- (iii) Minimum 10.00 by 20 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 all federal and New Jersey Division of Motor Vehicles requirements.
- (viii) Portable safety lighting to be installed on rear of towed vehicle.
- (ix) Offside truck winching.

(2) Light Duty:

- (i) Two wreckers with a minimum capacity of four tons.
- (ii) Chassis requirements should be 10,000 pounds gross vehicle weight and dual rear tires.
- (iii) Steering lock on each wrecker for towing vehicles from the rear.
- (iv) Tow sling-type bar, rubber strap, to lift the car so that no part of metal touches the car.
- (v) One wrecker must be of flatbed capability.
- (vi) All ICC safety equipment must be carried.
- (vii) Must meet all Federal and New Jersey Division of Motor Vehicle

requirements.

At the time of the submission of the application, the tower shall submit satisfactory proof to the Township of ownership of the aforementioned 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 months beyond the length of the contract. Failure to submit to the aforementioned satisfactory proof shall result in the disqualification of the tower.

f. Carry insurance as set forth in Section G.

g. Must be in compliance at all times with all applicable laws, ordinances, codes and rules whether or not set forth or referred to in this chapter.

(2). Employees.

a. The applicant shall have a sufficient number of employees available to comply with the minimum operational requirements of this chapter. The applicant shall indicate in the application the number of employees on call and available to respond 24 hours a day, seven days a week.

b. The applicant shall submit with the application to the Township, the names and addresses of all proposed drivers and employees who will be rendering service on behalf of the applicant. This information is to be kept current with the Township by the applicant if selected.

c. All operators of the applicant's equipment providing services as required by this chapter shall be over the age of 18 and must have a valid and current driver's license.

d. No person shall be utilized by the applicant to provide services required by this chapter for the Township unless the Township has obtained a record check and has been approved by the Chief of Police. The Chief of Police may reject the services of an employee of the applicant for any of the following reasons:

- (i) Conviction of any crime of the first or second degree.
- (ii) Conviction of any crime involving the use of a firearm.
- (iii) Conviction of any crime involving the manufacture/distribution of any controlled dangerous substance.
- (iv) Conviction of any crime or offense which subjects the employee to the provision of Megan's Law.
- (v) Conviction within the last five years for driving under the influence of intoxicating beverages or drugs.

e. No employee of the applicant shall perform services unless previously identified and listed by applicant to the Township.

f. Any driver utilized by the applicant to provide service under this chapter must be TRAA (Towing and Recovery Association of America) certified or recognized equivalent for the class of vehicle they operate.

(3). Storage Location. The vehicles must be towed to a location containing a minimum storage area sufficient for the storage of not less than fifteen (15) vehicles and one tractor-trailer. The applicant shall submit as part of the application process proof that he owns or can lease the aforementioned minimum storage area. If the applicant has an option to lease the required storage area, the applicant shall submit with its application a copy of the lease agreement containing the description, together with a copy of the survey of the land. The lease shall extend to at least six months after the termination of the applicant's appointment. The survey required herein shall have set forth thereon a certification by a duly licensed surveyor to the Township as to the square footage within the storage area as surveyed. Storage areas must meet the following requirements:

a. The land used for storage of the vehicles shall be zoned for such use and shall meet all applicable municipal codes. In addition, it shall be in an area reasonably accessible to the public so that stored vehicles may be claimed.

b. No towed vehicle may be parked upon the public street and shall be stored by the applicant within the storage areas as hereinafter defined.

c. The applicant must provide access to the storage area to the Police Department, as needed, on 24 hour a day basis.

d. The storage area shall accept all types of vehicles and must be able to hold not less than fifteen (15) vehicles and one tractor-trailer.

e. The entire land area shall be enclosed by a fence of sturdy construction of at least eight feet in height and shall be secured with sufficient lighting from dusk to dawn to prevent trespassing.

f. The land used for storage is to be level and clear from all debris and must be clearly marked.

g. The storage area shall be used for the storage of vehicles awaiting a claimant or proper disposition. The land shall not be used for storage of vehicles owned by the applicant even if the applicant purchases same at an auction held on its premises. Vehicles purchased by the applicant at an auction held at the applicant's storage facility must be removed within the time frame specified on the advertisement.

h. The applicant shall be responsible for each vehicle and its contents that are in the applicant's possession until final disposition and removal as ordered 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 shall be provided at all times.

G. Indemnity and Insurance.

(1). The applicant shall indemnify and hold harmless the Township of North Hanover, its elected officials and employees from any and all claims against the Township of North Hanover, its elected officials and/or employees arising out of the operation of any towing services or garage services or storage services or repair services under this chapter. Liability insurance shall include contractual liability of \$2,000,000 combined single limit.

(2). The applicant shall carry maintain Workers' Compensation insurance in accordance with the requirements of New Jersey State Law. The applicant shall also carry public liability and property damage, contingent liability insurance to indemnify the Township of North Hanover, its elected officials, employees 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 applicant, its agents or employees in or due to the execution of the work required under this chapter. Such policies shall contain the provision that 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 applicant 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 appointment.

(3). The applicant shall also carry and maintain during the period of appointment appropriate bodily injury insurance with \$2,000,000.00 combined single limit. Automobile bodily injury liability insurance with limits of not less than \$500,000 for each person and \$1,000,000 for each accident and property damage liability insurance with a limit of not less than \$500,000 for each accident.

(4). The applicant shall also carry and maintain during the period of appointment, appropriate Garage Keeper's liability in an amount not less than \$60,000 per location; garage liability in an amount not less than \$1,000,000 combined single limit.

(5). Certificates of Insurance showing that the applicant and the Township of North Hanover, its elected officials and employees named as additional insured, in conformance with the above, shall be furnished to the Township Clerk, subject to approval of the Township Attorney. The certification of insurance shall be delivered to the Township Clerk.

H. Violations.

(1). Suspension, removal and fines for non-compliance. If a licensee is in violation of any terms of this chapter, the Chief of Police shall issue to the licensee an administrative notice of violation and fine and, if applicable, a suspension from the rotation duty list in accordance with the schedule set forth below. Such fine shall be paid within 10 days, and any suspension shall be effective immediately. If the licensee wishes to contest such fine or suspension, the licensee may file an appeal within ten (10) days of issuance of the fine or suspension by filing a written request for a hearing with the Township Committee Liaison to the Police Department, with a copy to the Chief of Police, which shall set forth the licensee's reason(s) for contesting the fine or suspension. Upon receipt of such an appeal, the Township Committee Liaison may stay any suspension pending completion of the appeal process set forth herein. Upon the filing of the written request for a hearing, the Township Committee Liaison shall conduct, within ten (10) days of receipt of the appeal, an informal hearing at which time the licensee, Chief of Police, and any other interested person may appear and provide evidence. The Township Committee Liaison shall issue his/her decision either sustaining or voiding the fine and/or suspension. The licensee may appeal the decision of the Township Committee Liaison within 10 days of receiving a copy of the Township Committee Liaison's decision by filing a written request for appeal with the Township Clerk with a copy to the Township Liaison and the Chief of Police setting forth the licensee's reason(s) for contesting the determination of the Township Alison. The matter shall be set down for a hearing before the Township Committee within 45 days of the date of filing, whose decision shall be final.

- a. For the first offense, a fine not to exceed \$250 and a suspension from the rotational duty list for one month.
- b. For the second offense, a fine not to exceed \$500 and a suspension from the rotational duty list for six months.
- c. For the third offense, a fine not to exceed \$1,000 and a suspension from the rotational duty list for one year.
- d. For the fourth offense, permanent revocation from the rotational duty list.
- e. Each and every violation of this chapter and each and every day that any violation shall continue shall be construed as a separate and distinct violation.

(2). 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. Such complaints may be cause for termination of the licensee's services and removal from the rotation list by the Chief of Police.

I. Establishment and maintenance of tow lists.

(1). The Chief of Police shall establish and maintain the light tow list and the heavy tow list. The tow list will consist of no more than three (3) active tow companies at any given time.

(2). Calls to tow operators on the light tow list shall be made as the need arises for basic and light supplemental towing service. Calls to tow operators on the heavy tow list shall be made as the need arises for heavy supplemental towing service. Calls to tow operators shall be made in order of rotation as their names appear on the list, except as otherwise provided herein.

(3). The Chief of Police shall establish procedures by rule, as provided in Section M to ensure that the calls are made on a non-discriminatory basis. Nothing herein shall prohibit the Chief of Police or designee from calling a tow operator out of sequence, or seeking the services of a tow operator not on the tow list, if he or she should reasonably determine that specialized equipment is required, or that other factors affecting public safety and convenience exist. In the event that a tow operator fails to respond to a call within the time specified in this chapter, the next operator on the list may be called.

J. Regulation of basic and supplemental towing service and storage.

(1). Fees and charges as established in Section K below shall be billed by the tow operator to the owner of the vehicle towed. North Hanover Township shall not be liable for the cost of any towing or storage services unless the services are performed on a municipal vehicle.

(2). Towing rates shall be based on the total distance traveled from the tow vehicle's base of operations to the job site and return, by way of the shortest available route.

(3). Storage fees shall commence on the date and time that the tow operator places the vehicle in storage; provided, that an owner who picks up a vehicle within 24 hours after it is placed in storage shall pay a one-day storage fee.

(4). Prior to hookup or flatbedding of a motor vehicle, the tow operator shall provide a copy of the current approved fee schedule to the vehicle owner or operator. The fee schedule shall contain the tow operator's name, address and telephone number and shall state the hours during which the vehicle owner or operator may claim the vehicle.

(5). Nothing in this chapter shall prohibit a motorist or owner from summoning a tow operator of his or her choice; provided, that any police officer at the scene of an incident requiring towing services shall be responsible for deciding when towing shall take place and which tow operator shall be called, in accordance with requirements of public convenience and safety.

(6). All vehicles towed at the request of North Hanover Township shall be removed to an approved storage facility. The owner or operator of the vehicle may request that it be towed to another destination, however, any police officer at the scene shall be responsible for deciding the towing destination.

(7). The owner of a vehicle placed in storage shall be permitted by the tow operator to remove personal property from the vehicle at any time during the tow operator's normal business hours; provided, that the tow operator or employee thereof shall escort the owner to the storage facility and remain with him or her while he or she is on the storage premises. The owner may not remove vehicle parts or items installed in the vehicle without permission of the tow operator.

K. Schedule of fees and charges.

(1). Basic towing service (2-Axle Vehicle) for vehicles under 8,000 lbs.
Rate..... \$150.00
Each Additional Axle..... \$ 25.00
Mileage rate outside the boundaries
of Township of North Hanover \$6.00 per mile

(2). Basic towing service (2-Axle Vehicle) for vehicles 8,001 lbs.-16,000 lbs.
Rate \$250.00
Each additional axle \$ 35.00
Mileage rate outside the boundaries
of the Township of North Hanover \$8.00 per mile

(3). Basic flatbed rates will only apply on vehicles that cannot be towed by any other means. Flatbed towing of a vehicle with wheel lift does not qualify for flatbed rate. The Owner/Operator or Police may demand flatbed towing for which the licensee may charge the flatbed rate.
Flatbed rate..... \$150.00

(4). Motorcycles and motorized bicycles shall be towed by a tow vehicle designated by the licensee.
Motorcycle/motorized bicycle rate \$125.00

(5). Heavy Duty Towing (Vehicles over 16,001 lbs. GVW)
Heavy duty rate - \$500.00 per hour (one hour minimum)
Shaft removal \$54.00
Brake release \$45.00
Licensee may not charge a mileage fee for heavy duty towing

(6). Storage per day
Under 10,000 lbs. outside \$45.00
Under 10,000 lbs. inside \$90.00
Each additional axle \$30.00

Vehicles over 10,000 lbs.

Single axle straight vehicle	\$ 75.00
Tandem axle straight vehicle	\$125.00
Tractor-trailer combo	\$250.00

(7). Other charges

- a. Winching light duty/medium duty tows \$300.00 per hour
- b. Basic environmental cleanup \$ 75.00 per hour
Rate to include one bag of absorbent. Each additional bag of absorbent shall not exceed \$36.00 per bag
- c. Waiting time-light duty/medium duty tows \$100.00 per hour
- d. Vehicle removal charge – one-half (1/2) of the vehicle's basic tow rate
- e. Administrative charges. Licensee may not charge for administration costs.

(Licensee may charge the rate of one half (1/2) hour minimum. Thereafter, they may charge for each 15 minute increment.)

(8). Emergency road service shall include but not be limited to basic jump starting, up to two gallons of fuel and/or tire changing. Due to roadway design, traffic patterns and the inability to conduct quick road service repairs, the Township of North Hanover does not recognize emergency road service for vehicles over 16,001 lbs. Vehicles disabled over 16,001 lbs. must be towed from the roadway.

Emergency road service rate \$125.00 per hour, plus parts and fuel

If emergency road service results in tow, then the licensee may not charge for road service.

Rates for vehicle recovery (Note: Licensee may, however, charge additional fees for extraordinary recovery of any vehicle.)

(9). Recovery

Medium duty wreck	\$300.00 per hour
Heavy duty wrecker	\$500.00 per hour
Additional manpower	\$125.00 per hour
Level 3 Recovery Supervisor	\$200.00 per hour

L. Abandoned/Unclaimed Vehicle Responsibility.

Vendor must maintain individual written records for impounded and abandoned towed vehicles. These records will indicate full vehicle information, odometer reading, date and time towed and released. These records will be forwarded monthly to the North Hanover Township Police Department. Impounded vehicles will not be released without prior written authorization from the North Hanover Township Police Department.

(1). Abandoned Vehicles

Vehicles under this section shall be processed for titles by the North Hanover Township Police Department in accordance with N.J.S.A. 39:10 A-1.

- a. The North Hanover Township Police Department shall be responsible for providing the vendor with the name and address of the vehicle owner and lien holder of all abandoned vehicles towed. This shall be provided within three days of it being towed.
- b. Both the vendor and the North Hanover Township Police Department shall notify the owner and lien holder by regular and certified mail of the following:
 - a. Cost imposed for towing and storage of the vehicle; and
 - b. Provide instructions for recovering the vehicle.
- c. Failure by the vendor to provide the appropriate notification within 30 days of receiving the owner or lien holder information may limit the storage fee to \$750.00 as outlined in N.J.S.A. 39:10A-1.

(2). Unclaimed Vehicles

a. Impounded vehicles which remain unclaimed for 15 days after the owner has been notified by the North Hanover Township Police Department that it is authorized for release will be processed by the North Hanover Township Police Department as an abandoned vehicle.

b. Vehicles towed as a result of a crash or any vehicle towed on behalf of the North Hanover Township Police Department which remains unclaimed for 30 days after being available for release, will be considered abandoned on private property.

Note: The NJMVC procedures for vehicles abandoned on private property can be found on the New Jersey Motor Vehicle Commission (NJMVC) website at:
http://www.state.nj.us/mvcbiz/Abandoned/Abandoned_vehicles.htm

M. Rules.

The Chief of Police shall promulgate rules, not inconsistent with this chapter, as may be reasonable and necessary to carry out the provisions of this chapter. Current copies of the rules shall be kept in the Township Clerk’s office and shall be provided to all licensed tow operators.

N. Enforcement.

The Chief of Police shall enforce this ordinance and the rules promulgated thereunder.

SECTION II. At least three copies of said full Ordinance are on file in the Office of the Municipal Clerk for public examination and acquisition. Copies are available for inspection or acquisition during regular weekday working hours and arrangements have been made for the publication of said proposed Ordinance in pamphlet or other similar form which will be available for purchase from the Township Clerk.

SECTION III. This ordinance shall take effect upon final passage and publication according to law.

SECTION IV. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION V. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

MOTION TO INTRODUCE

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Committeeman DeLorenzo						X
Deputy Mayor Doyle				X		
Committeeman Kocubinski		X		X		
Committeeman O’Donnell	X			X		
Mayor DeBaecke				X		

MAYOR SET PUBLIC HEARING FOR APRIL 2, 2020 AT 7:00 P.M.

CONSENT AGENDA DEFINED:

All Resolutions listed on today’s consent agenda are to be considered as one vote by Township Committee and will be enacted by one motion. There will be no discussion of these items. If discussion is desired, that item will be removed from the consent agenda and considered separately.

2020-58 Resolution Amending and Supplementing the Manual of Rules and Regulations for the Township of North Hanover Police Department

**RESOLUTION 2020-58
 TOWNSHIP OF NORTH HANOVER
 COUNTY OF BURLINGTON**

**AMENDING AND SUPPLEMENTING THE MANUAL OF RULES AND REGULATIONS
FOR THE TOWNSHIP OF NORTH HANOVER POLICE DEPARTMENT**

WHEREAS, the Township of North Hanover has adopted a Manual of Rules and Regulations for the Township of North Hanover Police Department; and

WHEREAS, in accordance with N.J.S.A. 40A:14-118 and Rule 1:1.2 of the Manual, the Township may by Resolution amend or revoke any of the rules, regulations, or procedures previously adopted, and

WHEREAS, the Township Committee desires to adopt the Standard Operating Procedures (S.O.P.) numbered and entitled as follows:

<u>Number</u>	<u>Entitled</u>
63	Response to Active Shooter

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of North Hanover, County of Burlington, that the above changes to the Manual of Rules and Regulations for the Township of North Hanover Police Department here hereby adopted.

BE IT FURTHER RESOLVED that in the event that any portion of this resolution is determined to be invalid, such determination shall not affect the remaining portions of the resolution, which are hereby declared to be severable.

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Committeeman DeLorenzo						X
Deputy Mayor Doyle	X		X			
Committeeman Kocubinski		X	X			
Committeeman O'Donnell			X			
Mayor DeBaecke			X			

NON-CONSENT AGENDA

2020-59 Resolution Authorizing Award of Bid for Road and Ground Service Maintenance Supervision Contract

RESOLUTION 2020-59

TOWNSHIP OF NORTH HANOVER

COUNTY OF BURLINGTON

RESOLUTION AUTHORIZING AWARD OF BID FOR ROAD AND GROUND SERVICE MAINTENANCE SUPERVISION CONTRACT

WHEREAS, North Hanover Township seeks to award a contract for Road and Ground Service Maintenance Supervision Services; and

WHEREAS, North Hanover Township hereby accepts and approves the specifications of these services as prepared by the Township Attorney, and finds this contract to be in the best interest of the Township; and

WHEREAS, on March 12, 2020 North Hanover Township received bids for Road and Ground Service Maintenance Supervision Services; and

WHEREAS, on that date, the lowest bids for the Base Bid were received from the following bidders for this project:

- | | | |
|----|----------------------------|-------------|
| 1. | Dittmer's Nursery LLC | \$43,290.00 |
| 2. | J.B. Lawn & Land Care, LLC | \$63,000.00 |

WHEREAS, the Public Works Commissioner has recommended that the contract Road and Ground Service Maintenance Supervision Services for the base bid be awarded Dittmer's Nursery, LLC in the amount of \$43,290.00, and subject to the Township Attorney as to form and completeness; and

WHEREAS, if applicable, the Chief Financial Officer has certified the availability of funds.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of North Hanover Township, County of Burlington, New Jersey that the contract for Road and Ground Service Maintenance Supervision Services for the base bid be awarded to Dittmer’s Nursery, LLC in the amount of \$43,290.00 subject to the approval of the Township Attorney and that the Mayor and Township Clerk are hereby authorized to execute the contract on behalf of the Township.

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Committeeman DeLorenzo						X
Deputy Mayor Doyle			X			
Committeeman Kocubinski		X	X			
Committeeman O’Donnell	X		X			
Mayor DeBaecke			X			

DISCUSSION

- Drainage Hanover Drive – Engineer Hirsh gave an overview of his investigation. The determination was it was the owners responsibility unless it begins to encroach on the right of way. He suggested monitoring the area.

TOWNSHIP COMMITTEE “COMMENTS”

Committeeman Kocubinski wished everyone well during the pandemic and urged cooperation with the CDC guidelines.

Deputy Mayor Doyle thanked the first responders and employees for their work during this time. He noted the scams going around and asked everyone to be mindful.

Mayor DeBaecke noted the serious time we are in and thanked the employees who are working hard during this time along with the first responders. He feels North Hanover is handling things well by not over or under reacting and the situation is being monitored.

PUBLIC PARTICIPATION

Questions, comments or statements from members of the public in attendance.

Mayor DeBaecke opened the meeting to the public.

Mr. Wayne Voorhees – Noted the phone call he received from a scammer.

MOTION TO CLOSE PUBLIC COMMENT

Proposed By: Deputy Mayor Doyle

Seconded By: Committeeman Kocubinski

EXECUTIVE SESSION RESOLUTION

2020-60 Authorizing a Closed Session Meeting to discuss the following matter(s) pursuant to N.J.S.A. 47:1A-1 and N.J.S.A. 10:4-12; Contract Matters, Personnel Matters and Litigation matters

**RESOLUTION 2020-60
TOWNSHIP OF NORTH HANOVER
COUNTY OF BURLINGTON
AUTHORIZING A CLOSED SESSION MEETING**

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231 and P.L. 2001, C. 404, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Township Committee of North Hanover Township wishes to go into a closed Executive Session and is of the opinion that such circumstances presently exist which should not be discussed in public, and

WHEREAS, the Open Public Meetings Act pursuant to N.J.S.A. 47:1A-1 and N.J.S.A. 10:4-12 permits the Township Committee to discuss certain matter(s) in private, and in this case for the purpose of the Township Committee to discuss contract negotiations, litigation and personnel matters in this regard.

NOW, THEREFORE, BE IT RESOLVED by Township Committee of North Hanover Township that it will go into an Executive Session for the purpose of the Township Committee to discuss Contract Matters, Litigation and Personnel matters.

BE IT FURTHER RESOLVED that the results of such discussion may be revealed at such time as the matter(s) are resolved and/or a contract(s) is signed and/or the negotiations are formally settled. Interested parties may contact the Township Clerk anytime during normal business hours for periodic updates as to the availability in this regard.

MOTION TO TABLE INDEFINITELY

COMMITTEE	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
Committeeman DeLorenzo						X
Deputy Mayor Doyle			X			
Committeeman Kocubinski	X		X			
Committeeman O'Donnell		X	X			
Mayor DeBaecke			X			

BACK TO PUBLIC SESSION

MOTION TO ADJOURN

7:32 pm

Proposed By: Deputy Mayor Doyle
 Seconded By: Committeeman Kocubinski

Respectively submitted,

Mary Picariello, RMC/CMR/CTC
Township Clerk

*