

**BOROUGH OF MEDFORD LAKES
REGULAR COUNCIL MEETING
JULY 22, 2004**

The regular meeting of the Borough Council of the Borough of Medford Lakes, New Jersey, was held on the above date in the Denby Annex of the Medford Lakes Colony beginning at 7:40pm. Mayor Wasson presided. Following the Pledge of Allegiance, Mayor Wasson read the Statement of Compliance with the Open Public Meetings Act. This is to announce that adequate notice in the form of Notice of Meetings was (1) posted on the Administration Building bulletin board, (2) mailed to The Central Record, Medford, NJ, (3) mailed to the Burlington County Times, Willingboro, NJ, (4) mailed to the Courier Post, Cherry Hill, NJ, and (5) filed with the Municipal Clerk. Advance written notice of this meeting was mailed to all persons who requested such notice according to the Clerk of the Municipality.

Answering Roll Call for Borough Council were Mayor Dave Wasson, Councilman Timothy Casey and Councilman Gary Woodend. Also present were Manager Rich Knight, Deputy Clerk Mark McIntosh, Solicitor Jim Vogdes, Police Chief Frank Martine and Emergency Squad Chief Rosemary Countess.

Mayor Wasson thanked the police department for their efforts during and since the flood, and extended his apologies for failing to thank the department during the Town Meeting on July 19, 2004.

PUBLIC COMMENT

Ned Steele, representing the Medford Lakes Colony, advised the public that Canoe Carnival would be held, even though the flood had destroyed Lower Aetna Lake and Beach One. The Carnival will be at Beach Three on Saturday, September 4, 2004. There will be no Festival of Lights on the Friday night before, no bleachers at Beach Three, and no judging of the floats. However, the Miss Medford Lakes Pageant will take place. There are 18 property owners on the lake and 11 anticipated floats. Tickets will be sold at the Colony Office to Colony members only. Carnival observers will have to walk to the site and roads will be closed.

APPROVAL OF MINUTES

There were no minutes to approve for previous meetings.

ORDINANCES

Councilman Woodend introduced Ordinance 499 on Second and Final Reading, seconded by Councilman Casey.

ORDINANCE 499

AN ORDINANCE TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION FOR THE POLICE CHIEF AND POLICE LIEUTENANT OF THE BOROUGH OF MEDFORD LAKES AND SPECIFYING THE METHOD OF PAYMENT THEREOF.

BE IT ORDAINED by the Borough Council of the Borough of Medford Lakes in the County of Burlington, New Jersey that:

Section 1.

The following salaries designated herein are fixed on an annual basis respective to the position listed below. All employees may be paid weekly, bi-weekly, or semi-monthly.

POLICE DEPARTMENT

	<u>Not to Exceed</u>
Chief of Police	\$91,300.00
Lieutenant	\$82,000.00

Section 2.

Members of the Police Department entitled to additional compensation for authorized duty in excess of the hours of ordinary duty or for allowances of expenses and promotion of officers shall be paid for such excess hours, expenses and promotions in accordance with the agreement made between the Borough of Medford Lakes and the Medford Lakes Police Officers Association. Such compensation however, shall not be less than permitted by applicable State and Federal Law.

Section 5.

The salaries fixed by the foregoing section of this Ordinance shall respectively in lieu of any and all fees which the respective incumbents of said office might otherwise be entitled by Statute or otherwise by virtue of said office, which fees shall immediately upon collection thereof be paid over to the Chief Finance Officer of the Borough.

Section 6.

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 7.

This Ordinance shall take effect immediately upon its final adoption and publication according to law, but the rate of compensation provided for herein shall become effective as of January 1, 2004.

PUBLIC COMMENT: Ned Steel, 125 Lenape Trail, asked Council to, "Give them what they want!"

VOTE TO APPROVE ORDINANCE 499 ON SECOND AND FINAL READING

Ayes: Wasson, Casey, Woodend

Nays: None

Ordinance 499 is approved

Councilman Woodend introduced Ordinance 500 on First Reading, seconded by Councilman Casey:

ORDINANCE 500

AN ORDINANCE PROVIDING FOR TOWING AND STORAGE OF VEHICLES IN THE BOROUGH OF MEDFORD LAKES

BE IT ORDAINED by the Borough Council of the Borough of Medford Lakes, County of Burlington, State of New Jersey, that the within towing and storage ordinance be and is hereby enacted:

1. Definitions and word usage

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

ABANDONED VEHICLE: Any vehicle which has been left on or along any highway or other public property or on private property without consent of the owner or person in charge of the private property for a period of more than 48 hours or for any period without current license plates.

DISABLED VEHICLE: Any vehicle located on or along any public right of way, not in operation, and with no owner visible, and not legally parked will constitute an inoperable vehicle.

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

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

TOWING: Hoisting, lifting, removal, hauling and transportation of any type of vehicle of any size from the highways, streets and roads located within the Borough of Medford Lakes or any other highway, street, or road within the State of New Jersey.

BOROUGH: The Borough of Medford Lakes.

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

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

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

B. When not consistent with the context, words used in the present tense include the future; words in plural number include the singular number; and words in the singular number include the plural number. The word shall is always mandatory and not merely directory.¹

2. Contract required; liability of Borough; application

A. Generally, the governing body of the Borough, at the beginning of each period, shall appoint towers to be called by the police department on a next available basis. The police department shall maintain a rotation list of towers authorized and appointed under the terms of this Ordinance. A fee not to exceed shall be paid to the Borough of Medford Lakes by each tower so authorized. The appointment shall be made after the submission of an application as hereinafter set forth, and the review and recommendation of the same by the Chief of Police, said appointment to be made by the Borough Manager. Any tower receiving appointment shall

¹Editor's Note: Former Subsection C, which provided that any term or work defined in the New Jersey Department of Insurance Rules and Regulations, N.J.A.C. 11:38-1 et seq., shall be applicable in this chapter, and which immediately followed this subsection, was repealed 9-5-2000 by Ord. No. 33-9-2000.

be placed on the rotation list, which shall entitle the tower(s) to be called by the police department on a rotation basis, as the next available tower. In the event that the next tower on the rotation list is unavailable, then the next tower on the list shall be called. Tower(s) wishing to reapply at the end of their three-year appointment will be required to complete the application process to include a fee not to exceed be submitted to the Borough, if appointed. Applications for the next period shall be received no later than April 1.

B. Application process. Any person interested in being placed on the aforementioned rotation list shall submit an application on a form to be prepared by the Borough Manager or their designee, said form to contain at a minimum the information specified herein. The applicant shall provide, at a minimum, the following information:

1. List of required equipment and proof of ownership.
2. Experience of applicant with references.
3. Available personnel (employees)
4. Proper business and trade licenses and licenses of vehicles.
5. Tow trucks having two-way radio/cellular telephone capability with a dispatching center on a twenty-four hour basis.
6. Storage location setting forth capacity, contractor responsible for safe storage area location, proof of ownership or lease of storage area along with a survey certifying the square footage within the surveyed area.
7. Insurance and proofs of required coverage.
8. List of stockholders.
9. Non-collusion affidavit.
10. Affirmative action affidavit.
11. Hold-harmless agreement
12. Certification that the applicant is able to provide towing services anywhere in the Borough in accordance with the response time established within this Ordinance.
13. Certification that the applicant will be available to provide service on a 24-hour per day, 7-day per week basis, and will abide by the fees set forth in this chapter.
14. Certification that the applicant shall consent to the appointment of the Borough Clerk as the applicant's true and lawful attorney for the purpose of acknowledging service out of any court of competent jurisdiction to be served against the applicant.

C. Review of application. The Chief of Police shall conduct a background check of the applicant and any employees to be utilized in the towing and storage operation. The background check is to determine if either the applicant or its employees have been convicted of a criminal offense or have had their driver's license suspended or revoked in the past year. Conviction of a criminal offense or suspension of a driver's license within the past year shall be cause for the disqualification from being appointed to provide towing and impound services. The Chief of Police, or his designee, shall conduct an inspection of the employees, vehicles, equipment and storage area proposed to be utilized by the applicant to verify the accuracy of the information contained in the application, and to determine compliance with the applicable laws, regulations and standards of performance required by this chapter. The Borough shall, at the cost of the applicant, obtain a better Business Service Bureau report, and any other reports that the Borough Manager may deem necessary. After a thorough investigation, the Chief of Police shall recommend to the Borough Manager whether an applicant should be appointed to provide towing service to the Borough of Medford Lakes in accordance with the terms and conditions of this chapter.

D. Independent contract. By submission of the fee and application, the tower agrees that all personnel and equipment used shall be and remain the property of the tower, and in no event shall the property

or any employee of the tower be represented or considered belonging to or employed by the Borough of Medford Lakes. The tower is in no way or sense an agent or employee of the Borough of Medford Lakes.

E. Hold harmless agreement; liability.

1. The tower, by submission of the fee and application, agrees to assume the defense of and indemnity and hold harmless the Borough, its elected officials, boards, commissions, officers, employees and agents from all suits, actions, damages or claims to which the Borough may be subjected, of any kind or nature whatsoever, resulting from, caused by, arising out of or as a consequence of the provisions of providing the services required by this chapter. Prior to providing the towing services, the tower shall execute the appropriate hold harmless clause.

2. The owner of the garage or the parking or storage location shall also agree to indemnify and hold harmless the Borough and its officers, employees and agents from any and all suits and actions, damages or claims arising out of the performance of the duties specified in this chapter.

3. The Borough of Medford Lakes shall not be liable for any services whatsoever, which may be rendered to motor vehicles, and the tower shall only seek payment from the driver, and/or owner of such vehicles for compensation.

F. Borough Manager's decision. The Chief of Police shall conduct the aforementioned review and investigation, and render a report to the Borough Manager recommending either approval or denial of the application. The Borough Manager shall then take action with regard to appoint vendor(s) for towing and impound services. Written notice of the approval or denial of the application shall be provided to the applicant within seven days of the decision of the Borough Manager.

3. Requirements.

The following general requirements shall apply to all towers and towing operations acting on behalf of the Borough of Medford Lakes:

A. Equipment. The tower shall have sufficient equipment (either owned or by subcontract) to tow any size vehicle utilizing the highways, streets and roads in the Borough of Medford Lakes. The minimum requirements are one heavy-duty large capacity wrecker minimum of 25-ton capacity, one medium-duty wrecker minimum of ten-ton capacity, and two light duty wreckers, one of which must be a flatbed, minimum four-ton capacity. The specifications are as follows:

1. Heavy duty
 - (a) Minimum of 25 ton capacity.
 - (b) Air brakes
 - (c) Minimum 1,000 x 20 tires with dual rear wheels.
 - (d) Air fittings for releasing air pressure lock brakes on dump trucks and tractor-trailers
 - (e) Under reach capabilities.
 - (f) All required ICC safety equipment must be carried.
 - (g) Must meet all Federal, and New Jersey Division of Motor Vehicle requirements.
 - (h) Portable safety lighting to be installed on rear of towed vehicle.
 - (i) Offside truck winching.

2. Medium duty
 - (a) Minimum of 10 ton capacity.
 - (b) Minimum 1,000 x 20 tires with dual wheels.
 - (c) Chassis requirements should be 10 ton's gross weight.
 - (d) Steering wheel lock for towing vehicles from the rear.
 - (e) Wheel lift and under reach capacity.
 - (f) All ICC safety equipment must be carried.
 - (g) Must meet all Federal and New Jersey Division of Motor Vehicle requirements.

3. Light duty
 - (a) Minimum of 4 ton capacity
 - (b) Chassis requirements should be 10,000 pounds gross vehicle weight and dual rear tires.
 - (c) Steering lock on each wrecker for towing vehicles from the rear.
 - (d) Tow sling type bar, rubber strap, to lift the car so that no part of metal touches the car.
 - (e) One wrecker must be of flatbed capability.
 - (f) All ICC safety equipment must be carried.
 - (g) Must meet all Federal, and New Jersey Division of Motor Vehicle requirements.

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

C. Employees

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

2. The tower shall submit with the application to the Borough the names and addresses of all proposed drivers and employees who will be rendering service under this contract on behalf of the tower. This information is to be kept current with the Borough by the tower.

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

4. No person shall be utilized by the tower to provide services required by this ordinance for the Borough unless the Borough has obtained a record check and has been approved by the Chief of Police. The Chief of Police may reject the services of an employee of the tower for the following reasons:

- (a) Conviction of any crime of the first or second degree.
- (b) Conviction of any crime involving the use of a firearm.
- (c) Conviction of any crime involving the manufacture/distribution of any controlled dangerous substance.
- (d) Conviction of any crime or offense, which subjects the employee to the provisions of Megan's Law.

(e) Conviction within the last five years for driving under the influence of intoxicating beverages or drugs.

5. No employee of the tower shall perform services unless previously listed by the contractor to the Borough.

D. Availability; response time. The tower shall be available 24 hours a day, seven days a week for use of the Borough at the direction of the authorized representatives of the Police Department as per the rotation requirements herein. The rotation list shall be as a result of the receipt and review of the approval of the aforementioned applications. In the event that none of the towers set forth on the rotation list are available or are available to provide the appropriate services requested by the Borough, or, if an emergency exists, the Borough may request such services from any other available source. During adverse weather conditions, heavy traffic conditions or emergency conditions, the tower set forth on the rotation list shall give priority to requests from the Borough over any other request which may be received by the tower. Notwithstanding the establishment of a rotation list, no tower shall be called until the Chief of Police or his designee has ascertained that the following requirements have been met:

1. The insurance policies, as required, have been procured and supplied.
2. No towed vehicle may be parked upon the public street and shall be stored by the tower within the storage area as hereinafter defined.
3. The tower must provide access to the storage area to the police department as needed on a 24 hour a day basis.
4. The storage area shall accept all types of vehicles and be able to hold at least 25 vehicles.
5. The entire land area shall be enclosed by a fence of sturdy construction of at least six feet in height, and shall be secured with lighting.
6. The land used for storage is to be level and clear from all debris and must be clearly marked.
7. The storage area shall be used for the storage of vehicles awaiting a claimant or proper disposition. The land shall not be used for storage of vehicles owned by the tower even if the tower purchases same at an auction held on his premises. Vehicles purchased by the tower at an auction held at the towers storage facility must be removed within the time frame specified on the advertisement.
8. The tower shall be responsible for each vehicle and its contents in the tower's possession until final disposition and removal as ordered by the Borough. All vehicles, regardless of condition, shall be stored singly and so arranged to permit inspection and subsequent removal. Adequate walkway inspection space shall be provided at all times.

F. Violations.

1. If a tower is in violation of any terms of this chapter, the Chief of Police shall notify the Borough Manager and the Borough Manager shall notify the tower in writing. If the violation is not corrected within 48 hours of the receipt of said written notice, the Borough Manager, upon recommendation of the Chief of Police, shall terminate the tower services and remove said tower from the rotation list. Adequate grounds for termination of services shall include but are not limited to a violation of the terms of this chapter, fraudulent or inaccurate application information, unsatisfactory service, billing irregularities, or the violation of any New Jersey statute or regulation.

2. Complaints of any kind relative to service, overcharging, theft of parts, damage to towed or stored vehicles, discourteous treatment and the like shall be referred to the Chief of Police for investigation and recommendation to the Borough Manager, if necessary. Such complaints may be cause for termination of the tower's services and removal from the rotation list by the Borough Manager.

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

1. The tower is to notify the Chief of Police or his designee once a vehicle is towed, pursuant to this chapter, and has been in the tower's possession for a period of seven calendar days.

2. The tower shall not release vehicles towed pursuant to this chapter, without the claimant first obtaining a release from the Police Department. In addition, the tower shall notify the Chief of Police, or his designee, of the release of a vehicle towed pursuant to this chapter within 24 hours.

3. Only the Chief of Police or his designee shall have access to any part of the storage area at any time of the day or night for inspection purposes, including both indoor and outdoor areas. Authorized representatives of the Police Department or the Borough Manager or their designees shall have access to any of the records required to be kept by the tower. Access to these records shall be provided to the Chief of Police, Borough Manager, or their designees, upon their request during normal business hours.

4. The service, equipment and personnel of the tower are subject to inspection and approval by the Borough. The Borough reserves the right to have a qualified person or agency make such inspections.

H. Disputes and adjustments.

1. Any disputes over the interpretation of this chapter, including the reasonableness of any fees assessed, shall be settled amicably, if possible through negotiations between the tower, the police department and the Borough Manager.

2. In cases where the Borough has been at fault in wrongfully directing that a vehicle be towed, the tower may petition the Borough Manager for reimbursement of costs incurred in the towing and storage of said vehicle.

I. Standby Service

1. In addition to the service requirements of this chapter, the tower shall be required to finish extra towing equipment and service during storm periods, periods of snow emergencies, traffic emergencies, disasters, any acts of God, and for any other reason when so designated by the Borough Manager, the Chief of Police, or their authorized representatives. During such periods, which are herein referred to as standby service periods, the tower shall be required to furnish adequate equipment and service to be held ready to remove all types of vehicles.

2. Standby service will begin when the Chief of Police or his authorized designee calls the tower initially, and will end when he terminates the standby status by calling the tower.

3. The Borough reserves the right, during any emergency, to designate temporary areas owned or leased by the Borough for the storage of disabled vehicles in said area at the direction of the Chief of Police or his designee.

4. Removal and storage of vehicles.

A. Removal. Vehicles shall be removed as follows:

1. Abandoned vehicles.

(a) Abandoned vehicles, as defined in Title 39 of the New Jersey revised statutes, shall be removed under the direction and supervision of the Police Department on a twenty-four hour a day basis. All calls with respect thereto shall be answered within 20 minutes from the time of notification under normal conditions seven days a week, anywhere within Borough limits, unless the Police department determines it is not a threat to vehicle traffic, or persons and could be removed during regular business hours. Abandoned vehicles shall be towed without charge to the Borough to the aforementioned required storage area, and stored thereon for no longer than 90 days without any charges or liens accruing against the Borough. Abandoned vehicles remaining after 90 days may be removed from the secured area provided that a junk title has been applied for pursuant to the provisions of Title 39.

(b) The tower may be penalized a fee not to exceed \$150.00 per day for each abandoned vehicle not removed and towed within a reasonable amount of time after notification by the Police Department, and may be grounds for termination of the tower's appointment.

(c) The requirement to tow abandoned motor vehicles shall only apply to public right-of-way, easements, avenues and places including public parks and playgrounds, and all quasi-public areas. The owner of private property shall be responsible for the removal of any unattended or disabled vehicles in accordance with the provisions of N.J.S.A.39: 4-56.6, and shall employ a tower of their choice.

(d) The Borough retains the right to require that the abandoned vehicle shall be towed to municipal property and to retain any monies realized from the sale of such vehicles. The Borough shall pay the Borough's reasonable fees as set forth in this chapter for towing a vehicle sold in this manner from the proceeds of the sale. Abandoned vehicles not claimed by the owner or lienholder, may be sold at public auction pursuant to the provisions of N.J.S.A.39: 10A-1 through 7. Prior to sale at auction of any abandoned vehicle, the Borough will obtain the appropriate junk title or certificate of ownership for said abandoned vehicle from the Division of Motor Vehicles.

2. Vehicles not abandoned.

(a) All vehicles involved in accidents, disablements, stolen vehicles, vehicles involved in suspected crimes, and the like, shall be towed and stored under the direction and supervision of the Police Department 24 hours a day, seven days a week. Vehicles shall be available for release between the hours 9:00 a.m. to 5:00 p.m., Monday through Fridays, and 9:00 a.m. to 12:00 noon, Saturdays and Sundays, except legal holidays. Sunday hours are optional, however, no storage charge for Sunday shall be assessed if a vehicle is picked up on Monday. The tower shall arrive at the scene of the accident within 20 minutes under normal conditions after police notification. Repeated late arrivals at the scene of accidents may result in the termination of the tower's services, as otherwise provided in this chapter.

(b) In the event that the tower has been summoned by the Borough for purposes of towing a vehicle, and the owner of the vehicle has also summoned his own tower, and said tower arrives on the scene prior to removal of the vehicle by the Borough's tower, then the owner is entitled to remove his own vehicle at no cost or expense to the owner or the Borough. There shall be no charge to the Borough for the tower appearing at the scene under said conditions.

B. Storage. The tower shall store the abandoned and non-abandoned vehicles in the storage area, as required in this chapter. The vehicles shall be stored until claimed by the owner or until auctioned by the Borough in compliance with state law, or as otherwise to be disposed of pursuant to state law. Vehicles to be removed shall be towed to the tower's storage area or to township property at the discretion of the police department.

5. Indemnity and insurance.

A. The tower shall indemnify and hold harmless the Borough of Medford Lakes from any and all claims against the Borough of Medford Lakes arising out of the operation of any towing services or garage services or storage services or repair services under this chapter. Liability insurance shall include contractual liability of \$1,000,000 combined single limit.

B. The tower shall carry Workmen's Compensation Insurance in accordance with the requirements of New Jersey state law. The tower shall also carry public liability and property damage, contingent liability insurance to indemnify the Borough of Medford Lakes, and the public against any loss due to injuries, accidents or damages of any character whatsoever, where any such damage is the result of any act or omission of the tower, his agents or employees in or due to the execution of the work called for under this chapter. Such policies shall contain the provision that 30 days notice of change or cancellation be given to the Borough by the insurance company. Public liability insurance limits shall be at least \$500,000 per accident, and be specifically endorsed to provide collision insurance for vehicles in tow. In addition, the tower shall have coverage for contractual liability, and also name the Borough as an additional insured. All insurance required hereunder shall remain in full force and effect for the period of the appointment.

C. Appropriate bodily injury liability insurance with \$1,000,000 combined single limit, automobile bodily injury liability insurance with limits of not less than \$500,000.00 for each person, and \$1,000,000 for each accident, and property damage liability insurance with a limit of not less than \$500,000.00 for each accident.

D. Garage keeper's liability in an amount not less than \$60,000 per location; garage liability in an amount not less than \$1,000,000 combined single limit.

E. Certificates of insurance showing that the tower and the Borough of Medford Lakes are named as additional insured, in conformance with the above, shall be furnished to the Borough of Medford Lakes, subject to approval of the Borough Solicitor, and filed with the Borough Clerk. The certificates of insurance shall be delivered to the Borough Manager.

6. Rate Schedule; Charges and Fees.

A. Generally.

1. Towing and storage charges and fees shall be in accordance with N.J.S.A.40:48-2.5, as well as the provisions of this chapter. The Borough shall not be responsible for the collection or payment of any charges for the towing or storage of vehicles. The charges and fees and rates applicable to services performed pursuant to this chapter shall be posted in a conspicuous place, visible to the public at the tower's storage area, and shall be presented to the owner of a vehicle to be towed at the time of service. The tower shall prepare an itemized bill in detail as to the actual services rendered and present the bill to the claimant of a vehicle. Each bill shall contain a statement that the claimant may file a complaint with the Borough with respect to charges. The Borough will not be responsible for charges due and owing from a claimant of a vehicle, nor will it assist the tower in collecting such charges. Vehicles impounded, as a result of police investigations

involving stolen vehicles or fatal accidents, will not result in storage charges; however, the Borough reserves the right to store such vehicle at a location of its choosing.

2. In the event that the Borough conducts an auction of unclaimed abandoned vehicles pursuant to Title 39, the tower's bill for towing and storage shall be an expense of possession and sale, and shall be paid from the proceeds of this subsection. Each vehicle auctioned shall be a separate item for purposes of this subsection. The title fee for which the Borough must pay to the State of New Jersey for title certificates shall be paid by the purchaser at the auction, even if the tower is the purchaser and shall be in addition to the bid price of each vehicle. In the event that the Borough determines to utilize the provisions of Title 39, with respect to unclaimed vehicles, the tower shall receive no compensation for its services.

3. The fee for towing a vehicle shall include the service rendered from the scene where the vehicle is located to the storage area, and from the storage area to the curb line of the property on which is located the storage area. There shall be no additional charge for towing a vehicle from the storage area to the curb line for the purpose of an owner of a vehicle towing the vehicle to a service station or other repair shop, or the person's home or other location. The charge for towing includes any incidental and related costs, such as disconnecting and reconnecting a transmission. There shall be no additional charges for any other services, including, but not limited to waiting time, debris removal, winching and additional labor when routine towing services, as provided for by this chapter, are performed. The tower shall be responsible for the cleanup and disposal of motor vehicle fluids, in accordance with state law and accepted standards, and there shall be no additional labor charges for this service. The tower may charge the owner/operator for material used in the cleanup of motor vehicle fluids. The tower may charge a fee for lockout service, as well as roadside assistance, such as jump-starts, tire changes, and providing gasoline for vehicles that have run out of fuel.

B. Charges and Fees. The charges, fees and rates for vehicles to be towed and stored shall be as follows:

1. Flatbed and towing service pursuant to this chapter, which will include all towing/winching, labor and cleanup costs associated with removal of the vehicle.

(a) \$75.00 for any towing service requested for automobiles, motorcycles, motor scooters, mopeds and trucks under 2.5 tons.

(b) \$150.00 for trucks 2.5 tons to 5 tons.

(c) \$200.00 for trucks over 5 tons, buses, tractor trailers, heavy equipment.

2. Winching service not associated with the towing of a vehicle.

(a) Light Winches \$75.00 per unit per hour.

(b) Medium winches \$90.00 per unit per hour.

(c) Heavy winches \$150.00 per unit per hour.

3. Mileage.

(a) There will be no charge for mileage for towed vehicles within the Borough limits.

(b) For vehicles towed to or from areas outside of the Borough limits, \$1.75 per mile.

4. Storage

(a) There will be no charge for storage for any vehicle removed within the first 24 hours of the time the vehicle is towed. For a vehicle towed on Saturday, there will be no charge for storage, if the tower elects not to have business hours on Sunday provided that the vehicle be removed by close of business on Monday.

(b) Automobiles, trucks under 2.5 tons, motorcycles, mopeds and motor scooters will be charged \$15.00 per business day for storage after the first 24 hours.

(c) Trucks 2.5 to 5 tons will be charge \$18.00 per business day for storage after the first 24 hours.

(d) Trucks, tractor-trailers, buses and heavy equipment over five tons, \$35.00 per business day after the first 24 hours.

(e) Fees billed to the Borough for vehicles removed at the Borough's direction will be consistent of storage per vehicle.

(f) A limit of \$2.00 per day for day 31 of storage and any day thereafter, with a limit of \$400.00 per vehicle stored.

5. Road Service; vehicle lockout service; daytime rate \$35.00, nights, weekends, and holidays, \$45.00.

C. Specialized Equipment. In cases where the tower must hire laborers or rent or utilize specialized equipment not specified in this chapter, all reasonable charges therefore shall be paid by the owner of the vehicle, after the owner of the vehicle or his agent has given his prior written consent thereto, except where said vehicle is deemed a hazard to health or safety, whereupon said vehicle will be removed by the direction of the Chief of Police or his designee, with the owner then being responsible for all personnel, equipment and labor costs. The Chief of Police or his designee shall determine the necessity for specialized equipment.

D. Unloading of Goods. In the event that it is necessary to unload a vehicle, which has been used for transportation of goods prior to towing, an agreement shall be reached between the tower and the owner of the vehicle or the owner's agent or representative, as to the charge for said service. No written agreement is necessary in an emergency situation, and the Chief of Police or his designee shall determine when an emergency exists.

PUBLIC COMMENT: None

VOTE TO APPROVE ORDINANCE 500 ON FIRST READING

Ayes: Wasson, Casey, Woodend

Nays: None

Ordinance 500 is approved on First Reading

RESOLUTIONS

Mayor Wasson introduced the following resolution, seconded by Councilman Casey:

RESOLUTION 100-04

A RESOLUTION

BODY HERE

The resolution is the mechanism by which Council may borrow money to pay the bills associated with the storm and subsequent flooding. The money would be repaid back over a five-year period.

PUBLIC COMMENT: Larry McDonald asked about the application for the funds.

VOTE TO APPROVE RESOLUTION 100-04

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 100-04 is approved

Mayor Wasson introduced the following resolution, seconded by Councilman Casey:

RESOLUTION 101-04

A RESOLUTION

BODY HERE

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 101-04

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 101-04 is approved

Mayor Wasson introduced the following resolution, seconded by Councilman Casey:

RESOLUTION 102-04

A RESOLUTION

BODY HERE

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 102-04

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 102-04 is approved

Councilman Casey introduced the following resolution, seconded by Mayor Wasson:

RESOLUTION 103-04

A RESOLUTION

BODY HERE

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 103-04

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 103-04 is approved

Mayor Wasson introduced the following resolution, seconded by Councilman Woodend:

RESOLUTION 104-04

A RESOLUTION

BODY HERE

Ms. Klemas will be filling her own un-expired term.

PUBLIC COMMENT: None

VOTE TO APPROVE RESOLUTION 104-04

Ayes: Wasson, Casey, Woodend

Nays: None

Resolution 104-04 is approved

OLD BUSINESS

Solicitor Vogdes provided Council with copies of the proposed contract between the Borough and Jim Madden, the project manager for the Oaks Hall project. Council will note their opinions and return to Mr. Vogdes. The goal is to approve the contract at the August, 2004, Council meeting.

Councilman Woodend proposed a weekly meeting of Council on Monday mornings at 7:30am, in the Borough office. The goal is to move pending items along by having Council meet with various professionals to make decisions in which time is of the essence. Police Chief Martine suggested having department heads attend the meetings. No minutes will be taken.

Council and Chief Martine discussed busing children to Neeta and Nokomis schools when the new school year begins. With Beach Drive washed out, the children from Shingowack, Comanche and other trails in that area will have to travel on Stokes Road for at least part of the time.

Councilman Woodend made a motion, seconded by Councilman Casey, to form a small committee to deal specifically with the recovery from the flood. One member would be from Council, one from the Colony, and Bud Wingert.

PUBLIC COMMENT: None

VOTE ON MOTION

Ayes: Wasson, Casey, Woodend

Nays: None

Motion carries

Councilman Woodend was chosen and the Council representative to the committee.

Councilman Woodend made a motion, seconded by Councilman Casey, to recognize Medford Lakes Emergency Management Coordinator Dave Matos for his time, effort and commitment to the residents of the Borough during the storm and flooding of July 12, 2004.

Council discussed additional compensation for Mr. Matos, in addition to the \$1,500 in the salary ordinance. It would require an ordinance or could be incorporated into the next salary ordinance.

VOTE ON MOTION

Ayes: Wasson, Casey, Woodend

Nays: None

Motion carries

PUBLIC COMMENT: Sandy Wasson, 97 Wabun Trail, advised that FEMA would reimburse employees for lost wages from their jobs during their time of service during the flood.

CORRESPONDENCE

RESIDENT QUESTIONS – a list of questions concerning the flood and recovery was forwarded to Manager Knight; they were answered at the Town Meeting on Monday, July 19, 2004.

WHELIHAN'S – the liquor license for the proposed restaurant will expire on July 31, 2004. Manager Knight sent a letter to Alcohol Beverage Control, of the Borough's opposition to the renewal of the license and the wish to have a hearing.

FLOOD – Council discussed the condition of the firehouse and the public works building, both of which were flooded.

Residents and volunteers will continue to assist in the cleanup of the Borough; another volunteer day will be held on Saturday, July 24, 2004 at 7:30am. Volunteers will be in the parking lot of the Administration trailer. It has been reported that 10 homes in the Borough are in need of help.

Councilman Casey asked that Mr. Knight and Mr. McIntosh compile a list of all the persons, towns, and companies who have helped and continue to help the Borough recover from the flood.

Previous Borough Manager Julie Keizer spent three days in the administration office, assisting with the financial paperwork relative to the flood. She established a line item for all flood-related expenses.

Councilman Casey made a motion, seconded by Councilman Woodend, to send a letter of thanks to the Borough of Fair Haven for allowing Ms. Keizer to be absent from her duties there to assist with Borough matters.

VOTE ON MOTION

Ayes: Wasson, Casey, Woodend

Nays: None

Motion carries

Council discussed the idea of having residents E-mail their concerns to members of Council, rather than continue with the "phone tag" that usually ensues. Council members could then easily reply to the E-mails at any time.

REPORTS

MANAGER'S REPORT – Mr. Knight introduced recovery manager Jack Kaczur, from Alaimo's office. Mr. Kaczur thanked Council and the volunteers for the recovery projects that have already been started. Fencing was erected on all public areas on Saturday, July 19, 2004, with the help of volunteers. Reconstruction has begun on Lenape Trail and Tabernacle Road. Vehicular traffic will not be allowed on Tabernacle Road for several more days. Giberson and the volunteers are removing debris.

Mr. Kaczur outlined the procedure for obtaining recovery funds. Project worksheets are important; public assistance is divided into to categories, damage below \$54,100 and damage in excess of \$54,100. Mr. Kaczur recommended repairing the Public Works building, then the sewer plant. To date, the Borough has septn \$175,000 on repairs.

Mr. Kaczur hopes to be advised by DOT if the bike path on Tabernacle Road will be approved. The schools would be responsible for the cost of busing children to the schools if a method of safe passage to and from school cannot be achieved by September 7, 2004. Councilman Casey would like a decision to be made about the children's route to school by next week.

Councilman Woodend questioned if the elevations for Upper and Lower Aetna Lakes could be lowered.

A FEMA field office has been set up in Mt. Holly. Documentation is vital for those residents who want to apply for federal aid.

Well testing reports show considerable homes have contaminated water. Council stressed testing and treating wells.

SOLICITOR'S REPORT – Mr. Vogdes advised Council that the Sign Ordinances and the contract for the project manager for the Oaks Hall project are ready.

COUNCIL REPORTS – Councilman Casey is the liaison for Administration. He has personnel issued for discussion during Executive Session.

Councilman Woodend is the liaison for the Department of Public Safety. Emergency Squad Chief Rosemary Countess asked Council if the squad could park their second rig at the Borough garage. She is compiling a list of total man-hours expended during the flood and the days following. Ms. Countess asked about the status of the Memo of Understanding; Manager Knight will meet with her to move it forward.

Fire Chief McIntosh asked for critiques of the flood operation to determine what worked and what did not.

Council recessed for five minutes.

PAYMENT OF BILLS

Mayor Wasson made a motion, seconded by Councilman Casey, to pay the bills on the Bill List.

Councilman Woodend noted that the bill for Gibersons for their early part in the flood cleanup is over \$122,000. Mr. Woodend recommended paying \$85,000 out of the current fund for Gibersons out-of-pocket expenses.

Council discussed establishing an Emergency classification line item and making an effort to list all storm related expenses on it. Also, a flood account will be established for the Wastewater Department.

VOTE TO PAY BILLS

Ayes: Wasson, Casey, Woodend

Nays: None

Motion is approved

ADJOURNMENT TO EXECUTIVE SESSION

Councilman Casey made a motion, seconded by Mayor Wasson, to adjourn to Executive Session.

RESOLUTION 105 -04
A RESOLUTION EXCLUDING THE PUBLIC FROM A PUBLIC MEETING

WHEREAS, Section 7.a of Chapter 231, Public Law 1975, otherwise known as the “Open Public Meetings Act” states that, except as provided by in Section 7.a, all meetings of a public body, such as the Borough Council, shall be open to the public at all times; and.

WHEREAS, Section 7.b provides that the Borough Council may exclude the public only from the portion of a meeting at which Borough Council discusses certain subjects which are listed in the aforementioned Section; and.

WHEREAS, the Borough Council desires to discuss certain subject(s) which are listed in the aforementioned section and desires to exclude the public from the portion of the meeting at which the Borough Council will discuss said subject(s); and,

WHEREAS, Section 8 of Chapter 231, Public Law 1975 states that no public body shall exclude the public from any meeting to discuss any matter described in Section 7.b until the public body shall, at a meeting to which the public shall be admitted, first adopt a resolution making certain statements with respect to the subject(s) to be discussed;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Medford Lakes, in the County of Burlington, State of New Jersey, as follows:

1. That the Borough Council hereby declares that the general nature of the subject(s) to be discussed by the Borough Council in closed session is as follows:

POTENTIAL LITIGATION
TAX APPEALS
PROSPECTIVE EMPLOYMENT LEGAL CONSEQUENCES OF THE FLOOD
COORDINATION OF EFFORTS

2. That the Borough Council hereby declares that it’s discussion of the aforementioned subject(s) may be made public at a time when the Borough Solicitor advised the Borough Council that the disclosure will not detrimentally affect any right, interest, or duty of the Borough or any other entity with respect to said discussion.
3. That the Borough Council for the aforementioned reasons hereby declares that the public is excluded from the portion of the meeting during which the above discussion shall take place and hereby directs the Borough Clerk to take the appropriate action to effectuate the terms of this resolution.

VOTE TO APPROVE RESOLUTION 105-04

Ayes: Wasson, Casey, Woodend

Nays: None

Meeting adjourned to Executive Session

Following the Executive Session, Council returned to the open public meeting. No business was discussed and no action was taken. The Regular Council meeting was adjourned.

Respectfully submitted,

Richard Knight
Borough Manager

8-1-04:DSF