



Township of Holland
IN
HUNTERDON COUNTY

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Draft Agenda-Business to the extent known

HOLLAND TOWNSHIP COMMITTEE
REGULAR MEETING AGENDA
Wednesday November 7, 2018

MEETING CALLED TO ORDER

If you haven't already done so, please turn off or silence all electronic equipment

FLAG SALUTE

"At this time, I would like to invite the audience to join the Committee in reciting the Pledge of Allegiance"

CLERK READS OPEN PUBLIC MEETING STATEMENT

Adequate notice of this meeting was given pursuant to the open public meeting act, by the Township Clerk on December 21, 2017 by:

- 1) posting such notice on the bulletin board at the municipal building and on the Holland Twp website
- 2) mailing the same to the Hunterdon County Democrat and the Express-Times.

APPROVAL OF MINUTES OF THE: October 16, 2018 Regular Meeting and Executive Session

APPROVAL OF BILLS AS SUBMITTED

Check#	Vendor	Description	Payment	Check Total
25567	Mark Essman	Refund	\$ 641.50	\$ 641.50
25568	ADT SECURITY SERVICES	Holland Township Bethany Ridge Sec	\$ 169.71	\$ 169.71
25569	Amazon.com RRCC	Shower Heads	\$ 50.97	
		Gift for membership emails	\$ 27.98	
		Willkie Talkies	\$ 552.00	\$ 630.95
25570	AQUA NEW JERSEY	910 Lawn Irrigation 081518-091418(\$ 29.96	
		RRCC Pool 081518-091418(8797)	\$ 53.26	
		RRCC 091418-101518 (8796)	\$ 348.79	\$ 432.01
25571	ASSURE SHRED	2018 Shred Day 10/13/2018	\$ 675.00	\$ 675.00
25572	AT&T MOBILITY	Cell Phones - SEPT 2018	\$ 446.70	\$ 446.70
25573	AUDREY C. BALOGH	Farmers Market Reimbursement 2018	\$ 200.00	\$ 200.00
25574	BINKLEY & HURST, LP	Case 85C Flail Mower Repairs	\$ 2,127.14	
		CX105 Front Wheel Seal	\$ 610.87	
		Headlight & Trim For CX105 Flail Mo	\$ 179.78	\$ 2,917.79
25575	BRIDGE STREET SERVICE CENTER	15-13 Battery Issue	\$ 39.50	\$ 39.50
25576	BRUCES MOWER SERVICE	2 Cycle Stihl Oil	\$ 19.90	\$ 19.90
25577	BUDGET BLINDS	Repair Blind in Aerobic Room	\$ 38.00	\$ 38.00
25578	Leonard A. LaGuardia	Parks & Rec Art with contest design	\$ 550.00	\$ 550.00

25579	CLEMENS UNIFORM	Mats for Munic101118	\$ 35.25	
		Mats for Munic102518	\$ 35.25	\$ 70.50
25580	COOPER ALARM SYSTEMS, INC.	Camera in stairwell	\$ 300.00	
		Camera repair for fitness center	\$ 135.00	
		Camera & radio repair	\$ 175.00	\$ 610.00
25581	Department of Finance	4th Qtr 2018	\$ 535,353.13	\$ 535,353.13
25582	Department of Finance	4th Qtr 2018 Library	\$ 51,643.29	\$ 51,643.29
25583	Department of Finance	4th qtr 2018 Open Space	\$ 49,020.39	\$ 49,020.39
25584	Daxko LLC	Daxko Software	\$ 568.59	\$ 568.59
25585	DEER CARCASS REMOVAL SERVICE, LLC	Deer Carcass Removal - September 20	\$ 228.00	\$ 228.00
25586	DEL VAL ALL SPORTS BOOSTER CLUB	2018 Road Clean Up - Del Val Cheerleaders	\$ 500.00	\$ 500.00
25587	Del Val Jr Terriers Corporation	2018 Road Clean Up - DV Jr Terriers	\$ 500.00	\$ 500.00
25588	DELAWARE VALLEY REG. HS	Community Day Shuttle	\$ 328.00	\$ 328.00
25589	DONALD H YOWELL	2018 Veteran Exempt	\$ 4,291.97	\$ 4,291.97
25590	EAGLE POINT GUN	Ammunition	\$ 2,270.00	\$ 2,270.00
25591	ELIZABETHTOWN GAS	Meter 14Y735578 Account 9890459292	\$ 12.18	\$ 12.18
25592	Empire Construction and Property	Riegel Ridge Pavilion Project	\$ 44,398.17	\$ 44,398.17
25593	Enterprise Electrical Inc	Exit Sign Install	\$ 225.00	\$ 225.00
25594	Frenchtown Borough	Court runner 6/6/18-10/3/18	\$ 162.50	\$ 162.50
25595	Gall's	Police Trauma Kits	\$ 611.17	\$ 611.17
25596	GEBHARDT & KIEFER, P.C.	PB Huntington Knolls B24 L 3 & 13 07	\$ 726.00	\$ 726.00
25597	GEBHARDT & KIEFER, P.C.	PB Milford Solar Farm LLC B4 L1 s	\$ 957.00	\$ 957.00
25598	GEBHARDT & KIEFER, P.C.	Services 070118-083118 Diocese of M	\$ 231.00	\$ 231.00
25599	GEBHARDT & KIEFER, P.C.	General July & August 2018	\$ 2,871.00	\$ 2,871.00
25600	GEBHARDT & KIEFER, P.C.	Services 090118-093018 Diocese of M	\$ 214.50	\$ 214.50
25601	GEBHARDT & KIEFER, P.C.	Services 090118-093018 Mt. Laurel	\$ 328.23	\$ 328.23
25602	GEBHARDT & KIEFER, P.C.	PB Milford Solar Farm LLC B4 L1 s	\$ 1,006.50	\$ 1,006.50
25603	Global One Logistics LLC	Air Handler Filters	\$ 374.76	\$ 374.76
25604	GOPHER SPORTS	Badminton Set for Summer camp	\$ 674.00	\$ 674.00
25605	GRAINGER	Batteries, Eye Glass Wipes, Poison	\$ 133.79	
		Switch For Bench Grinder	\$ 27.82	\$ 161.61
25606	Griffith-Allied Trucking LLC	2018 Ultra Low Sulfur Dyed Diesel &	\$ 1,702.48	\$ 1,702.48
25607	H.J. OPDYKE LUMBER COMPANY, INC.	6"x6", Concrete, Mortar	\$ 275.46	\$ 275.46
25608	J.C CLEANERS	Dry-cleaning	\$ 12.08	\$ 12.08
25609	J C Ehrlich Co Inc.	Monthly Pest Control October 2018	\$ 224.00	\$ 224.00
25610	James W Mastriani	Arbitration	\$ 2,735.00	\$ 2,735.00
25611	JERSEY CENTRAL POWER & LIGHT	Account 100 004 272 595 Street Lighting	\$ 45.73	\$ 45.73
25612	JERSEY CENTRAL POWER & LIGHT	Account 100 004 272 652 Street Lighting	\$ 1,332.81	\$ 1,332.81
25613	JERSEY CENTRAL POWER & LIGHT	Account 100 060 952 585 Street Lighting	\$ 59.30	\$ 59.30
25614	JERSEY CENTRAL POWER & LIGHT	100 070 503 212 Pool Storage Garage	\$ 3.32	\$ 3.32
25615	JERSEY CENTRAL POWER & LIGHT	Account 100 004 555 932 Case Field	\$ 139.01	\$ 139.01
25616	JERSEY CENTRAL POWER & LIGHT	Account 100 105 886 640 914 Milford	\$ 98.06	\$ 98.06
25617	JERSEY CENTRAL POWER & LIGHT	Account 100 004 555 858 Baseball Oc	\$ 488.57	\$ 488.57
25618	JERSEY CENTRAL POWER & LIGHT	Account 100 003 579 271 Library Oct	\$ 119.56	\$ 119.56
25619	JERSEY CENTRAL POWER & LIGHT	Account 100 077 061 016 Oct 2018	\$ 1,248.23	\$ 1,248.23
25620	JERSEY CENTRAL POWER & LIGHT	Account 100 029 305 644 OCT 2018	\$ 3,172.12	\$ 3,172.12
25621	John P Gallina, Esq	PB Huntington Knolls B24 L 3 & 13 08	\$ 1,105.00	\$ 1,105.00
25622	Judy Drake	refund	\$ 36.00	\$ 36.00

25623	LDI Color Toolbox	credit for invoice 1394907	\$ 18.05	\$ 18.05
25624	LIFESAVERS, INC.	Defibtech Lifeline Battery Pack	\$ 134.00	\$ 134.00
25625	Lindabury, McCormick, Estabrook & C	BOA Tirrell porch B8 L2 services 0	\$ 1,008.00	
		BOA JMH Sign B23 L37 services thru	\$ 224.00	
		BOA Misc. general Matters thru 09301	\$ 160.00	\$ 1,392.00
25626	LMR Disposal LLC	Recycling Dumpster	\$ 8.11	\$ 8.11
25627	MASER CONSULTING PA	PB Milford Solar Farm LLC B4 L1 s	\$ 2,606.25	
		Pavilion Project HTL048	\$ 1,137.93	
		2019 Municipal Aid Grant	\$ 602.50	
		FY2018 NJDOT Municipal Aid Grant	\$ 675.00	\$ 5,021.68
25628	MASER CONSULTING PA	2018 Roadway Improvements	\$ 2,382.50	
		General Engineer Services thru 1007	\$ 303.75	
		PB HK B24 L 3 13 review thru 100718	\$ 1,486.25	
		PB HK B24 L 3 13 review thru 101418	\$ 1,390.00	
		BOA JMH Sign B23 L37 PLANNER	\$ 101.25	\$ 5,663.75
25629	MASER CONSULTING PA	PB Milford Solar Farm LLC B4 L1 s	\$ 33.75	
		Planner Services thru 101918 Afford	\$ 1,517.50	\$ 1,551.25
25630	EDWARD HORSFALL	Computer Services (9/2018)	\$ 1,425.00	
		September	\$ 750.00	\$ 2,175.00
25631	MICHELLE TRIVIGNO	Reimbursement	\$ 135.89	\$ 135.89
25632	MONINGHOFF APPLIANCE & SUPPLY CORP.	Various Building Supplies	\$ 122.10	\$ 122.10
25633	Morton Salt, Inc.	2018 Road Salt	\$ 1,293.59	
		2018 Road Salt	\$ 4,396.77	\$ 5,690.36
25634	NJ Advance Media	BOA B6 L2 variance Porch Approved	\$ 19.94	
		PB B4 L21 Milford Solar Farm Appr	\$ 16.21	
		Ord 2018-10 through 2018-13	\$ 89.37	
		Ad for Police Officer	\$ 794.60	\$ 920.12
25635	OFFICE DEPOT, INC.	Keyboard / Soap / Tissues	\$ 66.14	
		Coffee Urn	\$ 40.99	\$ 107.13
25636	PenTeleData	10/24/18-11/24/18	\$ 214.85	\$ 214.85
25637	PERFORMANCE TIRE COMPANY	Dismount/Mount Rear 580S/N Backhoe	\$ 45.00	\$ 45.00
25638	POWERCO, INC.	CX130 Excavator Rental	\$ 4,972.50	
		Hydraulic Hoses For 580S/N Backhoe	\$ 350.19	\$ 5,322.69
25639	R/H TRUCK PARTS	1998 Ford L8513 NJ Emission Inspect	\$ 111.00	\$ 111.00
25640	RAIN OR SHINE TENT RENTALS	Tents for Community Day	\$ 1,908.00	\$ 1,908.00
25641	RANDY LIPPINCOTT	2018 Prescription Glasses - Randy L	\$ 300.00	\$ 300.00
25642	ROBIN RUMMEL	Reimbursement	\$ 40.00	\$ 40.00
25643	RRP Cycle Stuff LLC	Mule & Trailer	\$ 539.60	\$ 539.60
25644	S & S WORLDWIDE	Foam Letters	\$ 25.47	\$ 25.47
25645	Scott R Heilig	Range food	\$ 40.00	\$ 40.00
25646	SERVICE ELECTRIC CABLE TV, INC.	Internet	\$ 98.44	\$ 98.44
25647	SERVICE ELECTRIC TELEPHONE CO.	Telephone RRCC	\$ 160.27	\$ 160.27
25648	SMITH MOTOR COMPANY, INC.	15-14	\$ 96.34	\$ 96.34
25649	STAPLES BUSINESS ADVANTAGE	paper/business cards	\$ 162.00	
		acct 252416 order 7206814191-0-1	\$ 214.68	\$ 376.68
25650	STORR TRACTOR COMPANY	Knives - 85C Flail Mower	\$ 115.00	
		Lock Valve, Knives, Straps	\$ 1,126.07	
		75C Spare Rims	\$ 1,053.55	

		Red Warning Light	\$ 30.46	\$ 2,325.08
25651	Supreme Heating & Air Conditioning	Service Call	\$ 110.50	\$ 110.50
25652	THERESA VERDI	Cleaning RRCC	\$ 480.00	\$ 480.00
25653	Township of East Amwell	4THQtr 2018 CFO Shared Services	\$ 9,450.00	\$ 9,450.00
25654	TRANS-BRIDGE, INC.	PR 120818 NYC trip Dec	\$ 1,288.00	\$ 1,288.00
25655	Tri State Air Duct Cleaning	Maintenance Duct Cleaning	\$ 2,800.00	\$ 2,800.00
25656	ULINE	Plastic Bags For Recycling Bags	\$ 59.05	\$ 59.05
25657	Verizon	Internet RRCC	\$ 47.99	\$ 47.99
25658	VERIZON WIRELESS	Air Cards - September 2018	\$ 229.11	\$ 229.11
25659	VITAL COMMUNICATIONS, INC.	MO IV Tax Master Tape Added/Omitted	\$ 100.00	\$ 100.00
25660	Warren Materials	2018 Blacktop & Recycled Asphalt	\$ 488.63	
		2018 Blacktop & Recycled Asphalt	\$ 72.02	\$ 560.65
25661	WB Mason Co INC	Toilet Tissue	\$ 52.38	\$ 52.38
25662	WOODRUFF ENERGY	Oct 2018 Account 771057	\$ 47.18	\$ 47.18
25663	AQUA NEW JERSEY	001037094 074892	\$ 299.41	\$ 299.41
25664	VERIZON	10/26/18 billing	\$ 92.06	\$ 92.06
25665	VERIZON	91026/18 billing	\$ 290.38	\$ 290.38
25666	VERIZON	9/26/18 billing	\$ 623.68	\$ 623.68
25667	VERIZON	10/26/18 billing	\$ 84.81	\$ 84.81
25668	VERIZON	10/26/18 billing	\$ 962.00	\$ 962.00
25669	Action Rubber & Industrial Supply I	Rubber Mats For RRCC Pool Drains	\$ 118.39	\$ 118.39
25670	Robert J. BEVLACQUA	Tack Oil	\$ 700.00	\$ 700.00
25671	CLEMENS UNIFORM	DPW Shop Rags & Bethany Ridge Mat	\$ 21.75	\$ 21.75
25672	COOPER ELECTRICAL SUPPLY	GFCI Receptacle, Box, Ballast, Lighing	\$ 141.86	\$ 141.86
25673	FINCH FUEL OIL CO, INC	#2 Diesel Fuel - DPW/Library	\$ 446.61	\$ 446.61
25674	Gall's	Boots (Gutsick)	\$ 198.44	\$ 198.44
25675	GEBHARDT & KIEFER, P.C.	General September 2018	\$ 924.00	\$ 924.00
25676	HUNTERDON COUNTY ASSESSOR ASS.	Michelle Trivigno 2018 County & Sta	\$ 150.00	\$ 150.00
25677	JDM TECHNOLOGIES	Wire New Air Compressor & Light Bal	\$ 500.00	\$ 500.00
25678	JERSEY CENTRAL POWER & LIGHT	100 004 557 474 10/8/18-11/8/18	\$ 72.71	\$ 72.71
25679	JERSEY CENTRAL POWER & LIGHT	100 004 556 46810/8/18-11/8/18	\$ 336.42	\$ 336.42
25680	MASER CONSULTING PA	PB Milford Solar Farm LLC B4 L1 s	\$ 616.25	\$ 616.25
25681	NEW JERSEY CONFERENCE OF MAYORS	2019 Membership dues	\$ 395.00	\$ 395.00
25682	NJ DEPT OF HEALTH & SENIOR SERVICES	Oct-18	\$ 1.20	\$ 1.20
25683	Opdyke's Sales & Service	2015 International Fuel Pump & Regu	\$ 1,229.04	\$ 1,229.04
25684	Promed Office Cleaners LLC	Cleaning - Police/EOC	\$ 500.00	\$ 500.00
25685	PROPAC, INC.	OEM Equipment	\$ 405.04	\$ 405.04
25686	STORR TRACTOR COMPANY	Seal Kit For CX105 Hydraulic Valves	\$ 253.00	
		Interstator Bearing - Front Hydraul	\$ 1,155.89	\$ 1,408.89
25687	ULINE	Tyvek Suits & Nitrile Gloves	\$ 369.76	\$ 369.76
25688	VALLEY AUTO SUPPLY	Fuel Tank Filters & Loader Wiper	\$ 83.95	
		Trifold Paper Towels	\$ 77.88	\$ 161.83
25689	Warren Materials	2018 Blacktop	\$ 2,041.83	
		2018 Recycled Blacktop	\$ 117.00	\$ 2,158.83
25690	WEHRUING'S LUMBER/HOME CENTER INC.	2018 Carhart Sweatshirts - Modica,	\$ 215.97	\$ 215.97
			\$ 781,087.33	\$ 781,087.33

Manual Checks

11012018	Guardian	November 2018 Dental	\$ 2,538.01	\$ 2,538.01
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11052018	NJ State Health Benefits Program	November 2018 Health	\$ 28,773.29	\$ 28,773.29
		total manual	\$ 31,311.30	\$ 31,311.30
		Grand total	\$ 812,398.63	\$ 812,398.63

CURRENT FUND	BUDGET AND APPROPRIATION RESERVES	\$722,861.94	
GRANT FUND	BUDGET AND APPROPRIATION RESERVES	\$ 2,529.62	
GENERAL CAPITAL FUNDS	BUDGET AND APPROPRIATION RESERVES	\$ 44,398.17	
ANIMAL CONTROL	BUDGET AND APPROPRIATION RESERVES	\$ 1.20	
ESCROW	ESCROW FUNDS	\$ 11,296.40	
Checks issued 11-7-18			781,087.33
Manual Totals			<u>31,311.30</u>
Total			<u><u>812,398.63</u></u>

REMINDER/ANNOUNCEMENT

The Holland Township Committee and the Holland Township Women’s Club will be hosting a Veterans Day ceremony on Sunday November 11, 2018 at 12:00 pm at the Veterans Memorial on the front lawn of the Municipal Building.

-RESOLUTION-Farmland Preservation-Silva Farm Block 10 Lot 43 and Block 14 Lot 20

RESOLUTION

Final Approval to the Proposed Acquisition of Development Easement on Robert M. Silva, et als, Property Block 10 Lot 43 and Block 14 Lot 20

WHEREAS, the Hunterdon County Agriculture Development Board informed Holland Township that it has received farmland preservation applications from landowners within Holland Township; and

WHEREAS, the State Agriculture Development Committee provides approximately sixty percent of the funds to acquire a development easement on a farm; and

WHEREAS, for the balance of the easement purchase funds Hunterdon County determines the portion to be paid by the County and the portion to be paid by Holland Township; and

WHEREAS, the Hunterdon County Agriculture Development Board requests confirmation from the Township that Holland Township approves of and will provide their cost-share on farmland preservation applications within the Township; and

WHEREAS, on September 27, 2018, the SADC certified the fair market value (CMV) of the development easement pursuant to N.J.A.C. 2:76-7.14 at \$4,600.00 per acre on the Silva Farm in Holland Township Block 10 Lot 43 and Block 14 Lot 20— approximately 130.9 gross acres with two dwelling opportunities consisting of: one Residential Dwelling Site Opportunity (RDSO) and one existing dwelling in the proposed easement area; and two non-severable exceptions consisting of: one 1.6-acre exception area for future flexibility restricted to zero single family residential units and one 0.2-acre non-severable exception for JCP&L ROW and cell tower; resulting in 129.1 net acres; and

WHEREAS, on October 22, 2018, the landowner accepted the CMV of \$4,600.00 per acre, conditioned upon Holland Township granting final approval for acquisition of a development easement; and providing for a municipal commitment of funding pursuant to N.J.A.C. 2:76-17.16, the estimated cost sharing breakdown for the acquisition of the development easement is as follows (based on an estimated 129.1 acres), subject to:

- a) The actual acreage to be covered by the development easement per the final survey which conforms to the farmland preservation program requirements, and
- b) Any additional adjustments pursuant to the Agricultural Land Easement Grant Program, and

c) Any additional adjustments pursuant to State statute, rule, regulation, or policy;

State Agriculture Development Committee (SADC) (\$3,160.00/acre; 68% of est. total cost)	~\$407,956.00
Hunterdon County (\$720.00/acre; 15.5% of est. total cost)	~\$92,952.00
Holland Township (\$720.00/acre; 15.5% of est. total cost)	~\$92,952.00
Total	\$593,860.00

NOW, THEREFORE, BE IT RESOLVED, that the Holland Township Committee gives final approval to the proposed acquisition of a development easement on the property owned by Robert M. Silva, et als, located at 90 Church Rd, Milford, NJ, and designated on the County tax map as Block 10 Lot 43 and Block 14 Lot 20 in the Township of Holland, County of Hunterdon, State of New Jersey, and on approximately 129.1 acres pursuant to the Municipal Planning Incentive Grant application subject to the following:

1. The conveyance of a development easement which shall provide for the following:
 - a. Exceptions: Two non-severable exceptions consisting of: one 1.6-acre exception area for future flexibility restricted to zero single family residential units and one 0.2-acre non-severable exception for JCP&L ROW and cell tower.
 - b. Dwellings: One Residential Dwelling Site Opportunity (RDSO) and one existing dwelling in the proposed easement area
 - c. Agricultural Labor Housing Units: Zero
 - d. Preexisting Non-Agricultural Uses: None
 - e. Trail or Access Easements: Zero Existing or Proposed
2. The conveyance of a Restrictive Covenant providing for an annual mowing of the property; and
3. The conveyance of any and all proposed County rights-of-way from the owners of the fee simple title to the property as indicated by the office of the Hunterdon County Engineer; and
4. The County's contribution is based on the assumption that the Township paid an amount of consideration for the Development Easement based upon an amount equal to, or greater than, the SADC certified fair market value per acre of the Development Easement. The County's contribution shall be reduced in accordance with County policy if that was not the case; and
5. The Township of Holland will contribute and estimated sum of approximately \$92,952.00. The Township's contribution shall be paid in full at closing.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be forwarded to the landowner/applicant, County of Hunterdon Agriculture Development Committee, and the State Agriculture Development Committee.

OLD BUSINESS FROM TOWNSHIP COMMITTEE

Holland Township Planner Darlene Green will be present for the Public Hearing.

Notification received from Planning Board Secretary, Maria Elena Kozak, that at their October 8, 2018 meeting the Holland Township Planning Board found Ordinances 2018-10, 2018-11 and 2018-12 to be consistent with the Holland Township Master Plan and that "they implement and advance the purpose of the Housing Plan."

-ORDINANCE-2018-10- Public Hearing/Final Adoption -Amending Chapter 41 Accessory Apt.

ORDINANCE 2018-10

AN ORDINANCE AMENDING AND MODIFYING CHAPTER 41 "ACCESSORY APARTMENTS" TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACTION AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC)

Public Hearing:

-ORDINANCE-2018-11 - Public Hearing/Final Adoption-Renaming Chapter 42

ORDINANCE 2018-11

AN ORDINANCE RENAMING CHAPTER 42 OF THE CODE OF THE TOWNSHIP OF HOLLAND, "AFFORDABLE HOUSING REGULATIONS," AND REPLACING THE ENTIRE CONTENTS THEREOF TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND THE UNIFORM HOUSING AFFORDABILITY CONTROLS (UHAC)

Public Hearing:

-ORDINANCE-2018-12 - Public Hearing/Final Adoption-Amending Chapter 66 Development Fees

ORDINANCE 2018-12

AN ORDINANCE AMENDING CHAPTER 66 "DEVELOPMENT FEES" TO PROVIDE FOR THE COLLECTION OF DEVELOPMENT FEES AS PERMITTED BY THE FAIR HOUSING ACT

Public Hearing:

-ORDINANCE-2018-13 Public Hearing/Final Adoption -2018 Salary Ordinance

ORDINANCE 2018-13

AN ORDINANCE TO DETERMINE AND FIX THE SALARIES AND WAGES OF CERTAIN OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF HOLLAND, IN THE COUNTY OF HUNTERDON AND STATE OF NEW JERSEY

Public Hearing:

LIAISON REPORTS

NEW BUSINESS FROM TOWNSHIP COMMITTEE

-Approval and authorization for Chief Finance Officer Margaret Pasqua to submit the 2018 Best Practices Checklist

-Accepting letter of retirement of Michael D. Bent, (Patrolman, Holland Township Police Department) effective November 1, 2018.

-Accepting the letter of retirement from Harry E. Hults, Jr. (Patrolman, Holland Township Police Department) effective May 31, 2019.

-Accepting the letter of resignation dated October 28, 2018 from Riegel Ridge Community Center Member Services Representative, Marie Mayer effective November 13, 2018.

-Accepting the letter of resignation dated October 31, 2018 from Holland Township Farmer's Market Manager, Audrey Balogh effective immediately.

-RESOLUTION-hiring Robin Rummel

RESOLUTION

Authorization to hire Robin Rummel as part time
Group Exercise Instructor at Riegel Ridge Community Center

WHEREAS, the Township Committee of the Township of Holland is in need of Group Exercise Staff at the Riegel Ridge Community Center, and

WHEREAS, according to the Chief Financial Officer, there are sufficient funds available in the General Operations Municipal budget to pay for this employee, and

WHEREAS, this employee will be hired as an "at will" 12 month part-time employee, with a six months initial probationary period, starting as of the date of hire; and

WHEREAS, this employee will be required to wear a uniform prescribed by the Township, portions of which may be furnished by the Township and portions will be furnished by the employee; and

WHEREAS, this employee will report directly to the Director of Parks and Recreation, and

WHEREAS, a current copy of the Holland Township Employee Handbook will be made available to this employee for review and will be required to comply with all policies in the handbook, and

WHEREAS, this employee will be required to attend and pass all required training; and

THEREFORE, BE IT RESOLVED by the Holland Township Committee, Township of Holland, County of Hunterdon in the State of New Jersey, that Robin Rummel will be hired at Riegel Ridge Community Center as Group Exercise Instructor at the 2018/2019 rate of \$25 per/hour effective November 6, 2018 contingent upon favorable background check results.

-RESOLUTION-hiring Angela Verdi

RESOLUTION

Authorization to hire Angela Verdi as part time
Personal Trainer at Riegel Ridge Community Center

WHEREAS, the Township Committee of the Township of Holland is in need of Personal Trainers at the Riegel Ridge Community Center, and

WHEREAS, according to the Chief Financial Officer, there are sufficient funds available in the General Operations Municipal budget to pay for this employee, and

WHEREAS, this employee will be hired as an "at will" 12 month part-time employee, with a six months initial probationary period, starting as of the date of hire; and

WHEREAS, this employee will be required to wear a uniform prescribed by the Township, portions of which may be furnished by the Township and portions will be furnished by the employee; and

WHEREAS, this employee will report directly to the Director of Parks and Recreation, and

WHEREAS, a current copy of the Holland Township Employee Handbook will be made available to this employee for review and will be required to comply with all policies in the handbook, and

WHEREAS, this employee will be required to attend and pass all required training; and

THEREFORE, BE IT RESOLVED by the Holland Township Committee, Township of Holland, County of Hunterdon in the State of New Jersey, that Angela Verdi will be hired at Riegel Ridge Community Center as Personal Trainer at the 2018/2019 rate of \$30.00 per/session effective November 7, 2018 contingent upon favorable background check results.

-RESOLUTION-hiring Jill Perez

RESOLUTION

Authorization to hire Jill Perez as part time
Member Service Representative at Riegel Ridge Community Center

WHEREAS, the Township Committee of the Township of Holland is in need of Member Service Representative Staff at the Riegel Ridge Community Center, and

WHEREAS, according to the Chief Financial Officer, there are sufficient funds available in the General Operations Municipal budget to pay for this employee, and

WHEREAS, this employee will be hired as an “at will” 12 month part-time employee, with a six months initial probationary period, starting as of the date of hire; and

WHEREAS, this employee will be required to wear a uniform prescribed by the Township, portions of which may be furnished by the Township and portions will be furnished by the employee; and

WHEREAS, this employee will report directly to the Director of Parks and Recreation, and

WHEREAS, a current copy of the Holland Township Employee Handbook will be made available to this employee for review and will be required to comply with all policies in the handbook, and

WHEREAS, this employee will be required to attend and pass all required training; and

WHEREAS, this employee will be required to submit to all background checks required for their position, and

WHEREAS, Director of Parks and Recreation Jessica Neglia advises the Township Committee that until results of the background check have been received, this employee will be supervised at all times.

THEREFORE, BE IT RESOLVED by the Holland Township Committee, Township of Holland, County of Hunterdon in the State of New Jersey, that Jill Perez will be hired at Riegel Ridge Community Center as Member Service Representative Staff at the 2018/2019 rate of \$12.00 per/hr. contingent on favorable results of all required background checks, effective November 7, 2018.

-RESOLUTION-Tax sale mailing fees

RESOLUTION

Resolution to Establish Tax Sale Mailing Fees

WHEREAS, according to N.J.S.A. 54:5-26 et seq., Notices of tax sale are required to be posted and advertised in newspaper. Copies of the notice of a tax sale shall be set up in five of the most public places in the municipality, and a copy of the notice shall be published in a newspaper circulating in the municipality, once in each of the four calendar weeks preceding the calendar week containing the day of appointed for the sale, and

WHEREAS, in Lieu of any two publications, notice to the property owner and to any person or entity entitled to notice of foreclosure pursuant to section 20 of P.L. 1948, c.96 (C. 54:5-104.48) may be given by regular or certified mail, the costs of which shall be added to the cost of the sale in addition to those provided in R.S. 54:5-38, not to exceed \$25.00 for each set of notices for a particular property.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Holland, County of Hunterdon and the State of New Jersey that the Tax Collector shall charge a fee of \$25.00 per tax sale notice mailing to property owners, said mailings not to exceed two (2). Such fees shall be added to the cost of said tax sales.

BE IT FINALLY RESOLVED, that the Municipal Clerk provide a certified copy of this resolution to the Tax Collector.

-RESOLUTION-Shared Service with Lebanon Township for Qualified Purchasing Agent

RESOLUTION

Resolution providing the services of a Qualified Purchasing Agent to Lebanon Township

WHEREAS, the New Jersey Uniform Shared Services and Consolidated Act (N.J.S.A. 40A:65-1, *et seq.*) authorizes shared services between municipalities; and

WHEREAS, Lebanon Township has a need for the services of a Qualified Purchasing Agent; and

WHEREAS, Lebanon has requested that Holland provide the services of a Qualified Purchasing Agent in accordance with the terms and conditions contained in a Shared Services Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Holland Township Committee of the Township of Holland, in the County of Hunterdon, that the Township of Holland hereby provide Lebanon Township the services of a Qualified Purchasing Agent as set forth in the Shared Services Agreement.

-RESOLUTION-Award of contract for cleaning services at the Municipal Building including the Police Department.

RESOLUTION

Awarding a contract for Cleaning Services

WHEREAS, the Holland Township Committee requested quotes for cleaning services in the Municipal Building at 61 Church Road, and

WHEREAS, three quotes were received with the following results:

Company	Initial Cleaning	Weekly Cleaning	Total 52 weeks + Initial Cleaning
Kleen & Fresh	\$1,230.00*	\$295.00	\$16,570.00
Safe Haven Solutions	\$750.00-\$1,200.00	\$325.00	\$18,100.00
Promed	\$250.00	\$370.00	\$19,490.00

*Includes Training & Background Check

WHEREAS, the bids was reviewed by the Qualified Purchasing Agent for accuracy and completeness; and

WHEREAS, the Chief Financial Officer has certified that funds are available for this contract.

NOW, THEREFORE, BE IT RESOLVED, by the Holland Township Committee, Township of Holland, County of Hunterdon in the state of New Jersey that the Mayor and Municipal Clerk are authorized to sign a contract with Kleen & Fresh for Municipal Building (including the Police Department) cleaning services in the amount of \$295.00 per week effective January 1, 2019.

-RESOLUTION-2019 Salaries and Wages

RESOLUTION

2019 SALARIES AND WAGES

WHEREAS, the Township Committee wishes to adopt the 2019 Salary resolution, and

WHEREAS, the Township Committee has chosen to categorize Township positions into two sections; where the positions in Section I are reviewed annually for salary adjustments while the positions in Section II are reviewed less frequently for salary adjustments;

NOW THEREFORE BE IT RESOLVED, by the Holland Township Committee of the Township of Holland, in the County of Hunterdon, State of New Jersey, that the following 2019 salaries and wages; which fall within the ranges established by Holland Township Ordinance 2018-13, adopted on final reading November 7, 2018, for the positions listed below; shall be as follows:

<u>Position (Name)</u>	<u>2019 Salary</u>
Township Committee (Bush)	\$4,000.00

Township Committee (Krov)	\$4,000.00
Township Committee (Thurgarland)	\$4,000.00
Township Committee (Scheibener)	\$4,000.00
Township Committee (Wilhelm)	\$4,000.00
Township Clerk (Miller)	\$70,355.00
Registrar (Miller)	\$5,743.00
Deputy Township Clerk (Tigar)	\$24,278.00
Deputy Registrar (Tiger)	\$3,017.00
Substitute Secretarial Help (Hammerstone)	\$16.50
Substitute Secretarial Help (Kolonoia)	\$16.50
Chief Finance Officer (Pasqua)	
Finance Assistant (Stevens)	\$20.40
Finance Assistant (Santos)	\$20.40
Qualified Purchasing Agent (Hance)	\$5,630.00
Substitute Secretarial Help (Kozak)	\$20.98
Animal Control Secretary (Colucci)	\$18.94
Tax Collector (Boxwell)	\$21,848.00
Sewer Rent Collector (Boxwell)	\$4,162.00
Licensed Sewer Operator (Aller)	\$6,526.00
Tax Assessor (Trivigno)	\$40,662.00
<u>Planning Board:</u>	
Planning Secretary (Kozak)	\$24.06
PERC Witness, per hour (Davis)	\$19.00
PERC Witness, per hour (Joyce)	\$19.00
<u>Zoning Board:</u>	
Zoning Secretary (Kozak)	\$24.06
Zoning Officer (Creveling)	\$8,659.00
Development Regulations Officer (Creveling)	\$4,330.00
Municipal Housing Liaison (Kozak)	\$1,301.00
<u>Police:</u>	
Police Chief (Harris)	\$116,108.00
Police Secretary (Pursell)	\$46,288.00
Deputy Police Records Custodian (Pursell)	\$1,819.00
Emergency Management Secretary (Pursell)	\$1,615.00
<u>Per PBA Contract:</u>	
Sergeant	\$3,300.00
Heilig	\$101,055.00
Hults	\$101,055.00

Gustsick	\$101,055.00
Davis	\$62,000.00
Part-Time Police Officer (Paolicelli, doh 2/6/18)	\$20.30
Part-Time Police Officer (Cvecich, doh 3/2018)	\$20.30
<u>Public Works:</u>	
DPW/Buildings Superintendent (Turdo)	\$96,859.20
<u>Per Teamster's Contract (For Information Only):</u>	
(Hourly rates change on anniversary date)	
Lippincott (2,080 hours @ \$33.79 per hour, doh 1/1/06)	\$70,283.20
Mazur (2,080 hours @ \$34.64 per hour, doh 9/1/96)	\$72,051.20
Modica (2,080 hours @ \$34.64 per hour, doh 5/3/03)	\$72,051.20
Colaluce (2,080 hours @ \$26.00 per hour, doh 11/23/15)	\$54,080.00
(\$25 per hr to 11/22/19, \$26 per hr 11/23-12/31/19)	
Holder (2,080 hours @ \$24.00 per hour, doh 1/2/17)	\$49,920.00
Mayer (2,080 hours @ \$24.00 per hour, doh 6/1/17)	\$49,920.00
(\$22 per hr to 5/31/19, \$24 per hr 6/1-12/31/19)	
Public Works Temporary Supervisor, per hour	\$4.00
<u>Part Time Snow Removal:</u>	
Croasdale	\$26.50
Scott	\$26.50
Part Time Seasonal Employees (Public Works)	\$13.25
<u>Buildings and Grounds:</u>	
Belick (doh 6/20/17)	\$18.73
Jacobs	\$12.48
<u>Recycling:</u>	
Certified Recycling Coordinator (Turdo)	\$500.00
Patrey (doh 1/1/2006)	\$14.48
Robbins (doh 2/05/13)	\$11.00
Soden (doh 4/17/18)	\$10.50
Zuniga (doh 4/17/18)	\$10.50
Trippedia (doh 5/16/18)	\$10.50
<u>Board Secretaries: Per Meeting Attended</u>	
Parks and Recreation Secretary (Kozak)	\$90.00
Board of Health Secretary (Hammerstone)	\$90.00
Environmental Commission Secretary (Kozak)	\$90.00
Historic Preservation Secretary (Kirby-McDonough)	\$90.00
Agriculture Advisory (Sorge)	\$90.00
<u>Riegel Ridge Community Center:</u>	
Director (Neglia)	\$57,715.00

Member Services Rep. (Pecchia)	\$12.73
Member Services Rep. (Ihling)	\$12.73
Member Services Rep. (Bajak,, doh 5/15/18)	\$11.22
Member Services Rep. (Jenkins,, doh 9/4/18)	\$12.00
Member Services Rep. (Perez, doh 11/7/2018)	\$12.00

Pool Supervisor:

Neglia	\$7,730.00
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Front Desk Staff:

Aquino, Nicholas	\$9.20
Cooley, Harry	\$9.02
Davison, Nicole	\$8.84
Etham, Jullian (doh 2/19/18)	\$8.67
Furmanek, Jennifer	\$9.02
Hulsman, Mariel (doh 10/20/17)	\$8.67
Hults, Nicholas (doh 7/17/18)	\$8.50
Kraynanski, John	\$9.80
LaBar, Audrey	\$8.84
LaVigna, Julia (doh 8/21/18)	\$8.50
Levenson, Daniel (doh 7/8/17)	\$8.67
Nugent, Clare	\$8.67
Nugent, Elizabeth (motion 8/21/18 @8.50, already on)	\$9.02
Pacunas, Amoreena (doh 5/7/18)	\$8.67
Rainey, Sybil	\$8.84
Scott, Madison (doh 4/17/18)	\$8.67
Viespoli, Caitlin (doh 7/25/17)	\$8.67
Zehnbauer, Nick (doh 8/21/17)	\$8.67

Child Watch:

Doyle, Jessica (doh 4/17/18)	\$9.18
LaBar, Audrey	\$8.84
LaVigna, Julia (doh 8/21/18)	\$8.50
McDonald, Lindsey	\$9.18
Nugent, Clare	\$8.67
Nugent, Elizabeth (motion 8/21/18 @8.50, already on)	\$9.02
Rainey, Sybil	\$8.84

Toddler Time:

McDonald, Lindsey	\$16.32
Rainey, Sybil	\$16.65

Group Exercise Instructors:

Cinquemani, Tiffany (per 60 minute class)	\$26.01
Ciotta, Jonathan (per 60 minute class)	\$26.01
Deckert, Shelli (per 30 minute class)	\$17.75
Deckert, Shelli (per 60 minute class)	\$28.85
Hatch, Gayle (per 30 minute class)	\$17.75

Hatch, Gayle (per 60 minute class)	\$28.85
Purcell, Margaret (per 60 minute class) (doh 12/5/17)	\$25.50
Robin Rummel (per 60 minute class) doh 11/7/2018)	\$25.00

Yoga Instructors:

None: All Contracted

Certified Personal Trainers:

Aquino, Nicholas (per session)	\$31.83
Ciotta, Jonathan (per session)	\$31.21
Hatch, Gayle (per session)	\$33.78
Neglia, Jessica (per session)	\$33.78
Angela Verdi (per session) (doh 11/7/2018)	\$30.00

Prosecutor / Public Defender:

Prosecutor (Peterson)	\$6,120.00
Alternate Prosecutor (Erickson)	
Public Defender (Dunbar)	\$1,248.00
Alternate Public Defender (Gianforcaro)	

-RESOLUTION-Refund of Property Taxes

RESOLUTION

Authorizing the Chief Financial Officer to refund local property taxes to Fully Disabled Veteran **Donald H. Yowell**

WHEREAS, N.J.S.A. 54:4-3.30-34 grants an exemption from local property taxes for the dwelling house of a qualified totally disabled veteran; and

WHEREAS, **Donald H. Yowell**, a veteran, has been declared a 100 percent totally disabled veteran by the Department of Veteran’s Affairs effective January 5, 2018; and

WHEREAS, **Donald H. Yowell** made application for exemption from taxes on October 16, 2018; and

WHEREAS, the Tax Assessor has determined the dwelling of Donald H. Yowell, Block 13 Lot 3.01, 110 Adamic Hill Road, is exempt from property taxation effective January 5, 2018; and

WHEREAS, the Township has granted refunds of previously paid taxes to totally exempt veterans under certain circumstances; and

WHEREAS, the decision as to whether to reimburse totally exempt veterans for past taxes is discretionary on behalf of the Township; and

WHEREAS, the Township wishes to strike a balance between honoring veterans who have made an incredible sacrifice on behalf of their fellow countrymen against the financial burden that the return of taxes imposes upon non-exempt property owners; and

WHEREAS, the caps placed upon municipal spending by the State of New Jersey have imposed financial burdens on the Township and placed severe strains on its budget.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Holland, County of Hunterdon, State of New Jersey as follows:

1. The Township Committee believes that a fair and reasonable balance to be struck between its responsibilities to the general taxpayers and its need to recognize the sacrifices made by totally disabled veterans is accomplished by providing that totally disabled veterans will receive a refund of local property taxes from January 1st of the year the veteran submits to the Tax Assessor a fully qualifying application for exemption from local property taxes on the veteran's dwelling pursuant to N.J.S.A. 54:4-3.30-34.

2. In the case of Donald H. Yowell, he is declared exempt from local property taxes on his dwelling commencing January 5, 2018 and the Chief Financial Officer is authorized to refund him \$4,291.97 of local property taxes paid from January 5, 2018 and the Tax Collector forgive the remaining taxes owed for tax year 2018 in the amount of \$1,441.85 for the 4th quarter.

3. The Township Committee will apply this policy to any future veterans seeking totally exempt status, but reserves the right to amend and alter it based on the future financial condition of the municipality.

-RESOLUTION-Transfer of Funds

RESOLUTION
Transfer of Funds

WHEREAS, various 2018 bills have been presented for payment in the year 2018, which represent obligations of the fiscal year 2018, and were not covered by sufficient funds in certain budget accounts and there being excess funds in certain budget accounts in the 2018 Budget in the last two months of 2018; and

WHEREAS, it is the Recommendation of the Chief Financial Officer that transfer be made as of 11-7-2018 to cover the various accounts

WHEREAS, N.J.S.A. 40A:4-58 transfers to be made from unexpended balances to those which are expected to be insufficient during the last two months of the fiscal year;

NOW, THEREFORE, BE IT RESOLVED, by the township Committee of the Township of Holland, in the County of Hunterdon, State of New Jersey, (2/3 of the majority of the full membership concurring herein) that the transfers as listed in the resolution be made between the 2018 Budget Appropriation as follows:

	Transfer From:	Transfer to:
Mayor & Committee O/E		3,000.00
Planning Board S/W		750.00
Board of Adjustment S/W		500.00
Police S/W		70,000.00
Buildings & Grounds S/W		9,000.00
Buildings & Grounds O/E		5,000.00
RRCC O/E		10,000.00
Telephone O/E		2,000.00
Legal O/E	50,000.00	
Engineering O/E	6,000.00	
Audit O/E	3,000.00	
Pool O/E	5,000.00	
Pool S/W	15,000.00	
DPW O/E	10,000.00	
Fuel Oil O/E	5,000.00	
Board of Adjustment O/E	500.00	
Planning Board O/E	750.00	
Dumpster O/E	5,000.00	

-ORDINANCE 2018-15 Final Draft/Possible Introduction/First Reading Towing
Second reading and Public Hearing set for _____

ORDINANCE 2018-15
AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF HOLLAND
TO PROVIDE FOR THE LICENSING AND REGULATION
OF TOWING AND STORAGE SERVICES

WHEREAS, pursuant to N.J.S.A. 40:48-2.49, the Township of Holland (the “Township”) is authorized to enact an ordinance setting forth regulations for “the removal of motor vehicles from private or public property,” including, but not limited to, the fees charged for storage and removal, notice requirements for such removal and storage, and the licensing of towing operators; and

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

WHEREAS, N.J.S.A. 40A:11-5(1)(u) provides for an exception to the public bidding requirements of the Local Public Contracts Law for towing contracts when the municipality has provided for a non-discriminatory method of rotating calls between all licensed operators within the municipality; and

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

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Holland, in the County of Hunterdon, State of New Jersey as follows:

SECTION 1. Chapter 159 of the Township Code entitled “Towing and Storage of Motor Vehicles,” is hereby added as follows

§159-1. Purpose and Scope.

A. The purpose of this Chapter is (1) to provide a uniform set of procedures for administering the issuance, renewal and revocation of all licenses issued under this article in the interest of fair and equitable treatment of the motoring public and towing operators; (2) to establish standards for the operation of towing businesses by licensees; and (3) to set the rates for services performed by licensees.

B. This Chapter shall apply to all motor vehicle towing and storage operations performed at the request of the Township of Holland.

§159-2. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Absorbent material means material such as sand or 'speedy dry' used to collect liquids such as radiator fluid, oil, gasoline or diesel fuel spills.

Basic tow means private property towing and other non-consensual towing as defined in this section and other ancillary services that include the following: arriving at the site from which a motor vehicle will be towed; 30 minute waiting time; hooking a motor vehicle to, or loading a motor vehicle onto, a tow truck; transporting a motor vehicle to a storage facility; unhooking or unloading a motor vehicle from the tow truck; and situating the motor vehicle in the space in which it will be stored. “Basic tow” also includes issuing documents for 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.

Category I Vehicle means all vehicles 0 to 6,000 pounds GVW.

Category II Vehicle means all vehicles 6,001 to 26,000 pounds GVW.

Category III Vehicle means all vehicles 26,001 pounds GVW or greater.

Chief of Police shall refer to the Chief of Police of the Holland Township Police Department

Clean-up means removal and/or disposal of any debris left on the roadway or property as a result of a motor vehicle accident or recovery.

Consensual towing means towing a motor vehicle when the owner or operator of the motor vehicle has consented to have the towing company tow the motor vehicle.

Conventional wrecker means a vehicle used to tow or remove other vehicles via a hydraulic beam or winch beam, capable of handling passenger cars and small trucks, such as pickup and small-panel trucks.

Cruising means driving an unengaged wrecker to and fro on a public street in a manner primarily calculated to solicit business.

Decoupling fee means a charge by a towing company for releasing a motor vehicle to its owner or operator when the vehicle has been, or is about to be, hooked or lifted by a tower, but prior to the vehicle actually having been moved or removed from the property.

Department or Police Department shall refer to the Holland Township Police Department.

Fifth wheel means a device towed behind a heavy wrecker containing dual wheels with a hinged pivot hitch used to replace a tractor connection to a towed trailer. The wheels of the "fifth wheel" shall have a tire size of not less than 10.00 by 20 inches.

Flatbed wrecker means a tow truck designed to transport a motor vehicle by means of raising the motor vehicle from road level up onto a hydraulic bed for transporting purposes, capable of handling all types of passenger cars and small trucks, such as pickup or small-panel trucks, up to 1½ tons load capacity.

Heavy wrecker means a wrecker of either of the types set forth in the definitions of this chapter, designed to be capable of towing heavy vehicles.

Highway means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Load capacity means the load capacity rating which is equal to one-third of the total weight of the vehicle to be towed.

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

Operator means a person or other legal entity engaged in the business of providing wrecker services and storage services for vehicles towed.

Police tow means the non-consensual towing of a vehicle at the request of the police department via the tow list or otherwise requested.

Primary wrecker operator means a township-licensed wrecker operator who responds to the scene of a police tow.

Private property towing means non-consensual towing from private property or from a storage facility by a motor vehicle of a consumer's motor vehicle that is parked illegally, 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. This term shall not include the towing of a motor vehicle that has been abandoned on private property in violation of N.J.S.A. 39:4-56.5, provided that the abandoned vehicle is reported to the appropriate law enforcement agency prior to removal and the vehicle is removed in accordance with N.J.S.A. 39:4-56.6.

Private property towing company means a person offering or performing private property towing services.

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

Subcontractor means a township-licensed wrecker operator called to the scene by the primary wrecker operator to assist.

Tarping means covering a motor vehicle to prevent weather damage.

Tow operator's license means a license issued to a tow operator allowing the tow operator to be placed on the Police Department Tow List.

Tow vehicle means a vehicle, such as a flatbed wrecker or conventional wrecker that is equipped with a boom, winches, slings, tilt beds, wheel lifts, or under-reach equipment specially designed by its manufacturer for the removal and transport of private passenger automobiles and small trucks up to 1½ tons load capacity.

Towing business means a business, located in the township and / or another municipality, with a building or enclosed area in which motorcars can be sheltered or stored, and which owns or operates tow vehicles as defined in this section. At a minimum, each business must have at least two wreckers with a minimum of one flatbed wrecker in order to be maintained on the towing list. Such business must also have gasoline available for disabled vehicles.

Towing List means a list of the licensed towing businesses, maintained by the Police Department and used for the purpose of calling the appropriate towing service for all police needs and for removing vehicles from accidents where the operator has not selected a towing service.

Township shall refer to Holland Township, Hunterdon County.

Transmission disconnect means manipulating a motor vehicle's transmission, so that the motor vehicle may be towed.

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 means an operation by which a vehicle is moved onto a roadway from a position off the roadway or other operation in which substantial work is required to prepare a vehicle for normal towing (i.e., lifting, dragging, up righting a vehicle etc.).

§159-3. Licensing procedure; permit; fees:

A. To be placed on the Police Department Towing List, an operator must possess a Tow Operator's License. A maximum of four (4) Tow Operator's Licenses shall be available from the Township. When a license becomes available, it shall be sold at public auction to the highest bidder upon authorization of the Township Committee. A minimum bid may be established by the Township Committee. The successful bidder shall not be awarded the Tow Operator's License until satisfactory completion of a license application investigation as described in subsection E below.

B. All Tow Operator's Licenses issued under this Chapter will commence on January 1st and shall expire on December 31st of each year following the date of issuance. Tow Operator's Licenses shall not be transferable. If not renewed by the holder thereof, they shall automatically revert to the Township for resale at the discretion of the Township Committee.

C. Application for issuance or renewal of a tow operator's license will be made on forms prepared by the Chief of Police and shall contain the following information, together with such other information as the Chief of Police may find reasonably necessary to carry out the purpose and intent of this Chapter:

- (1) The name and address of the towing company's principal owner or owners; and
- (2) The address of the principal business office of the towing company; and
- (3) The location of any garage, parking lot, or other storage area, where motor vehicles or other objects moved by the towing company may be stored or placed; and
- (4) A valid certificate of insurance at the minimum amounts set forth in Section 159-6 hereunder and a schedule of insured vehicles that are to be utilized by the towing company; and
- (5) Documentation of the identifying and describing each of its towing vehicles, including vehicle registration number, weight, and number of wheels. All towing vehicles shall meet the requirements of Section 159-4
- (6) Copies of the equipment manufacturer's specification for each piece of equipment that the applicant intends to use for towing services; and
- (6) The one telephone number which will be called by the police dispatcher on a 24-hour, seven-day-a-week basis; and
- (7) A description of the security features of the vehicle storage lots.
- (8) Name, address and driver's license number of the applicant and all employees of the applicant that are expected to be involved in the operation of the applicant's vehicular equipment for the towing of motor vehicles. All drivers for the applicant shall be at least 18 years of age and possess a valid New Jersey driver's license for the operation of the towing equipment.
- (9) Authorization to perform a criminal background check of the applicant and all of its employees and agents, including the obtainment of a New Jersey driver's abstract.
- (10) The applicant shall disclose whether the applicant, or any of its employees or agents, is subject to any of the disqualifications specified in Section 159-5.
- (11) Written proof of a minimum of five (5) years towing experience;
- (12) Minimum of three (3) references of the applicant's towing experience.
- (13) Copies of all certifications for its employees as follows:
 - (a) Each "light duty" driver must obtain a certification for such operation from a nationally recognized organization.
 - (b) Each "heavy duty" driver must obtain a certification for such operation from a nationally recognized organization.
 - (c) Each "recovery supervisor" must obtain a certification for such operation from a nationally recognized organization. The nationally recognized organizations that are acceptable for the

Township are: i. Towing and Recovery Association of America (800-728-0136); ii. Wreck Master (800-267-2266); and iii. Garden State Tow man's Association (732-530-4782) 1.

(14) The applicant shall furnish any additional information concerning the personnel, vehicles, equipment and storage facilities of the applicant as may be required by the Township Clerk or Chief of the Township Police Department during the review of the application.

(16) If any of the information required in the application changes, or if additional information should be added after the filing of the application, the applicant shall provide that information to the Township Clerk, in writing, within thirty (30) calendar days of the change or addition.

(17) A certified statement of the willingness of the towing operator to be available on a 24-hour, seven (7) day per week basis, and to abide by the instructions and directions of the Chief of Police, his subordinates, and the provisions of this Section. Such towing operators shall further provide the telephone number or numbers available on a 24-hour, seven (7) day per week basis, and the names, addresses and New Jersey Motor Vehicle driver's license numbers of all the towing operator's employees.

(18) The applicant shall provide a certified statement of compliance with the minimum requirements of Section 159-5.

D. Application fees for the initial license shall be \$150.00 and application fees for renewal of a Tow Operator's License shall be \$100.00, payable to the Township. Any application to add an additional driver during the contract term shall be accompanied by a fee of \$35.00 plus the costs incurred by the Township in performing a criminal background check. An application to add an additional driver shall be made within fifteen (15) calendar days of such driver operating any wrecker or other towing equipment on behalf of the tow operator.

E. The tow operator's license applications, fees and documents outlined in subsections (C)(1-7) above, shall be filed with the Township Clerk. The applicant shall be investigated and a recommendation shall be made as follows:

(1) After the filing of a fully completed application and payment of the fee, the Chief of Police shall cause to be conducted an investigation to determine the accuracy and completeness of the information contained in the application as well as an investigation as to the towing business's prior record of compliance with the intent, purpose, and regulations established under this Chapter. All driving abstracts and background check documents are to be forwarded to the Chief of Police in a sealed envelope.

(2) Upon completion of all investigations and inspections, the Chief of Police shall return a copy of the application to the Township Clerk, indicating approval or disapproval of the application. Any disapproval will be accompanied by a written explanation of the reasons for the disapproval.

F. After approval of a tow operator license application, the towing business shall be licensed.

§159-4. Minimum standards for equipment.

A. The following shall serve as a guide for minimum standards as they apply to tow vehicles and heavy wreckers:

(1) Each wrecker shall comply with the insurance requirements of N.J.S.A. 39:1.1 et seq.

(2) Garages must maintain light permits for all wrecker emergency lighting.

(3) No towing business on the township tow list shall operate a flatbed or conventional wrecker that is more than 20 years old for Township-sanctioned towing services. No towing business on the Township Tow List shall operate a heavy-duty wrecker that is more than 30 years old for Township-sanctioned towing services. All towing businesses on the Township Tow List will have a grace period of one year from January 2, 2019 to comply with this requirement.

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

§159-5. Denial, suspension or revocation of contract.

A. The Township may deny, suspend or revoke any contract for municipal towing services upon the recommendation of the Chief of Police, or upon other proof that the towing operator, or any of its employees or agents:

(1) has obtained a registration through fraud, deception or intentional misrepresentation;

(2) has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense;

(3) has engaged in gross negligence or gross incompetence;

(4) has engaged in repeated documented acts of negligence or incompetence;

- (5) has had a towing operation registration or license revoked or suspended by any other state agency or authority for reasons consistent with this section;
- (6) has violated or failed to comply on more than three occasions with the schedule of tariff or fee regulations herein; or
- (7) has been convicted of:
- (a) a crime under Chapter 11, 12, 13, 14 or 15 of Title 2C of the New Jersey Statutes;
 - (b) motor vehicle theft or any crime involving a motor vehicle under Chapter 20 of Title 2C of the New Jersey Statutes; or
 - (c) any other crime under Title 2C of the New Jersey Statutes relating adversely to the performance of towing services or the storage of motor vehicles as determined by the Chief of Police.
- B. A final refusal to register, or the suspension or revocation of a registration by the Township shall not be made except upon reasonable notice to the applicant, and an opportunity for the applicant to be heard by the Township Committee. The hearing is at the option of the applicant.

§159-6. Insurance.

- A. The minimum amounts of insurance a towing company shall secure and maintain are:
- (1) Motor vehicle liability for a tow truck capable of towing a motor vehicle that is up to 26,000 pounds, for the death of, or injury to, persons and damage to property for each accident or occurrence in the amount of \$750,000, combined single limit; and
 - (2) Motor vehicle liability for a tow truck capable of towing a motor vehicle that is more than 26,000 pounds, for the death of, or injury to, persons and damage to property for each accident or occurrence in the amount of \$1,000,000, combined single limit.
 - (3) Commercial crime coverage in the amount of \$1,000,000 per loss.
- B. A towing company shall also secure and maintain, for every tow truck, insurance that covers garage keeper legal liability in the amount of \$100,000, and “on-hook” coverage, either as an endorsement on the insurance required by (a) above or in the amount of \$100,000.
- C. A towing company shall also secure and maintain workers' compensation insurance as required by law, including, without limitation, statutory New Jersey workers' compensation benefits, and employers' liability of at least \$100,000.
- D. The insurance required by (A), (B), and (C) above shall be obtained from an insurance company authorized to do business in New Jersey and with an A.M. Best rating of A- or better.
- D. All insurance policies required under this article must remain in full force and effect throughout the license period. If any licensee, for whatever reason, ceases to have the insurance coverage required by this article, the Chief of Police shall immediately cause that licensee to be removed from the towing list.

§159-7. Towing rates, storage charges and service fees.

- A. Towing: All vehicles shall be towed to the towing company's storage facility having the capacity to receive it that is nearest to the site from which the motor vehicle is towed.
- (1) Category I vehicles shall be \$175.00 per wrecker dispatched and \$4 per mile after the first mile from the scene for any type of service call.
 - (a) Flatbed fee \$25.00 per vehicle dispatched, which shall be charged if a motor vehicle can be transported only by a flatbed tow truck.
 - (2) Category II vehicles shall be \$250.00 per wrecker dispatched and \$4 per mile after the first mile from the scene for any type of service call.
 - (a) Flatbed fee \$25.00 per vehicle dispatched, which shall be charged if a motor vehicle can be transported only by a flatbed tow truck.
 - (3) Category III vehicles shall be \$350.00 per wrecker dispatched performed and \$6 per mile after the first mile from the scene for any type of service call.
 - (4) If the vehicle is towed to police headquarters and subsequently towed to the towing service storage facility, a second towing fee for the tow from headquarters to the storage facility may be charged pursuant to the fees set forth in subsections (A)(1) and (2) of this section. Storage charges will commence on the day the vehicle is towed from headquarters to the storage facility.
- B. Storage: Storage fees are based on full 24-hour periods a motor vehicle is in the storage facility in accordance with N.J.S.A.13:45a-31.4(d).
- (1) Storage of any passenger motor vehicle: \$40.00 per day for outdoor storage; \$60.00 per day for indoor storage.

- (2) Storage of trucks 18,000 pounds gross vehicle weight rating (GVWR) or less: \$40.00 per day for outdoor storage; \$60.00 per day for indoor storage.
- (3) Storage of trucks over 18,000 pounds gross vehicle weight rating (GVWR): \$2.00 per running foot, per day for outdoor storage; \$4.00 per running foot per day for indoor storage.
- (4) Storage of tractors and/or trailers: \$2.00 per running foot, per day.
- (5) Storage of motorcycles: \$30.00 per day.
- (6) Storage of mopeds, ATVs and snowmobiles: \$30.00 per day.
- (7) More than three trips to the motor vehicle storage, which may be invoiced as an administrative fee \$25.00 per occurrence.
- (8) Release from storage facility after normal business hours or on weekends, \$50.00.

C. Service Fees:

- (1) Clean-up fee for the clean-up of debris on the highway or at the scene of an accident and application of absorbent material may be charged at the rate of \$45.00 per vehicle.
- (2) The fee for absorbent material shall be \$15.00 per fifty (50) pound bag.
- (3) Winching fees \$50.00 per half hour.
- (4) Window wrap \$25.00 per vehicle.
- (5) Tarping \$25.00 per window.
- (6) Transmission disconnect \$75.00 per vehicle.
- (7) Decoupling \$25.00 per vehicle.
- (8) Use of special equipment other than first tow truck to recover a motor vehicle or pieces of a motor vehicle \$85.00 per half hour.
- (9) Tolls as incurred driving to the site from which the motor vehicle will be towed while towing the motor vehicle from that site to the towing company's storage facility.
- (10) Tow operators may charge \$50.00 per quarter hour for winching fees.

D. Unreasonable fees:

- (1) A fee for towing and storage services shall be presumed unreasonable if it is:
 - (i) More than 25 percent higher than the fee charged by the towing company or storage facility for the same services when provided with the consent of the owner or operator of the motor vehicle; or
 - (ii) More than 50 percent higher than the fee charged for such other non-consensual towing or related storage service by other towing companies or storage facilities operating in the municipality from which the vehicle was towed.

(2) Notwithstanding (a) above, a fee will be presumed unreasonable if it exceeds the maximum amount that may be charged for the service according to a schedule for fees set forth herein.

E. Every tow operator shall provide the owner or operator of the motor vehicle being serviced with a business card and a written receipt of all the charges collected, with an explanation of each such charge.

F. If the owner of an unattended vehicle appears on the scene and the vehicle does not need to be towed or impounded, the licensee shall not be charged for the service call, unless the vehicle has been hooked up to the tow truck, in which event a decoupling fee shall be assessed against the owner of the vehicle. The tow operator is not required to wait more than five (5) minutes on scene to receive payment. Any bill for the service shall be sent directly to the vehicle owner.

§159-8. Rotating call list.

A. The Chief of Police is hereby authorized to establish a rotating system for calling towing services. The rotating system shall equitably distribute the calls to the listed towing businesses.

B. The police will summon a wrecker from the established rotating list.

C. If it becomes apparent that a licensed towing service cannot handle a job exigent in nature, or if a separate law enforcement authority directs, the officer in charge may at his discretion forego the towing list and summon a towing service with proper equipment. If fees cannot be agreed upon or negotiated at the scene, the towing service may be directed, by police, to perform the required services with reasonable fees to be paid by the owner.

D. The Chief of Police or designee may institute additional reasonable rules, regulations, requirements or standards if deemed necessary and under emergency or exigent circumstances may suspend rotation.

§159-9. Conduct and requirements of businesses.

The following shall apply to the conduct and requirements of towing businesses pursuant to this article:

A. No licensed tow business shall permit any wreckers to engage in cruising.

B. All licensed tow businesses shall provide 24-hour-per-day, seven-day-per-week service.

C. No person shall solicit or attempt to divert prospective customers of another garage to any other garage or towing service other than in accordance with the rotating provisions of this article.

- D. No person shall solicit, demand or receive from any person any commission or fee other than the appropriate fee under this article for the transportation or storage of any vehicle.
- E. Any towing business called must confirm that it is responding within ten minutes of the call or its turn will be forfeited on the rotational list.
- F. Any towing business which does not answer its phone within ten rings, or which is unable to respond for any reason, shall forfeit its turn on the rotation list.
- G. A towing business on the Township tow list that confirms a response to a service call, but never arrives at the call more than one time in a calendar month, shall be subject to the penalties set forth in this article.
- H. All licensed towing businesses shall in accordance with N.J.S.A. 56-13-15:
- (1) have business office hours open to the public between 8 a.m. and 6 p.m. at least five (5) days a week, excluding holidays; and
 - (2) is secured and, if it is an outdoor storage facility, lighted from dusk to dawn; and
 - (3) shall provide reasonable accommodations for after-hours release of stored motor vehicles.
- I. Response time to the scene of a tow must be within 30 minutes of the time of confirmation of the assignment or else the towing business forfeits its turn.
- J. A towing business must have space available for properly accommodating and protecting all vehicles towed. Towed vehicles will not be stored or allowed to remain on or along any property which is not zoned for such storage or on public property.
- K. Police-impounded vehicles shall be stored at the business premises of the towing operator and shall not be released without a properly signed release form. Vehicles may, in certain circumstances, be towed to headquarters for investigative purposes upon the request of a police officer.
- L. Every operator shall keep a log with required details, as determined by the chief of police or designee, of any vehicle towed. All towing-related documents and receipts shall be available to the police for inspection.
- M. Towing operators shall be responsible for the actions of employees, subcontractors, agents and/or assigns.
- N. Towing operators will comply with instructions given by the officer in charge.
- O. No tow vehicle operator shall respond to the scene of an accident or any scene requiring a police tow except upon notification by police headquarters.
- P. All tow vehicle operators shall be required to clean up debris on the highway or at the scene of an accident and apply sand or absorbent material to normal radiator fluid, oil, gasoline, or diesel fuel spills in accordance with state law.
- Q. No person owning or operating a tow vehicle or other automobile, while waiting for employment, shall stand at any public street or intersection or on any public or private property, other than his own, without first obtaining the consent of a police officer or the owner of the property.
- R. No person shall pay any gratuity, tip or emolument to any third person not involved in the accident or to any police officer for any information as to the location of any accident or for soliciting the employment of the licensee's services, nor give any gratuities, fees or other compensation or gifts to any members of the police department.
- S. Towing operators shall comply with the requests of the police officer in charge. When specific types of wreckers are requested, those types will be dispatched.
- T. The towing company making application to tow for the township shall submit a list of its employees who will be operating the wreckers providing service. In addition, the towing contractor will be required to submit photocopies of the driver's licenses of those employees who will be operating tow vehicles providing service. Those driver's licenses may be checked periodically by the chief of police or his designee to ensure valid status.
- U. The towing company shall conspicuously post the towing/storage rates at its business in a location visible to all customers.
- V. All towing businesses which are on the township tow list must accept all forms of payment from motorists.
- W. Once a wrecker is requested from the township tow list, the service call shall belong to that wrecker regardless of any other towing business that may show up at the service call location, unless exigent circumstances exist as may be determined by conditions at the scene.
- X. Disposition of vehicles towed pursuant to this article shall be in compliance with state law.

§159-10. Records

- A. The towing business shall maintain an accurate inventory of all non-consensual vehicle tows stored in their facility. The Police Department will periodically inspect and compare the impound storage list to ensure accuracy. Discrepancies will be investigated by the Police Department.

B. The towing business shall maintain a non-consensual impound file which is identical to that maintained by the Police Department. A sample file will be provided by the Police Department.

C. The towing business shall maintain all records in a manner that can be retrieved in an expedient and efficient manner to retrieve all tow-related information. These records shall be kept for a three (3) year period in accordance with N.J.S.A. 13:45A-31.9.

D. As per N.J.S.A. 39:10A-1, the Police Department will report the taking of possession of an abandoned motor vehicle to (1) the Chief Administrator of the Motor Vehicle Commission on a form prescribed by the administrator; and (2) the National Insurance Crime Bureau. Upon receipt of the verification of ownership of the vehicle, the Police Department shall within three (3) business days, provide notice of possession of the vehicle to the owner of record and the holder of any security interest filed with the administrator by telephone, mail, facsimile or electronically as per N.J.S.A. 39:10A-1. The Police Department also within three (3) business days of receiving verification of ownership of the vehicle from the administrator, will notify the towing business of the name and address of the owner of record and the holder of any security interest, filed with the administrator. Upon receipt of this notice from the Police Department to the towing business, the towing business shall immediately provide notice as per N.J.S.A. 39:10A-1(5)a thru e.

E. The towing business shall maintain accurate records of owner notification(s) and attempted notification(s).

§159-11. Junk and Abandoned Vehicles

A. At the direction of any Police Department law enforcement officer, the towing business shall remove junk and/or abandoned vehicles from the roadway or any other public property, including but not limited to Township parking lots, parks and playgrounds. The towing business shall also remove any vehicles related to lawful seizures by the Police Department.

B. A junk vehicle is defined as per N.J.S.A. 39:10A-3 that such motor vehicle is incapable of being operated safely or of being put in safe operational condition except at a cost in excess of the value thereof. If the vehicle is unclaimed by the owner or other person having legal right thereto, for a period of fifteen (15) business days the towing operator shall notify the Chief of Police or designee that the vehicle has been held for the statutory time and that the vehicle is ready for sale.

C. An abandoned vehicle shall be defined as a motor vehicle which cannot be certified for a junk title certificate pursuant to N.J.S.A. 39:10A-3. If the vehicle is unclaimed by the owner or other person having legal right thereto for a period of twenty (20) business days, the towing business shall notify the Chief of Police or designee that the vehicle has been held for the statutory time and that the vehicle is ready for sale. All rates and fees charged shall be as set forth herein.

D. Proceeds from auction sale of junk or abandoned vehicles shall be used to satisfy any towing or storage charges which may have accumulated on the vehicles in accordance with N.J.S.A. 40:48-2.50. A detailed receipt of charges shall be presented upon delivery of vehicle to the auction site and approved by the Police Department prior to all charges being satisfied by proceeds of the auction sale. Excess proceeds shall be remitted to the Treasury of the Township of Holland as its sole property as per N.J.S.A. 39:10A-5. If the proceeds are insufficient to cover the accumulated costs due to no acceptable bid or no bid at all was obtained at the time of the auction, such excess costs shall be waived by the towing business in exchange for the auctioned vehicle being relinquished to the towing business. This waiver does not apply to the owner or other person entitled to the vehicle that shall remain liable for the towing business bill. This section will be administered in accordance with N.J.S.A. 39:10A-1 et seq.

§159-12. Effect on rights of motor vehicle owner.

A. Nothing in this Chapter shall abrogate or in any way diminish the rights of the vehicle owner or operator to make his own selection of tow vehicles, except where it presents a real or immediate hazard to safety or would in any way interfere with a police investigation.

B. Applicable sections of this article may in certain circumstances be superseded by state statute and the New Jersey Administrative Code.

§159-13. Violations and penalties.

A. The Chief of Police or his designee shall have the power to suspend a towing business license if he is satisfied by clear and convincing evidence that there has been a violation of this Chapter or violations of the rules promulgated by the State of New Jersey.

B. Penalties for violations shall be as follows:

(1) First offense: suspension of the towing license not to exceed 30 days and/or a fine not to exceed \$150.00.

(2) Second offense: suspension of the towing license not to exceed 90 days and/or a fine not to exceed \$500.00.

(3) Third offense: suspension from the wrecker list for a period not to exceed one year and/or a fine not to exceed \$1,000.00.

C. Any suspension will be a suspension of police towing privileges only. The towing business will remain licensed during the suspension period and will be bound by the rules and regulations governing licensed towing business.

D. A towing operator's license may be revoked and the tow business removed from the rotational list by resolution of the Township Committee.

E. A towing business terminated from the tow list shall be considered unlicensed and must reapply for a license at the conclusion of the termination period. The terminated towing business will be responsible for towing rates, storage charges and service fees as set forth in this article for police-towed vehicles remaining on the lot during the termination period.

F. If a towing business is suspended or terminated from the rotational list, the remaining towing businesses will be notified of the suspension and to ascertain if they can cover the vacancy.

§159-14. Public access to fee schedules.

The Township Clerk shall make available all fee schedules and regulations applicable to towing for public inspection during normal business hours.

§159-15. Towing from private property.

Unattended vehicles cannot be towed from private parking lots, unless:

A. There is a sign posted at vehicular entrances to the property stating:

(1) The purpose for which parking is authorized;

(2) The times when parking is permitted;

(3) That unauthorized parking is prohibited and unauthorized vehicles will be towed at the owner's expense;

(4) The name of and the contact information for the towing company and the address of the storage facility, which must be secure and located within a reasonable distance of the property, to which the vehicle will be towed;

(5) The charges for the towing and storage and the times during which the vehicle may be redeemed; and

(6) Contact information for the Division of Consumer Affairs (1-800-242-5864 prompt #4).

B. The property owner and the tow company have a contract for the towing and the property owner has authorized the towing company to remove the particular vehicle.

C. The requirements do not apply to a single-family home or an owner-occupied multi-unit structure, and the signage requirements are different for a residential community with clearly marked assigned spaces for residents.

D. The Predatory Towing Prevention Act and this section further prohibit towing companies from the following:

(1) Failing to release a vehicle hooked or lifted, but not actually removed from private property, upon request of the vehicle's owner;

(2) Paying for information about vehicles parked without authorization;

(3) Refusing to accept an insurance company check or a debit card, charge card, credit card or personal check for towing or storage services; if the towing company ordinarily accepts such payment at its place of

SECTION 2. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any 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 thereof.

SECTION 4. This Ordinance shall take effect upon final passage and publication according to law.

BUSINESS FROM TOWNSHIP ATTORNEY

MEETING OPEN TO PUBLIC-(speakers will be limited to 3 minutes)

EXECUTIVE SESSION-
-RESOLUTION to enter into Executive Session

ADJOURN at _____

DRAFT AGENDA