

November 20, 2018

The Holland Township Committee met on the above date at the Holland Township Municipal Building, 61 Church Road, Milford, N.J. at 7:00 p.m.

Present at this meeting were: Mayor Daniel Bush, Committeemen Robert Thurgarland and Scott Wilhelm. Deputy Mayor Ray Krov attended the meeting via phone placed at the microphone. Also present was Attorney Richard Cushing. Committeeman Thomas Scheibener was absent.

There being a quorum this meeting was called to order by Mayor Bush at 7:06 p.m. Mr. Bush asked that all electronic equipment be turned off or silenced.

FLAG SALUTE

Mayor Bush invited the audience to join the Committee in reciting the “Pledge of Allegiance”.

OPEN PUBLIC MEETINGS STATEMENT

Clerk Miller announced publicly at the commencement of this meeting the following statement: Adequate notice of this meeting was given pursuant to the Open Public Meeting Act Law by the Township Clerk on **December 21, 2017** by:

1. Posting such notice on the bulletin board at the municipal building and the Holland Township website.
2. Mailing the same to the Hunterdon County Democrat and the Express-Times.

APPROVAL OF MINUTES

Mr. Thurgarland moved and Mr. Wilhelm seconded the motion to approve the minutes of the November 7, 2018 Regular Meeting and Executive Session.

Roll Call Vote	Ayes	Nays	Abstain	Absent
Scott Wilhelm	x			
Robert Thurgarland	x			
Thomas Scheibener				x
Ray Krov, Deputy Mayor	x			
Dan Bush, Mayor	x			

APPROVAL OF BILLS AS SUBMITTED

Mr. Thurgarland moved and Mr. Wilhelm seconded the motion to approve the bills as submitted:

Check#	Vendor	Description	Payment	Check Total
25691	ALLEGRO ENTERPRISES, INC.	Bottled Water for the Township	\$ 34.00	\$ 34.00
25692	Amazon.com RRCC	BOSU Balance Trainer	\$ 749.75	\$ 749.75
25693	Amp Your Good, Inc.	Control Bleed Kits	\$ 951.00	\$ 951.00
25694	Billows Electric Supply Company	Bulbs	\$ 92.90	\$ 92.90
25695	BINKLEY & HURST, LP	CX105 Shift Knob, Hydraulic Filter	\$ 1,351.14	\$ 1,351.14
25696	CASTLE SEPTIC SERVICE CORP.	Monthly Toilet Rental Charge November	\$ 280.00	\$ 280.00
25697	CLEMENS UNIFORM	Mats for community Day	\$ 92.00	
		Mats for RRCC	\$ 86.50	\$ 178.50
25698	CMS CONSTRUCTION INC.	Concrete Repair at pool	\$ 6,500.00	\$ 6,500.00
25699	CODY COMPUTER SERVICES, INC.	NIBRS Grant - Records Management Sy	\$ 23,341.50	\$ 23,341.50
25700	COOPER ALARM SYSTEMS, INC.	TV's for Fitness Center	\$ 411.76	
		TV's for Fitness Center	\$ 1,538.24	\$ 1,950.00
25701	COOPER ELECTRICAL SUPPLY	Light Repair (Chief Office)	\$ 64.83	
		Emergency Lights For DPW	\$ 182.22	
		Exit Sign	\$ 58.33	\$ 305.38
25702	Daxko LLC	Monthly Fees November 2018	\$ 566.88	\$ 566.88
25703	Deirdre Anderson	Group Exercise - October	\$ 354.80	\$ 354.80
25704	DEL VAL ALL SPORTS BOOSTER CLUB	2018 Road Cleanup - Del Val Football	\$ 500.00	\$ 500.00

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25705	DELL MARKETING L.P.	Record Management System Server (C	\$	3,255.77	\$	3,255.77
25706	EAST COAST EMERGENCY LIGHTING, INC.	2018 Leaf Machine Strobe Light	\$	343.44	\$	343.44
25707	Energy Fitness Wellness Solutions LL	Spin Bikes Squeaking	\$	145.00		
		Octane Repair	\$	634.97	\$	779.97
25708	EUGENIA FRANZO	Group X	\$	109.60	\$	109.60
25709	FAST WELD	RRCC Stage Railing	\$	1,250.00	\$	1,250.00
25710	FERGUSON - LAKEWOOD #501	6" Drain Plug - RRCC Pool	\$	127.71	\$	127.71
25711	FOX BROTHERS ALARM SERVICES, INC.	Alarm RRCC	\$	165.00	\$	165.00
25712	GEBHARDT & KIEFER, P.C.	Old Village Farm Road Opening 06011	\$	1,270.50	\$	1,270.50
25713	GEBHARDT & KIEFER, P.C.	Old Village Farm Road Opening	\$	146.00	\$	146.00
25714	GEBHARDT & KIEFER, P.C.	Penn East	\$	676.50	\$	676.50
25715	GRAINGER	Hand Wipes	\$	79.20	\$	79.20
25716	H.J. OPDYKE LUMBER COMPANY, INC.	Mortar Mix	\$	44.58	\$	44.58
25717	INGERSOLL RAND COMPANY	Air Compressor Replacement For DPW	\$	2,630.00	\$	2,630.00
25718	International Association of Chief	Membership Dues	\$	190.00	\$	190.00
25719	J C Ehrlich Co Inc.	Monthly Pest Control August 2018	\$	224.00		
		Monthly Pest Control September 2018	\$	224.00	\$	448.00
25720	JERSEY CENTRAL POWER & LIGHT	Account 100 060 952 585 Street Light	\$	59.18	\$	59.18
25721	JERSEY CENTRAL POWER & LIGHT	Account 100 004 272 652 Street Light	\$	1,329.81	\$	1,329.81
25722	JERSEY CENTRAL POWER & LIGHT	Account 100 004 272 595 Street Light	\$	23.18	\$	23.18
25723	Jessica Dulin-Soto	Yoga - October	\$	343.20	\$	343.20
25724	John P Gallina, Esq	PB Misc. general Matters 111218	\$	260.00	\$	260.00
25725	JULIANNA R. BENDIX	Yoga - October	\$	409.00	\$	409.00
25726	Laura Knott	Yoga October	\$	477.20	\$	477.20
25727	LMR Disposal LLC	Recycling Dumpster	\$	66.22	\$	66.22
25728	MAILFINANCE	12/8/18-3/7/19	\$	1,339.53	\$	1,339.53
25729	EDWARD HORSFALL	October	\$	900.00	\$	900.00
25730	MELANIE WOROB	Group Exercise Classes	\$	759.00	\$	759.00
25731	ONE CALL CONCEPTS, INC.	One Call Mark outs - Aug. Sept. Oct.	\$	31.25	\$	31.25
25732	P3 Generators LLC	Service of All Township Generators	\$	1,927.97	\$	1,927.97
25733	Patrick Carmona	Window Cleaning	\$	275.00	\$	275.00
25734	PILATES BY CORRINE, LLC	Pilates - October	\$	574.00	\$	574.00
25735	R & L DATACENTERS, INC.	Municipal Payroll	\$	355.78	\$	355.78
25736	RARITAN VALLEY DISPOSAL #865	2018 - 30 Yard Garbage Dumpster	\$	1,009.27		
		2018 - 30 Yard Garbage Dumpster	\$	520.73	\$	1,530.00
25737	RENTAL CENTER U.S.A.	Tables/Chairs	\$	456.00	\$	456.00
25738	Richies Tire Service	2018 Recycled Tires	\$	165.95		
		2018 Recycled Tires	\$	623.05	\$	789.00
25739	SAMZIE'S UNIFORMS	Badge	\$	120.00	\$	120.00
25740	SANICO, INC.	Monthly Invoice 2 YD FL Cont 1 pu/	\$	82.57		
		Monthly Invoice 6 YD Cont 1 pu/wk	\$	116.02		
		Monthly Invoice 4 YD Cont 1 pu/wk	\$	138.05		
		November 3101037	\$	55.38	\$	392.02
25741	SERVICE ELECTRIC CABLE TV, INC.	Cable	\$	98.44	\$	98.44
25742	SHERWIN-WILLIAMS CO., THE	Paint	\$	21.07	\$	21.07
25743	STAPLES BUSINESS ADVANTAGE	7207728776	\$	63.97	\$	63.97
25744	STEM BROTHERS, INC.	2018 Recycling Building Propane	\$	21.21	\$	21.21
25745	Stephanie Beddiges	Pilates - October	\$	519.20	\$	519.20
25746	STORR TRACTOR COMPANY	Hydraulic Kill Switch - 85C	\$	32.44	\$	32.44
25747	STRYKER	Snake out clogged drain	\$	381.50	\$	381.50
25748	Tamatha Isenberg	Yoga - October	\$	354.00	\$	354.00
25749	THERESA VERDI	Cleaning RRCC	\$	720.00	\$	720.00
25750	TRANS-BRIDGE, INC.	PR 120818 NYC trip Dec	\$	1,488.00	\$	1,488.00
25751	U.S. MUNICIPAL SUPPLY, INC.	Road Work, Narrow Road, 30 MPH Sign	\$	1,796.40	\$	1,796.40
25752	Verizon	DSL Internet	\$	95.98	\$	95.98
25753	VERIZON WIRELESS	Air Cards - October 2018	\$	229.11	\$	229.11
25754	VITAL COMMUNICATIONS, INC.	Tax Assessor's Office	\$	250.00	\$	250.00

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25755	Warren Materials	2018 Blacktop	\$ 2,265.00	\$ 2,265.00
25756	Glen G Hale Inc	Payment #1	\$ 61,101.73	\$ 61,101.73
			\$ 130,527.51	\$ 130,527.51
		Grand total	\$ 130,527.51	\$ 130,527.51

CURRENT FUND	BUDGET AND APPROPRIATION RESERVES	\$ 38,687.09	
GRANT FUND	BUDGET AND APPROPRIATION RESERVES	\$ 27,783.95	
GENERAL CAPITAL FUNDS	BUDGET AND APPROPRIATION RESERVES	\$ 61,101.73	
RIEGEL RIDGE TRUST FUND	LIABILITIES	\$ 1,538.24	
ESCROW	ESCROW FUNDS	\$ 1,416.50	
Checks issued 11-20-18			130,527.51

Roll Call Vote	Ayes	Nays	Abstain	Absent
Scott Wilhelm	x			
Robert Thurgarland	x			
Thomas Scheibener				x
Ray Krov, Deputy Mayor	x			
Dan Bush, Mayor	x			

OLD BUSINESS FROM TOWNSHIP COMMITTEE

-ORDINANCE 2018-14-Public Hearing/Final Adoption-Approving a Mutual Aid Agreement with Pohatcong Township for Huntington Fire Company

Mr. Thurgarland moved and Mr. Wilhelm seconded the motion to adopt Ordinance 2018-14 on Final Reading

ORDINANCE 2018-14

AN ORDINANCE APPROVING A MUTUAL AID FIREFIGHTING AGREEMENT BETWEEN THE HOLLAND TOWNSHIP VOLUNTEER FIRE COMPANY INC., OF THE TOWNSHIP OF HOLLAND AND THE HUNTINGTON VOLUNTEER FIRE COMPANY, INC. OF THE TOWNSHIP OF POHATCONG

WHEREAS, the above fire departments and companies, along with the municipalities in which they are located, are desirous of entering into a Mutual Aid Firefighting Agreement; and

WHEREAS, the entry of the aforesaid Agreement is authorized by N.J.S.A. 40A:14-156.1; and

WHEREAS, for the aforesaid Agreement to be effective, all municipalities executing the same must adopt reciprocal ordinances authorizing the execution of the said Agreement.

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

1. The Mayor and Municipal Clerk are hereby authorized and directed to execute the attached Mutual Aid Firefighting Agreement on behalf of the Township of Holland.
2. The attached Mutual Aid Firefighting Agreement will only be effective upon the adoption of a reciprocal ordinance authorizing its execution by the Township of Pohatcong and its actual execution by the said municipalities and its Fire Chief.
3. This Ordinance shall take effect upon passage and publication in accordance with law.

Mayor Bush opened the Public Hearing and asked if there were any comments from the public. There being no comments from the public, the hearing was ordered closed

Roll Call Vote	Ayes	Nays	Abstain	Absent
Scott Wilhelm	x			
Robert Thurgarland	x			
Thomas Scheibener				x
Ray Krov, Deputy Mayor	x			
Dan Bush, Mayor	x			

LIAISON REPORTS

Krov-

- recycling mailing has gone out to the printer
- tax sale is on line and more information will follow

Thurgarland

- Holland Happenings Newsletter-might use Home Town Press
- Updated website is almost ready

Wilhelm-

- Handbook Committee had their final meeting and the book will be ready for Committee approval at the next meeting

Bush

- Time line for Reconstruction on Route 519

As of November 20, 2018 the Anticipated Reconstruction Schedule of County Route 519 at Warren Glen Hill Road is as follows –

2018 - Minor work at the bottom of the hill, traffic control will be a single lane with alternating traffic during the day, when needed. Most of the work in 2018 is clearing in the area of the detention basin, so the delays are expected to be minimal.

2019 - The major construction of the project will occur in 2019. The roadway will be fully closed and traffic control will be a detour. It is expected to start in March and run for one construction season. After the 2019 construction season, the roadway will be reopened but the project will not be completed.

2020 - The project will be completed during the 2020 construction season, expected to start in March 2020. Traffic control will be a single lane with alternating traffic during the day.

Full closure is not anticipated until March 2019 and will last one construction season (normally March – October).

- thanks to DPW, Police, Chief Harris and Secretary for all their work during the November 15 snow storm
- Draft Ordinance to limit on street parking was handed out to the Committee for review and adoption in 2019.

NEW BUSINESS FROM TOWNSHIP COMMITTEE

- Approval and authorization** for the Mayor and Municipal Clerk to sign the Agreement with the Riegel Ridge Rams Youth Athletic Association for the use of Case Field.

Mr. Thurgarland moved and Mr. Wilhelm seconded the motion to approve the 8/1/2019-1/31/2020 and 8/1/2020-1/31/2021 Agreement with the Riegel Ridge Rams Youth Athletic Association for the use of Case Field and to authorize the Mayor and Municipal Clerk to sign said agreement.

Roll Call Vote	Ayes	Nays	Abstain	Absent
Scott Wilhelm	x			
Robert Thurgarland	x			
Thomas Scheibener				x
Ray Krov, Deputy Mayor	x			
Dan Bush, Mayor	x			

- RESOLUTION-** Farmland Preservation-Rolph Farm Block 17 Lot 9. County Ag Board Administrator Bob Hornby may attend

Mr. Thurgarland moved and Mr. Wilhelm seconded the motion to adopt the following Resolution:

RESOLUTION

Final Approval to the Proposed Acquisition of Development Easement on Property Owned by Barbara J. Rolph Block 17 Lot 9

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 October 25, 2018, the SADC certified the fair market value (CMV) of the development easement pursuant to N.J.A.C. 2:76-7.14 at \$4,100.00 per acre on the Rolph Farm in Holland Township Block 17, Lot 19 —with three dwelling opportunities consisting of: zero Residential Dwelling Site Opportunity (RDSO); two severable exceptions each consisting of: 5-acre exception area for future flexibility restricted to one single family residential unit; and one 5-acre non-severable exception around an existing single family residential unit and limited to one single family residential unit; resulting in approximately 91 net preserved acres; and

WHEREAS, on November 8, 2018, the landowner accepted the CMV of \$4,100.00 per acre, conditioned upon all interested parties granting final approval for acquisition of a development easement; and providing for a 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 91 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	~\$260,260.00
(\$2,860.00/acre; ~70% of est. total cost)	
Hunterdon County	~\$56,420.00
(\$620.00/acre; ~15% of est. total cost)	
Holland Township	<u>~\$56,420.00</u>
(\$620.00/acre; ~15% of est. total cost)	
Total	~\$373,100.00

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Holland, County of Hunterdon in the State of New Jersey that the Committee gives final approval to the proposed acquisition of a development easement on the property owned by Barbara J. Rolph, located at 645 Milford-Mt. Pleasant Rd., Milford, NJ; and designated as Block 17, Lot 19 in the Township of Holland, County of Hunterdon, State of New Jersey, and on approximately 91 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 severable exceptions each consisting of: 5-acre exception area for future flexibility restricted to one single family residential unit; and one 5-acre non-severable exception around an existing single family residential unit and limited to one single family residential unit;
 - b. Dwellings: Three dwelling opportunities consisting of; Zero Residential Dwelling Site Opportunity (RDSO); Two single family residential units in severable exception areas; and one existing dwelling in a non-severable exception 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 \$56,420.00. 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.

Roll Call Vote	Ayes	Nays	Abstain	Absent
Scott Wilhelm	x			
Robert Thurgarland	x			
Thomas Scheibener				x
Ray Krov, Deputy Mayor	x			
Dan Bush, Mayor	x			

-RESOLUTION- Authorizing submission of a strategic plan for the Delaware Valley Municipal Alliance grant for fiscal year 2019

Mr. Thurgarland moved and Mr. Wilhelm seconded the motion to adopt the following Resolution:

RESOLUTION

Authorization to Submit a Strategic Plan for the Delaware Valley
Municipal Alliance Grant for Fiscal Year 2020
Governor's Council on Alcoholism and Drug Abuse
Fiscal Grant Cycle July 1, 2019-June 30, 2020

WHEREAS, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Township Committee of the Township of Holland, County of Hunterdon, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Township Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

WHEREAS, the Township Council has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Hunterdon;

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

1. The Township Committee does hereby authorize submission of a strategic plan for the Delaware Valley Municipal Alliance grant for fiscal year 2020 in the amount of:

DEDR	\$20,777.00
Cash Match	\$ 5,194.25
In-Kind	\$15,582.75
2. The Township Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

3. The Township Committee further acknowledges that the Hunterdon County Educational Services Commission shall act as Fiscal Agent to all Hunterdon County Municipal Alliance Consortiums to provide a streamlined process for reimbursement of expenditures.

Roll Call Vote	Ayes	Nays	Abstain	Absent
Scott Wilhelm	x			
Robert Thurgarland	x			
Thomas Scheibener				x
Ray Krov, Deputy Mayor	x			
Dan Bush, Mayor	x			

-RESOLUTION-Transfer of funds

Mr. Thurgarland moved and Mr. Wilhelm seconded the motion to adopt the following Resolution:

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:
Buildings & Grounds O/E		3,000.00
RRCC O/E		6,000.00
Snack Shack O/E	4,000.00	
Snack Shack S/W	2,000.00	
Street Lights O/E	3,000.00	

Roll Call Vote	Ayes	Nays	Abstain	Absent
Scott Wilhelm	x			
Robert Thurgarland	x			
Thomas Scheibener				x
Ray Krov, Deputy Mayor	x			
Dan Bush, Mayor	x			

RESOLUTION-Milford Solar Road Opening Agreement

Mayor Bush advised that this Resolution will be tabled until the next meeting to give the Committee members time to review the Agreement.

RESOLUTION

Resolution Authorizing the Mayor and Municipal Clerk to Execute an Agreement Granting Permission to Place a Private Electric Transmission Line in the Right-of-Way and Hold the Township Harmless with Milford Solar Farm, LLC and Fiberville Estates, LLC

-ORDINANCE 2018-15 Introduction/First Reading-Towing and Storage Services

Mr. Thurgarland moved and Mr. Wilhelm seconded the motion to adopt Ordinance 2018-15 on first reading and set the Public Hearing for December 18, 2018

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 6,0001 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.

E. 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.

Roll Call Vote	Ayes	Nays	Abstain	Absent
Scott Wilhelm	x			
Robert Thurgarland	x			
Thomas Scheibener				x
Ray Krov, Deputy Mayor	x			
Dan Bush, Mayor	x			

BUSINESS FROM TOWNSHIP ATTORNEY

No report

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

Ted Harwick

-Will the current on wires that will be run under Cyphers Road have the ability to run both ways?
Mayor Bush will check with Engineer Rick Roseberry.

Jerry Bowers

-Route 519 construction-will there be signage for detour preventing large trucks from taking small roads. Bush advised there will be signs posted by the County, Police will be monitoring.

Mike Keady

New website-make sure the type can be read

EXECUTIVE SESSION

-RESOLUTION-to enter into Executive Session-

Mr. Wilhelm moved and Mr. Thurgarland seconded the motion to adopt the following Resolution at 7:36 pm noting no action will be taken when the Committee returns to Open Session.

RESOLUTION

Entering into Executive Session

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

WHEREAS, this public body is of the opinion that such circumstances presently exist;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Holland, that the public shall be excluded from discussion of the following matter(s):

- Contract Negotiations-Gridley Circle-issues with Glen Hale (contractor)
- Personnel Policies-updated employee handbook

BE IT FURTHER RESOLVED, that Minutes will be kept on file in the Municipal Clerk’s Office, and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes shall be made public. This Resolution will take effect immediately.

Roll Call Vote	Ayes	Nays	Abstain	Absent
Scott Wilhelm	x			
Robert Thurgarland	x			
Thomas Scheibener				x
Ray Krov, Deputy Mayor	x			
Dan Bush, Mayor	x			

The Committee returned to open session at 7:45 p.m.

ADJOURN

Mr. Wilhelm moved and Mr. Thurgarland seconded the motion to adjourn at 7:45 p.m.

Voice Vote	Ayes	Nays	Abstain	Absent
Scott Wilhelm	x			
Robert Thurgarland	x			
Thomas Scheibener				x
Ray Krov, Deputy Mayor	x			
Dan Bush, Mayor	x			

Respectfully submitted,

Approved by,

Catherine M. Miller, RMC
Municipal Clerk

Dan Bush, Mayor
Ray Krov, Deputy Mayor