

**BOROUGH OF PENNS GROVE
MAYOR AND COUNCIL**

**OCTOBER 15, 2019
MINUTES**

PLEDGE OF ALLEGIANCE.

REGULAR SESSION:

Invocation – Sharon R. Williams, Municipal Clerk

Roll Call: Oliver, Pasquale, Scott, Poindexter, Washington, Jr. @ 7:07 p.m.

EXECUTIVE SESSION:

RESOLUTION NO. 2019-10-143 – A RESOLUTION AUTHORIZING EXECUTIVE SESSION

NOW, THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Penns Grove will go into closed session to discuss the following, in accordance with the aforesaid provisions of the Open Public Meetings Act, after which it will reconvene in the public:

Matters Relating to contractual negotiations: Discussion regarding an Agreement to provide development consulting services, pursuant to N.J.S.A. 10:4-12b(7).

Motion to adopt by Oliver; second Poindexter. All in favor.

REGULAR SESSION:

Roll Call: Oliver, Pasquale, Scott, Poindexter, Washington, Jr.

PRESENTATION(S):

United States Census Bureau: Jennifer Jones, United States Census Bureau, addressed the history, need and benefit of the census and explained the need for temporary employment to conduct the 2020 Census.

Dennis Brown, East Pitman Street, questioned the process for federal aid, further questioning where and how funds are allocated.

Jones advised that information can be found on the Census Bureau website.

Brenda Rhoads, North Broad Street, questioned the Mexican status.

Eleanor Washington, Carneys Point, questioned hiring qualifications.

Jones advised that candidate must be 18 years of age or older.

Stephen Gouin, Attorney at Law, provided brief history of client, who desires to develop within the Borough. Steve Shankwitter, General Manager desire to development modular housing at the former Poland Building site.

CORRESPONDENCE:

Salem County Local Government Association – Dinner Meeting

COMMITTEE REPORTS:

Recreation/Board of Health: Washington, Jr. stated/addressed the following: Trick or Treat, Mischief Night, and the Trunk or Treat to be held on October 31st from 5:00 p.m. – 8:00 p.m;

Motion to approve October 31st Trick or Treat hours from 5:00 p.m. – 8:00 p.m. All in favor.

Motion to approve Trick or Treat hours from 5:00 p.m. until 8:00 p.m. by Poindexter; second Pasquale. All in favor.

Motion to approve curfew hours to 8:00 p.m. by Scott; second Poindexter. All in favor.

Buildings & Grounds: No report.

Public Safety: Poindexter stated/addressed the following: Nothing to report.

Public Works/Streets & Roads: Oliver stated/addressed the following: No report.

General Government: Pasquale stated/addressed the following: Resolution for telephone system; Finance Office Report for the month of September 2019. Motion to receive and file by Scott; second Oliver. All in favor.

Housing/Zoning & Construction/Shade Tree: Scott stated/addressed the following: Successful meeting with Housing Officer, Housing Inspector, Police Chief and Police Clerk and approximately 40 landlords.

SOLICITOR’S REPORT: Telsey stated/addressed the following: Correspondence received from Stalcup concerning 35 Franklin Street. After discuss regarding the unkempt property, motion to move forward with cleanup and place lien against property by Washington, Jr.; second Poindexter. All in favor.

FINANCE OFFICER’S REPORT: Walker addressed/stated the following: Budget Status Report, Chapter 159 for Assistance to Firefighter grant, Chapter 159 for New Jersey Transportation Grant, Penn Street, Phase III; Resolution to approving extension of fire truck lease; State Contract for telephone system; Ordinance providing funding match for ambulance grant.

CHIEF OF POLICE REPORT: Chief Stranahan addressed/stated the following: 391 Calls for service, 19 summons, 48 adult arrests, 0 juvenile arrests; Warrant Resolution Initiative held on October 28, 2019 from 9:00 am to 11:00 am in the Silver Run Apartments’ community room.

FIRE CHIEF REPORT: Chief Hartsough addressed/stated the following: Fire Prevention month, reminding all to check smoke detectors; Fire Prevention with truck visit to child daycare at the corner of Broad and Main Street; soliciting donations to the Fire Department via regular post.

RESOLUTION(S):

2019-10-149 – A RESOLUTION CANCELLING 2019 TAX AS BOROUGH OWNED

BE IT RESOLVED by the Mayor and Council of the Borough of Penns Grove, County of Salem, State of New Jersey that the 2019 fourth quarter tax bill be cancelled due to ownership being the Borough’s by In Rem Foreclosure in 2018, but still being class 2 in the 2019 Tax Duplicate;

WHEREAS, the property is as followed:

128/16	186 S Broad St	\$776.65	Final Judgment dated 10/01/2018
--------	----------------	----------	---------------------------------

AND BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Tax Collector and the Chief Financial Officer for their records and guidance.

Motion to adopt by Washington, Jr.; second Oliver. All in favor.

2019-10-150 – A RESOLUTION CANCELLING TAXES BILLED

BE IT RESOLVED by the Mayor and Council of the Borough of Penns Grove, County of Salem, State of New Jersey that the following parcels’ 2019 fourth quarter tax be cancelled due to an In Rem Foreclosure final judgment dated January 25, 2019.

WHEREAS, the properties are as followed:

<u>Block & Lot</u>	<u>Address</u>	<u>Billed Amount</u>
11/2	74 W Line Street	\$214.61
12/8	81 Poplar Street	\$357.87
13/26	Poplar Street	\$43.23
17/8	111 Lanning Avenue	\$973.44
17/10	115 Lanning Avenue	\$566.20
17/14	133 Lanning Avenue	\$697.95
18/5	101 Lanning Avenue	\$246.53
21/3	78 N Broad Street	\$197.93
22/5	9 Pearl Street	\$389.05
26/4.01	105 N Broad Street	\$443.30
27/18	19 E Pitman Street	\$601.01
31/12	58 E Pitman Street	\$49.63
36/12.01	201 E Main Street	\$831.58
39/6	21 N Smith Avenue	\$109.36

AND BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Tax Collector and the Chief Financial Officer for their records and guidance.

Motion to adopt by Oliver; second Poindexter. All in favor.

2019-10-151 – RESOLUTION AUTHORIZING AN APPLICATION FOR CHARITABLE SOLICITATION

WHEREAS, the American Cancer Society has requested permission to conduct a Charitable Solicitation; WHEREAS, U.S. Rout 130 and Main Street is located within the Borough of Penns Grove ("Borough") County of Salem, State of New Jersey; and

WHEREAS, the applicant has requested to solicited at the intersection of U.S. 130 and Main Street on May 2, 2019 (rain date May 9, 2019) from 8:00 a.m. until 12:00 noon;

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Borough of Penn's Grove, County of Salem, State of New Jersey, hereby grant approval, with the following conditions:

Approval from the Salem County Board of Chosen Freeholders.

Approval from the State of New Jersey, Department of Transportation.

AND, BE IT FURTHER RESOLVED, that the Clerk shall forward a copy of this Resolution to the Salem County Engineer's Office, who will forward to the Salem County Board of Chosen Freeholders for consideration.

AND, BE IT FURTHER RESOLVED, that the Clerk certify a copy of this Resolution and file it on the public record.

Motion to adopt by Washington, Jr.; second Poindexter. All in favor.

2019-10-152 – RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET OF THE BOROUGH OF PENNS GROVE PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, PL 1948)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Penns Grove;

County of Salem, State of New Jersey, hereby request that the Director of the Division of Local Governmental Services to approve the insertion of an item of revenue in the Budget Year 2019, for the sum of \$ 225,804.75, which is now available as a revenue from FY 2018 Assistance to Firefighters Grant, from Department of Homeland Security;

BE IT FURTHER RESOLVED that a like sum of \$ 225,804.75 be and the same is hereby appropriated under the caption of:

FY 2018 Assistance to Firefighters Grant

BE IT FURTHER RESOLVED, that the above is the result of a State of New Jersey Department of Transportation, FY 2019 Municipal Aid & Urban Aid Program.

Motion to adopt by Pasquale; second Washington. All in favor.

2019-10-153 – RESOLUTION PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE BUDGET OF THE BOROUGH OF PENNS GROVE PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, PL 1948)

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Penns Grove, County of Salem, State of New Jersey, hereby request that the Director of the Division of Local Governmental Services to approve the insertion of an item of revenue in the Budget Year 2019, for the sum of \$ 180,852.00 which is now available as a revenue from State of New Jersey Department of Transportation, FY 2019 Municipal Aid & Urban Aid Program;

BE IT FURTHER RESOLVED that a like sum of \$ 180,852.00 be and the same is hereby appropriated under the caption of:

New Jersey Department of Transportation: Penn Street-Phase 111

BE IT FURTHER RESOLVED, that the above is the result of a State of New Jersey Department of Transportation, FY 2019 Municipal Aid & Urban Aid Program.
Motion to adopt by Poindexter; second Washington, Jr. All in favor.

2019-10-154 – A RESOLUTION AUTHORIZING A STATE CONTRACT

WHEREAS, the Borough of Penns Grove wishes to replace existing 1990s technology telephone system with an NEC IP Unified communications system for RFP Solutions, Inc. with:

Description	Quantity
NEC Univerge SV9100 Hybrid IP Communications System	1 EA
NEC Univerge SV9100 16 Port Analog Station Card	2 EA
NEC Univerge SV9100 4 Port Outside Line/Trunk Card with CID	1 EA
NEC 23 Port ISDN-PRI ard	1 EA
NEC 8 Button Display Speakerphone	23 EA
Battery Backup with Built-in Battery Charger	1 EA
NEC Univerge Voicemail System	1 EA
NEC Voicemail Licenses	40 EA

From authorized vendor under the State of New Jersey Cooperative Purchasing Program 1-NJCP and; WHEREAS, the purchase of goods and services by the local contracting unit is authorized by the Local Public Contract Laws, N.J.S.A. 40 A: 11-12; and

WHEREAS, RFP Solutions has been awarded New Jersey State Contact No. 80801;

WHEREAS, The Finance Officer recommends the utilization of this contact on the grounds that it represents the best price available for this contact and;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Penns Grove that it purchases the following:

Description	Quantity
NEC Univerge SV9100 Hybrid IP Communications System	1 EA
NEC Univerge SV9100 16 Port Analog Station Card	2 EA
NEC Univerge SV9100 4 Port Outside Line/Trunk Card with CID	1 EA
NEC 23 Port ISDN-PRI ard	1 EA
NEC 8 Button Display Speakerphone	23 EA
Battery Backup with Built-in Battery Charger	1 EA
NEC Univerge Voicemail System	1 EA
NEC Voicemail Licenses	40 EA

from an authorized vendor under the State of New Jersey be awarded a contract for this purchase for the Police Department for \$ 17,012.00.

SAID RESOLUTION, is valid upon approval of Attachment D Waiver by State Monitor from the Department of Community Affairs, Transitional Aid Program.

Motion to adopt by Washington; second Pasquale. All in favor.

2019-10-155 – A RESOLUTION APPROVING EXTENSION OF LEASE OF FIRE APPARATUS

WHEREAS, the Borough of Penns Grove ("Borough") is still in need of leasing a ladder truck for its fire department as the result of damage suffered by the current ladder truck; and

WHEREAS, ladder truck, which was damaged, is completely out of service thereby exposing the citizens of the Borough to danger if confronted with an emergency situation which requires the use of a ladder truck; and

WHEREAS, the loss of the ladder truck constitutes an emergency affecting the public health, safety and welfare and which requires the immediate lease of a ladder truck; and

WHEREAS, the Borough Certified Financial Officer has been made aware of this emergency and is satisfied that an emergency exists; and

WHEREAS, the Borough would like to enter into a lease agreement for a ladder truck with ABC Emergency Rental for a term of 168 days with a total rental amount of \$65, 140.00; and

WHEREAS, the first payment of \$13,739.83 shall be due no later than November 8, 2019 and the second payment of \$51,400.17 due no later than 14 days after the date in which the Borough received approval for that amount by its insurance carrier; and

WHEREAS, the Borough CFO can only certify funds for this lease in the amount of \$13,739.83; and

WHEREAS, once the Borough insurance carrier approves he additional payment of \$51,400.17, then the Borough CFO shall be able to certify the additional finds requires for this lease;and
WHEREAS, in the event the Borough insurance carrier does not approve the additional funds of \$51,400.17 for this lease, then the Borough has the option of cancelling the lease after the initial 35 days of the lease and there shall be no additional fee owed to ABC Rentals; and
WHEREAS, the Lease Agreement has been attached hereto as Exhibit A; and
WHEREAS, the Mayor and Council are in support of the lease attached hereto as Exhibit A;
and
WHEREAS, the lease agreement does not require public bidding because an emergency exists as set forth in N.J.S.A. 40A:11-6;
NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Penns Grove that the lease attached hereto as Exhibit A is approved and that the Mayor is authorized to execute the lease on behalf of the Borough of Penns Grove. This resolution shall be subject to the approval of the New Jersey Department of Community Affairs prior to the execution of the lease agreement.

Motion to adopt by Scott; second Poindexter. All in favor.

ORDINANCE(S):
2019-12 – ORDINANCE AMENDING BOND ORDINANCE 2013-11 OF THE BOROUGH OF PENNS GROVE, COUNTY OF SALEM, NEW JERSEY

****PUBLIC HEARING****

BE IT ORDAINED, by the Borough Council of the Borough of Penns Grove, County of Salem, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The Title of Bond Ordinance 2013-11 ("Bond Ordinance") is hereby amended to provide as follows: "BOND ORDINANCE AUTHORIZING THE REPAIR OF AND/OR RELATED IMPROVEMENTS TO CERTAIN PUMP STATIONS AND THE ACQUISITION OF A FIRE TRUCK IN THE BOROUGH OF PENNS GROVE, COUNTY OF SALEM, NEW JERSEY; APPROPRIATING THE SUM OF \$260,000 THEREFOR; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE BOROUGH OF PENNS GROVE, COUNTY OF SALEM, NEW JERSEY IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$247,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING"

Section 2. Section 7 of the Bond Ordinance is hereby amended to provide as follows:

"The improvement hereby authorized and the purpose for which said obligations are to be issued; the estimated costs of said purpose; the amount of down payment for said purpose; the maximum amount obligations to be issued for said purpose and the period of usefulness of said purpose within the limitations of the Local Bond Law are as follows:

<u>Purpose/Improvement</u>		<u>Estim</u> <u>ated</u> <u>Total</u> <u>Cost</u>	<u>Dow</u> <u>n</u> <u>Pay</u> <u>men</u> <u>t</u>	<u>Amou</u> <u>nt of</u> <u>Obliga</u> <u>tions</u>	<u>Perio</u> <u>d of</u> <u>Usefu</u> <u>lness</u>
A	Repair of and/or Related Improvements to Various Pump Stations including, but not limited to, Mill Street Pump Station and Delaware Avenue Pump Station, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto, all as further described in the documentation on file and available for review at the Borough Clerk's office	\$23 8,00 0	\$11 ,90 0	\$226 ,100	40 year s

	<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
B	Acquisition of an Ambulance (Local Share), together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	22,000	1,100	20,900	10 years
	TOTAL	\$260,000	\$13,000	\$247,000	"

**

Section 3. The Bond Ordinance is hereby amended to provide as follows:

"Section 17. The average period of useful life of the several purposes for the financing of which this Bond Ordinance authorizes the issuance of bonds or bond anticipation notes, taking into consideration the respective amounts of bonds or bond anticipation notes authorized for said several purposes, is not less than 37.46 years.."

Section 4. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the regulations promulgated by the Local Finance Board showing full detail the amended capital budget and capital improvement program as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, are on file with the Clerk and available for public inspection.

Section 5. All other parts of the Bond Ordinance are not amended hereby shall remain in full force and effect.

Section 6. In accordance with the Local Bond Law, this ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

Motion to open meeting to the public by Washington, Jr.; second Poindexter. All in favor.

Motion to close meeting to the public by Poindexter; second Oliver. All in favor.

Motion to adopt by Poindexter; second Washington, Jr. Roll call. All ayes.

2019-13 – ORDINANCE ESTABLISHING TOWING REQUIREMENTS

WHEREAS, N.J.S.A. 56:13-16 was adopted by the New Jersey Legislature which established to unlawful practices for towing companies; and

WHEREAS, the Borough of Penns Grove would like to add a towing ordinance to the Penns Grove Code in order to comply with N.J.S.A. 56:13-16.

NOW, THEREFORE, BE IT ORDAINED by the Borough of Penns Grove, County of Salem, and the State of New Jersey that Chapter 418 shall be added to the Code of the Borough of Penns Grove as follows:

Chapter 418 shall be entitled "Towing"

§ 418-1 Rotating list.

A. A list of towing vendors is hereby established to provide towing services for the Borough of Penns Grove on a rotating basis. The Police Department shall maintain the rotating list and determine the time period for each rotation. The list of vendors shall be determined by and under the direct supervision of the Chief of Police.

B. A vendor shall be placed on the rotating list in the order in which its application was approved. Each new vendor shall initially be placed last on the list.

C. If a vendor is called and for any reason does not or cannot perform the requested service, the next vendor on the list will be called to perform the towing service.

§ 418-2 Application and approval process.

A. A vendor seeking placement on the rotating list shall be required to submit an application and receive the approval of the Chief of Police.

B. All applicants are required to complete an application furnished by the Borough Clerk providing any and all information prescribed by the Chief of Police.

C. Each vendor must be able to demonstrate to the Borough that it is thoroughly qualified and experienced in the towing and removal of vehicles of all types and that it has adequate facilities, equipment, expertise,

licensing and personnel certified by Towing and Recovery Association of America to perform the services in a manner satisfactory to the Borough of Penns Grove Police Department.

D. The Borough of Penns Grove Police Department will conduct a background investigation of the vendor for approval of placement on the towing list. The applicant will be required to pay the associated fees.

E. Approval may be denied, suspended or revoked upon any of the following, but not limited to, circumstances:

(1) Submitting a fraudulent or misleading application.

(2) A criminal conviction of a named principal of the vendor.

(3) Failure to respond reliably and promptly to calls for assistance or any other unsatisfactory performance action which interferes with the proper operation of the rotating system maintained by the Police Department.

(4) Failure to utilize safe and adequate equipment as defined herein.

(5) Violation of motor vehicle laws and/or municipal ordinances.

Failure or refusal to tow or remove a motor vehicle when requested to do so by an appropriate municipal official.

(6) Failure or refusal to tow or remove a motor vehicle when requested to do so by an appropriate municipal official.

(7) Violations of the zoning ordinances or any other applicable ordinances or codes of the Borough of Penns Grove in conducting the towing business.

F. Once an applicant has been approved by the Chief of Police, the applicant shall be placed on the rotating list of towing vendors for a period of one year. The application shall be renewed annually upon the payment of the fee as set forth in Subsection G of this section.

G. A vendor seeking placement on the rotating list shall submit an application on an annual basis. The application shall be filed with the Chief of Police not later than December 15 in the year prior to which approval is sought. All applications shall be accompanied by a nonrefundable fee of \$100, which fee shall be payable to the Borough of Penns Grove.

§ 418-3 Regulations.

A. The Police Department in general and the Chief of Police in particular shall enforce the within provisions.

B. The Chief of Police is hereby authorized and empowered to establish, from time to time, written policies and procedures as may be reasonable and necessary to obtain compliance with the terms of this chapter and the laws of the State of New Jersey.

C. All regulations, policies and procedures shall be made available for inspection by the public at the Borough Clerk's office during normal business hours.

D. Complaints by motor vehicle owners of any tow contractor shall be referred to the Chief of Police, who shall promptly investigate and resolve any dispute.

418-4 General requirements.

A. The applicant shall verify a minimum of three years of towing-for-hire experience either as an owner or principal at an established business. Verification will be done by the Chief of Police or designee.

B. The applicant or agent shall not have received a criminal conviction within the last seven years involving stolen or embezzled vehicles, fraud relating to the towing business, stolen property, or any other offense of a similar nature. All applicants and/or agents must submit to a criminal history check in compliance with the New Jersey State Police, Records and Identification Section, SBI Form 212B.

C. The principal location of the applicant must be staffed during business hours and shall maintain a clean, comfortable waiting room and toilet facilities.

D. The method of towing, transporting, or recovering a vehicle pursuant to this chapter shall be performed consistent with the applicable manufacturer's ratings including, but not limited to, the following:

(1) Chassis gross vehicle weight rating.

(2) Chassis combined gross vehicle weight rating.

(3) Boom capacity rating.

(4) Winching capacity rating.

E. The applicant shall represent that its trucks and equipment are safe, properly equipped, sound mechanically, and suitable for intended use (N.J.S.A. 39:3-1 et seq. and 49 CFR 393). The vendor may be subject to inspection by trained/certified New Jersey State Police Commercial Vehicle Inspection personnel.

F. The vendor shall file a list of rates and charges for each type of service provided by each towing and recovery unit. The filed rates may be adjusted at any time upon request by the vendor and notification to the Penns Grove Police Department.

G. It is the responsibility of the vendor to recover all charges for vehicle towing and recovery operations from the vehicle owner or the owner's insurance carrier. Neither the Penns Grove Police Department or the Borough of Penns Grove shall be responsible for collecting any fees that are owed to the vendor.

H. It is the responsibility of the vendor to remove all debris and/or cargo from the incident scene directly and/or use a subcontractor and in compliance with the cargo handling procedures as set forth in this chapter.

§ 418-5 Response times/location.

A. Upon receiving notification from the communication center, the vendor shall be allowed 15 minutes maximum response time from the vendor's principal location. In the event that the vendor is unable to respond in the allotted time, the next vendor on the rotating list will be notified.

§ 418-6 General operation.

A. The vendor shall be available 24 hours a day, seven days a week, including holidays.

B. The vendor shall not use answering machines or beepers to receive calls from a communications center dispatcher.

C. The vendor shall accept at least two major credit cards and shall not charge the patron for its use.

D. The vendor shall not remove any vehicle from any roadway without proper authorization.

E. The vendor shall answer routine calls for service in addition to calls for towing.

F. The vendor shall be reasonably responsible for clearing the roadway of debris, except hazardous materials. Hazardous materials may be defined as any dangerous or unknown substance which the vendor has not been properly trained or licensed to dispose.

G. The vendor shall notify the communications dispatcher when unable to respond to a call or when unable to meet the response time requirement. The vendor shall also immediately notify the communications dispatcher when unable to respond or when unable to meet the response time requirements of a previously accepted call.

H. The vendor shall not assign calls to other tow companies.

I. When patrons do not have funds available for payment, the vendor shall tow the patron's vehicle to the vendor's storage facility until payment arrangements have been made.

J. The vendor and company representatives shall cooperate and communicate with the police officer in charge and other emergency service personnel at incident scenes.

K. The vendor must post, in a conspicuous manner, a copy of its approved service rates.

L. The vendor or its agent must be available to surrender property from towed vehicles during normal business hours and on Saturday, 9:00 a.m. to 12:00 noon.

M. All drivers/operators must possess a valid New Jersey driver's license.

N. The vendor must have inside repair facilities with an ample inventory of parts.

O. The vendor must maintain individual written records for impounded vehicles. These records will indicate full vehicle information, odometer reading, date and time towed and released. Impounded vehicles will not be released without authorization from the Penns Grove Police Department.

P. The Penns Grove Police Department shall be responsible for attempting to notify the owner of an abandoned vehicle that it has been towed within 10 calendar days of the tow. In the event the towed vehicle is not removed within seven calendar days by the owner, the vendor shall be responsible for notifying the Penns Grove Police Department in writing of this situation. Failure of the vendor to make notification as previously stated herein shall limit the storage charge to seven calendar days only.

Q. The Chief of Police shall have the discretion to determine the maximum number of vendors needed for the Borough of Penns Grove.

§ 418-7 Driver requirements.

A. The vendor shall submit a list of drivers with copies of their New Jersey driver's licenses. This information will be submitted to the Penns Grove Police Department for background checks. Background checks will be the responsibility of the vendor/owner.

B. The vendor shall notify the Chief of Police or designee concerning any changes in employee status, including additions and deletions.

C. Drivers shall behave in a professional manner.

D. Each driver must obtain a Level 2 National Driver Certification or equivalent. Each new hire must obtain his or her certificate within nine months from start of employment. Each driver must possess a commercial driver's license (CDL) and must also comply with 49 CFR 391.51.

E. Each recovery supervisor must obtain a Level 3 National Driver Certification or equivalent within nine months from start of employment and must have received training in an industry-recognized recovery course. Although all personnel on the recovery scene do not need recovery training, each recovery supervisor must meet the listed requirements.

F. All certifications will be verified and maintained at the Penns Grove Police Department.

§ 418-8 Insurance requirements.

A. Each vendor shall be required to purchase, maintain and provide during the time of service on the rotating list proof of insurance, including the certificate(s) furnished by a reputable insurance company

licensed to do business in the State of New Jersey, containing the following coverage with liability limits as set forth below:

(1) Garage liability/comprehensive general liability insurance policy in an amount not less than \$3,000,000 combined single limit covering bodily injury and property damage liability including, but not limited to, personal injury, products liability (where applicable), independent contractor and completed operation coverage.

(2) Garage keeper's legal liability insurance policy in an amount not less than \$100,000. Said policy must include both comprehensive and collision, and an endorsement to include "on hook."

(3) Automobile liability insurance policy in an amount not less than \$3,000,000 combined single limit covering bodily injury and property damage liability including, but not limited to, owned, no owned and hired vehicles.

(4) Worker's compensation insurance as required by law, including but not limited to statutory New Jersey workers' compensation benefits and employers' liability of at least \$100,000.

(5) Excess umbrella liability. In the event that garage liability and/or automobile liability cannot be purchased up to the required three-million-dollar limit, an excess liability or umbrella liability policy must be purchased to effect a total liability limit of \$3,000,000. Excess or umbrella liability policies will not be required for garage keeper's policies that meet or exceed the one-hundred-thousand-dollar minimum limit.

B. The garage liability and automobile liability policies shall name the Borough of Penns Grove as an additional insured and certificate holder.

C. The vendor shall execute an agreement to hold harmless, indemnify and defend, at the vendor's expense, the Borough, its employees and officials from any and all claims, demands, suit or action for personal injury or property damage brought against the Borough, its employees and officials for any activities which arise out of any services performed hereunder.

D. Copies of the above-mentioned documents will be maintained at the Penns Grove Police Department.

§ 418-9 Storage requirements.

A. The lot must display a certificate of occupancy for related business.

B. The vendor must be equipped to provide proper, safe and secure storage for all vehicles that are towed and stored. The Chief of Police or designee will conduct an annual inspection of the storage facility.

C. Impounded vehicles shall only be released upon proper authorization of the Penns Grove Police Department. The vendor shall assume responsibility for all impounded vehicles released without authorization.

D. Personal property is considered to be any item that is not directly affixed to the vehicle. Such items shall be released to the owner upon request during normal business hours at no charge.

E. Each storage facility must be:

(1) Located in close proximity to the vendor.

(2) Secured by a minimum six-foot barrier sufficient to deter trespassing and/or vandalism.

(3) Staffed or available for access between the hours of 8:00 a.m. and 6:00 p.m. Monday through Friday, and Saturday, 9:00 a.m. to 12:00 noon, excluding legal holidays.

(4) Sufficient in size to accommodate all vehicles towed at the request of the Penns Grove Police Department.

(5) Secure for all vehicles in custody, proportionate to the history and level of crime and/or vandalism in the area.

§ 418-10 Fee Schedule for Non-Consensual Law Enforcement Tow.

A. All towing vendors may charge a fee up to the amount established by the New Jersey State Police for Non-consensual Law Enforcement Tows for non-toll roads.

§ 418-11 Equipment requirements.

A. A vendor must present for service a minimum of two trucks, consisting of a flatbed and a wrecker, which meet the following minimum requirements:

(1) Ten thousand pounds GVWR minimum commercially manufactured wrecker and chassis.

(2) Minimum wheel lift capacity of 3,000 pounds.

(3) Minimum winch capacity of 8,000 pounds.

(4) Three-eighths-inch-by-one-hundred-foot cable or OEM specifications.

(5) Two safety chains, 3/8 inch by 10 feet high test.

(6) Two tow chains, 3/8 inch by 10 feet high test with J&T hooks, and grab hooks.

(7) Three-ton snatch block.

(8) Trailer ball hitch attachment.

(9) Motorcycle towing equipment.

(10) Amber emergency lights with proper amber light permit from State of New Jersey.

(11) Two flood or work lights to the rear of the wrecker.

- (12) Two-way radio or cellular phone.
- (13) Assortment of tools.
- (14) Jumper cables.
- (15) Flashlight, fire extinguisher, first aid kit.
- (16) Gas can.
- (17) Lug wrench and jack.
- (18) Broom and shovel, road flares, triangles or road cones.
- (19) Fourteen thousand five hundred pounds GVWR minimum commercially manufactured flatbed and chassis 17 feet or longer hydraulically operated slide back or tilt bed.
- (20) Three-eighths-inch-by-fifty-foot cable or OEM specifications.
- Four safety chains, 3/8 inch by 10 feet high test.
- (22) One bridle chain, high test with J hooks, and grab hooks.
- (23) One four-ton snatch block.
- (24) Assortment of wood blocks and boards.

B. In addition to the requirements of Subsection A of this section, vendor must present for service a minimum of one additional truck, which meets the following minimum requirements:

- (1) One 35,000 pounds GVWR minimum commercially manufactured wrecker and chassis.
- (2) Meeting state and federal DOT requirements governing commercial motor vehicles.
- (3) Air brakes.
- (4) Air transfer system for the controlling of the brakes of the towed vehicle.
- (5) Axle lift with a minimum lift capacity of 25,000 pounds and a tow capacity of 80,000 pounds.
- (6) Two safety chains, 1/2 inch by 10 feet alloy.
- (7) Two tow chains, 5/8 inch by 10 feet alloy.
- (8) Axle lift safety straps or equivalent retention device.
- (9) Amber emergency lights with proper amber light permit from the State of New Jersey.
- (10) Two flood or work lights to the rear of the wrecker.
- (11) Tow light bar or magnetic tow lights.
- (12) Two-way radio or cellular telephone.
- (13) Assortment of wood blocks or boards.
- (14) Assortment of tools.
- (15) Flashlight.
- (16) T-Bolts/maxi release pins.
- (17) Angle iron.
- (18) First aid kit.
- (19) Fire extinguisher.
- (20) Broom and shovel.
- (21) Road flares, triangles and road cones.

C. The vendor must have the capability to tow a minimum of three vehicles at the same time.

D. The vendor will be permitted to tow a vehicle over 10,000 pounds gross vehicle weight (GVWR) for disabled vehicles only.

§ 418-12 Recovery duty.

A. Includes service for all accidents, recovery, and winching incidents for any vehicle over 10,000 pounds GVWR or any vehicle that has dual wheels.

B. The vendor must meet the following minimum requirements:

- (1) Two thirty-five-thousand-pound GVWR minimum commercially manufactured wrecker and chassis with wheel lift. All wreckers must be fully hydraulic. Mechanically or electronically operated wreckers and/or fifth wheel hookups will not be permitted.
- (2) Oshkosh or Sterling-type crane can be substituted for one mechanical boom wrecker.
- (3) Meeting state and federal DOT requirements governing commercial motor vehicles.
- (4) Air brakes.
- (5) Air transfer system-the controlling of the brakes of the towed vehicle.
- (6) At least one truck shall have an axle lift with 25,000 pounds minimum lift capacity and 80,000 pounds tow capacity.
- (7) Fifty-thousand-pounds minimum winch capacity.
- (8) Fifty-thousand-pounds minimum boom capacity.
- (9) Five-eighths-inch-by-two-hundred-foot cable or OEM specifications.
- (10) Two safety chains one-half-inch-by-eight-foot alloy.
- (11) Two tow chains 1/2 inch by 10 feet and four chain binders.
- (12) Four winching chains one-half-inch-by-eight-foot alloy.

- (13) Four tie down chains 5/16 inch by 10 feet and four chain binders.
- (14) Two recovery straps six inches by 20 feet or longer.
- (15) Axle-lift safety straps or equivalent retention device.
- (16) Two scotch blocks or recovery stiff legs mounted into body of truck.
- (17) Two twelve-ton snatch blocks.
- (18) Amber emergency lights with proper amber light permit from the State of New Jersey.
- (19) Two flood or work lights to the rear of the wrecker.
- (20) Two-way radio or cellular telephone.
- (21) Assortment of wood blocks and boards.
- (22) Assortment of tools.
- (23) Flashlight.
- (24) Angle iron.
- (25) Tow light bar or magnetic tow lights.
- (26) T-bolts/maxi release pins.
- (27) Hydraulic bottle jack.
- (28) First aid kit.
- (29) Fire extinguisher.
- (30) Broom and shovel.
- (31) Road flares, triangles or road cones.
- (32) Additional equipment either owned or subcontracted.
- (33) One air cushion recovery system including starter cushions, with motor-driven air pump, with lifting capacity of 100,000 pounds.
- (34) One semi-tractor with fifth wheel.
- (35) One Lowboy or Land all-type equipment-hauling trailer with minimum hauling capacity of 40,000 pounds.
- (36) One relief trailer or truck capable of transferring loads off damaged trucks.

§ 418-13 Suspensions; termination; appeals.

A. The Chief of Police is empowered to suspend or remove vendors from the towing list for three failures to respond on a timely basis, failure to demonstrate the skills necessary to perform tows or recoveries in a safe, prompt and efficient manner, or excessive, unresolved customer complaints.

B. Termination may occur if the application is fraudulent, an indictable conviction of the owner, the owner's insurance is cancelled, or if there is evidence indicating a pattern of consumer fraud or any serious violation as determined by the Chief of Police.

C. The vendor may appeal any disciplinary action to the Penns Grove Borough Committee. The sanctions of the Chief of Police will not be stayed pending appeal.

§ 418-14 Cargo-handling procedures.

A. Where the driver, owner, or his representative is capable of action on his own, the police officer will make it clear to him that responsibility for safeguarding or disposal of property rests with him and that it must be disposed of promptly. The police officer will instruct the driver to remain with the disabled or wrecked vehicle until the vehicle and cargo are off the roadway and in a place of safety designated by the driver or owner of the vehicle.

B. Where the driver, owner or his representative is not able to take over himself, but the vehicle and its contents can be handled expediently by a wrecker, the police officer will advise the authorized vendor called to tow the disabled or wrecked vehicle to take charge of the vehicle and its contents.

C. In all such cases involving the handling, safeguarding and disposal of such property, where police officers rather than the owners or drivers must take charge, the owner or some other responsible party will be promptly notified by the Penns Grove Police Department.

D. If there is a load spillage on the roadway which the wrecker, in the opinion of the Penns Grove Police Department, cannot handle, NJDOT maintenance crews or the Public Works Department (on nonstate highways) shall be notified. Cargo shall not be disposed of by maintenance crews. The Penns Grove Police Department shall have sole authority to dispose of cargo that is in the best interest of the public.

E. In the event of spillage of perishable goods (food, drugs, alcohol) the County Department of Health shall be notified by the Penns Grove Police Department, requesting one of their inspectors report to the scene to inspect the goods and take such action as appropriate.

F. If, in the opinion of the Penns Grove Police Department, after consultation with the authorized vendor, the cargo must be unloaded before the vehicle can be removed, the following procedure shall be followed:

(1) It is imperative that any vehicle disabled or involved in an accident be removed as quickly as possible. This also applies to a vehicle that is on the shoulder or overturned in a ditch or berm. To accomplish this, the

trucking company shall assume as much responsibility as possible. The off-loading of cargo must begin no less than one hour after the communication center dispatcher is notified.

(2) The communication dispatcher will contact the company and make all arrangements for trucks and manpower at the scene. The Police Officer in charge of the scene will make arrangements to remove the vehicle and its cargo by the best possible means. The order of preference is as follows:

(a) Company truck and company manpower.

(b) Company truck, authorized vendor manpower.

(c) Towing vendor truck and manpower.

(d) Towing vendor truck and NJDOT or Public Works maintenance manpower.

(e) NJDOT or Public Works maintenance trucks and NJDOT or Public Works maintenance manpower.

(3) Should the NJDOT or Public Works be involved with the off-loading of the cargo, a maintenance supervisor shall dispatch the necessary personnel and equipment and, under the direction of that supervisor, shall unload the cargo. It shall not be disposed of by the NJDOT or Public Works unless or until abandonment by the owner is established. The Penns Grove Police Department shall have sole authority to dispose of the cargo in the best interest of the public. Police Department shall have sole authority to dispose of the cargo in the best interest of the public.

G. In the event of a spillage of petroleum products, the protocol of the Penns Grove Fire Department and Office of Emergency Management shall be followed.

THIS ORDINANCE shall take effect according to law. All other Ordinances or part of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Motion to open meeting to the public by Washington, Jr.; second Scott. All in favor.

Motion to close meeting to the public by Oliver; second Poindexter. All in favor.

Motion to adopt by Poindexter; second Washington, Jr. Roll call. All ayes.

PAYMENT OF BILLS: Motion to pay all bills signed and audited by Poindexter; second Scott. All in favor.

PUBLIC SESSION: Motion to open meeting to the public by Washington, Jr.; second Scott. All in favor.

Joyce Martin, Franklin Street, expressed appreciation to the governing body for the cleanup of 35 Franklin Street.

Brenda Rhoades, North Broad Street, expressed concern that the property located at 115 North Broad Street has non-working smoke detectors.

Eleanor Washington, Carneys Point resident, publicly apologized to Councilman Washington, Jr., for her thought that he was Chair of streets and roads.

Motion to close meeting to the public by Poindexter; second Washington, Jr. All in favor.

Motion to adjourn by Washington, Jr.; second Poindexter. All in favor.

Respectfully Submitted,

Sharon R. Williams, RMC
Municipal Clerk