



PELHAM POLICE DEPARTMENT

14 VILLAGE GREEN
PELHAM, NEW HAMPSHIRE 03076
Telephone (603) 635-2411 Fax (603) 635-6959

Chief of Police
Joseph A. Roark

TO: All Interested Tow Companies

FROM: Chief Joseph A. Roark

DATE: October 16, 2007

REF: Pelham Police Authorized Tow Company Rotation

C.C: Town Administrator Thomas Gaydos

It is the intention of the Pelham Police Department to institute new guidelines regarding tow companies that are authorized to participate in our police tow rotation.

Any tow companies that are authorized to conduct police tows will be expected to maintain the same high level of professional standard that the Pelham Police Department strives to achieve.

Additionally, the newly adopted guidelines are designed to ensure that any time the Pelham Police Department requests a vehicle tow that the company completing the tow will do so to the highest standards of safety, security and accountability.

A copy of the newly adopted guidelines is included with this memorandum. These guidelines are based upon both police and tow industry standards.

Two tow companies will be chosen to conduct police authorized tows for the Pelham Police Department on a two week rotating basis.

The tow companies will be chosen after a formal interview of interested tow company proprietors by the Pelham Police personnel as well as an inspection of interested tow companies vehicles, equipment and facilities.

Factors used to determine which companies will be authorized to conduct police tows will be, but not limited to, training, equipment, experience, professionalism, commitment, personnel resources, storage facilities and ability to conform with the aforementioned Pelham police towing guidelines.

Any tow companies that do not presently possess the necessary equipment/resource to participate in the tow program at this time but intend to acquire said equipment/resources if included on the list may still apply and relay this information at their interview.

The new tow company rotation will be in place on or about January 1, 2008.

If a tow company is interested in applying for consideration for becoming an authorized Pelham Police Tow company they are asked to review the attached guidelines and submit a written letter of request to be considered for inclusion on the list. The letter should be mailed to Chief Joseph A. Roark at the above address no later than November 1, 2007.

Any questions regarding this matter may be directed to Chief Joseph A. Roark at the above telephone number.

Thank you.



PELHAM
POLICE DEPARTMENT
14 VILLAGE GREEN
Pelham, New Hampshire 03076

Chief of Police
JOSEPH A. ROARK

TOWING SERVICES

MEMORANDUM OF UNDERSTANDING

Memorandum of understanding between the Pelham NH Police Department and participating qualified wrecker/towing companies, (Hereinafter collectively referred to as "Companies" and individually referred to as the "Company"), to cover the areas as follows:

The entire Town of Pelham, New Hampshire in relation to police requested vehicle tows.

Whereas the Pelham NH Police Department desires to make available to motorists the services of wreckers/towing firms when such services are needed in its coverage areas, and

Whereas the Pelham NH Police Department desires to ensure that the Companies called in response to requests from motorists for wreckers/towing services are competent and qualified to perform needed services in a professional, prompt and courteous manner, and

Whereas qualified Companies desire to be placed on a list of wrecker/towing service providers maintained by the Pelham New Hampshire Police Department,

That this Memorandum of Understanding describes the understanding of the parties hereto as to the process for being placed on the wrecker/towing list maintained by the Pelham NH Police Department, for remaining on the list and for calls of service.

By signing this memorandum, the Company certifies that it has reviewed the provisions of this Memorandum of Understanding and voluntarily agrees to abide by its terms, and that failure to meet the provisions specified in this Memorandum may result in the Company being removed from the wrecker/towing list maintained by the Pelham NH Police Department for the applicable service area and time period.

This agreement will be in place for at least 24 months upon agreement of both parties.

Towing Agreement

The following rules and regulations shall be adhered to in order to provide tow services for the Pelham Police Department.

PURPOSE OF AGREEMENT

The following rules and regulations have been created in order to establish a guideline for the authorizing of tow companies to conduct "police" tows when requested by the Pelham Police Department during daily police operations.

The tow requests include but are not limited to accident recovery, break downs, abandoned vehicles, road hazards, citizen calls, investigative impoundments and safe keeping of arrested or incapacitated persons.

A tow company that is authorized to conduct police tows will be expected to maintain the same high level of professional standard that the Pelham Police Department strives to achieve.

Additionally, this agreement is designed to ensure that any time the Pelham Police Department requests a vehicle tow that the company completing the tow will do so to the highest standards of safety, security and accountability.

In determining which companies are placed on the list of wrecker/towing service providers maintained by the Pelham NH Police Department for the convenience of motorists, the following criteria will be taken into consideration: experience, availability, honesty, and past working relationships with the Pelham NH Police Department.

BUSINESS LOCATION AND HOURS OF BUSINESS

Because of the emergency nature of the services required and for convenience to the citizens of this State, the Company agrees to the following:

The place of business and assigned tow trucks shall be located within the Town of Pelham, NH. This is required to ensure safe driving distances for reasonable response times.

Physical storage of vehicles towed must be at the place of business in Pelham, except when otherwise requested by the Police Department. The vehicles shall be towed to an adequate and legitimate storage area. This area must be a secure, lighted, fenced in area in order to maintain maximum security for the towed vehicles and their contents.

Storage lots will be staffed Monday through Friday, during normal business hours (0900- 1700).

Requests to obtain property from towed vehicles shall comply with RSA 262:35-a III, and will be granted as well as requests to recover vehicles from the storage lot during reasonable normal business hours.

All requests to obtain from towed vehicles property essential for maintaining life, e.g., money, pocketbooks, prescriptions, keys, etc., as well as requests to obtain stored vehicles from the storage lot will be granted 24 hours a day. Companies may charge a gate fee for access provided after business hours, or on Saturdays, Sundays, or holidays.

During non-business hours, response time to the lot will be within thirty (30) minutes.

During normal business hours, the Company will transport a towed vehicle to any body shop, garage or other location per request of owner and upon proper payment.

OPERATOR REQUIREMENT

Wrecker operators shall be fully trained and capable of performing the required services in a professional and efficient manner. It is preferable to have operators with some level of formal certification through a recognized towing authority as well as documented experience in tow truck operation.

When responding to calls for roadside tows and or service tow truck operators shall wear a reflective high visibility traffic vest or reflective, high visibility outer garment.

Operators shall be available twenty-four (24) hours a day, seven (7) days a week, three hundred sixty-five (365) days a year. Operators, under normal conditions should be able to reach any point in town within twenty (20) minutes when requested for a tow.

Any wrecker operator who operates a wrecker with a GVW of over 10,000 lbs. will also provide a copy of his or her medical certificate.

The tow company shall provide a list of their employees including copies of their driver's license (if a tow truck operator). All tow company employees having contact with the public, shall also be subject to a criminal record check. It shall be the responsibility of the tow company to provide the Pelham Police Department with all new employee information

Operators shall be required to clean the roadway of all debris when necessary including removal of all broken parts.

Operators are expected to be professional, efficient, and courteous when dealing with the motoring public as well as police officers. The Pelham NH Police Department may do a background check on all eligible wrecker/towing services that submit an executed Memorandum of Understanding. The background check may include but is not limited to consultation with the following agencies:

- a. Consumer Protection Division of the Attorney General's Office

- b. New Hampshire State Police
- c. State of New Hampshire Public Utility Commission
- d. Other public and private agencies

VEHICLE EQUIPMENT REQUIREMENT

All equipment to be used by the Company in the performance of services may be inspected by the Pelham NH Police Department to insure compliance with the specifications stated herein.

The Pelham NH Police Department also reserves the right to inspect a Company's wrecker at any time to ensure compliance with these specifications, the requirements of RSA 266:108-110, and to ensure operational safety.

Additionally, all tow trucks used in participation in the Pelham Police Tow programs shall meet and maintain all state inspection and regulatory requirements as per CFR 49, Federal Motor Carrier Rules & Regulations.

Wreckers responding to a Pelham Police-dispatched call for service will have lettering displayed on both sides of the vehicle that indicates the name or trade name of the Company and business telephone number. Lettering will contrast sharply in color with the background and be legible at 50 feet while stationary during daylight hours (RSA 166:110).

Ledgers, records and bills will be kept on all towing jobs and made available to the Pelham NH Police Department upon request. These records will be kept for a period of one (1) year.

The Company understands that it is not permitted to assign, sublet or subcontract for services to be provided in response to a Pelham Police-dispatched request for wrecker/towing services. Only when the Company responding to the call determines that additional equipment or other assistance is needed will another wrecker/towing company respond in addition to the Company called (e.g., a heavy duty recovery). In such circumstance, the Company may call additional service providers for assistance in responding to the call. Any company that responds to assist the called Company will also abide by the operational requirements specified in this Memorandum.

Each wrecker will be equipped with the following:

Broom, shovel, and a container to place debris into once it has been picked up and such other items or materials as would be needed to respond to wrecker/towing service calls. The decision as to whether the debris can be picked up by the wrecker, or if it should be swept to the side of the road, will rest with the investigating officer. (If debris from the accident scene is placed inside a vehicle, it shall be done in a safe manner so items will not fall back out onto the roadway during transport)

All tow trucks will have operable, 360 degree view, amber warning lights as well as any other necessary safety lighting.

All tow trucks shall have any other additional necessary equipment readily available such as straps, auxiliary break lights etc.

All trucks and equipment shall be in good working order.

LIGHT DUTY TOW PROGRAM: In order to participate in the "light duty" program, a towing company should own, at a minimum, one dual wheeled light duty wrecker/wheel lift with an extendable boom with a full 4 ton winching capabilities and a Gross Vehicle Weight Rating (**GVWR**) of between **10,000** to **19,500** pounds.

The tow company must also own a minimum of one car carrier (sometimes referred to as a flatbed or rollback) with a **GVWR** of at least **14,500** pounds. This is required in order to tow certain vehicles that can not be properly towed with a conventional tow truck.

MEDIUM DUTY TOW PROGRAM: In order to participate in the "medium duty" tow program, a towing company should own at least one tow truck with a **GVWR** of between **19,501** and **29,999** pounds.

HEAVY DUTY TOW PROGRAM: In order to participate in the "heavy duty" tow program, a towing company should own at least one tow truck with a **GVWR** of over **30,000** pounds. All Heavy-Duty wreckers shall have at a minimum a 20 ton Boom Rated Crane.

If a company can not fulfill the equipment requirement portion of this agreement due to mechanical issues or other reasons, the company is to notify the police department immediately and face possible removal from the tow list depending upon circumstances.

INSURANCE REQUIREMENTS:

Companies desiring to be placed on the list of service providers will submit as an attachment to this Memorandum an insurance certificate to the Pelham NH Police Department meeting the following requirements and will maintain this insurance in full force and effect during the entire term of this Memorandum

- a. Comprehensive General Liability Insurance written on occurrence form, including completed operations, coverage, personal injury liability coverage and contractual liability coverage insuring the services to be provided as described herein. The minimum limits of liability carried on such insurance will be **\$1,000,000** each occurrence and, where applicable, in the aggregate combined single limit for bodily injury and property damage liability; **\$1,000,000** each annual aggregate personal injury liability.
- b. Automobile liability insurance for owned, non-owned, and hired vehicles. The minimum limits of liability carried on such insurance will be **\$1,000,000** each accident, combined single limit for bodily

injury and property damage.

- c. Any and all deductible on the above described insurance policies will be assumed by and for the account of, and at the sole risk of the Company.
- d. All participants in the Pelham Police towing programs shall be required to provide to the Chief of Police proof of workers compensation coverage for all tow truck operators.
- e. Tow program participants shall also be required to maintain additional garage keeper's legal liability insurance in an amount that will cover all vehicles that are stored on a participant's lot.
- f. Insurance companies utilized will be admitted to do business in New Hampshire or be on the Insurance Commissioner's list of approved non-admitted companies and have a rating of (A) or better in the current edition of Best's Key Rating Guide.

Tow program participants shall be required to notify the Chief of Police in writing of any changes in the terms, conditions or lapses of their insurance policies.

All proof of required insurances shall be provided annually to the Pelham Police Department.

RATES

The Company will provide to the Chief of Police, or his designee, a list of all current tow fees, storage fees and other service costs. Said fees and costs shall be reasonable.

Any changes in rates will be sent in writing to the Chief of Police.

It is understood by the Pelham Police Department that due to the strict requirements of Pelham Police Tow program that authorized tow companies may need to charge more than the average tow cost in order to offset the additional costs of being an authorized tow company. These additional costs of being an authorized tow company include but are not limited to specified trucks, recommended training, HAZMAT clean up, insurance requirements, 24/7 and holiday pay as well as storage area requirements.

This does not limit a company's ability to charge additional fees for extra service or recovery efforts.

This Memorandum of Understanding does not require that company release property to the owner prior to receiving proper payment for the tow. However, companies will have a procedure available for permitting vehicle owners/operators to retrieve life essential items such as medication,

glasses, house keys etc. A company is allowed to charge a "gate fee" for these types of instances.

The Company may exercise any lien it may have on a towed vehicle pursuant to law.

Any complaints of excessive charging will be subject to review by the Chief of Police with potential punishment ranging from suspension from the rotation list up to termination of tow program agreement.

ROTATION LIST

A rotational call list and tow log will be utilized and maintained in Pelham Police dispatch to ensure fair and equitable distribution of police requested tows. The rotation will be based upon 2 week rotations of companies.

All authorized tow companies are expected to accept and respond within the previously listed guidelines to all requests for police tows. If a tow company is not available when requested for a tow (unless previously arranged with other authorized tow companies or an extraordinary circumstance), that company will forfeit the remaining tows of their rotation and could face further discipline for repeated violations.

AUDITS AND INSPECTION

Under this agreement, the tow company shall agree to be audited and checked for compliance by Pelham Police Department personnel or their designee, at any time and at least annually, to include but not limited to, inspection of equipment and vehicles, tow bills and receipts from police requested tows, insurance information, employee information, and any other information deemed pertinent by the Pelham Police Department.

In case of non compliance by the tow company of any portion of this agreement, the Pelham Police Department may terminate this agreement upon fourteen (14) days written notice to the contractor, at any time.

The Pelham Police Department also reserves the right to suspend a tow company from the rotational list, for any inappropriate actions by the company or its operators, or any other reason deemed appropriate by the Chief of Police. The period of time of suspension will solely be at the discretion of the Chief of Police. Notice of suspension shall be in writing within fourteen (14) days of such an incident.

RIGHTS RESERVED

The Pelham Police Department reserves the right, when practical, to call any towing service designated by the owner of a vehicle involved in an accident, who requests the officer on the scene to call such towing service.

The Pelham Police Department reserves the right to call any towing service having special equipment or expertise when in the opinion of the police officer, or other emergency response official on the scene, the situation requires such special equipment or expertise.

The Pelham Police Department reserves the right to skip the rotation and call authorized tow companies in addition to the rotation assigned tow company during extraordinary circumstances i.e. storms, roadblocks etc.

Any violations of this agreement may result in a range of punishment from verbal warning, written warning, forfeiture of rotation position, suspension or removal of the Company from the tow list. The Chief of Police reserves the right to administer any level of punishment that he determines appropriate to a violation of this agreement.

No right or privilege contained herein shall be transferable.

ACKNOWLEDGEMENTS

Upon signing and entering into this agreement to provide towing services for the Pelham Police Department, I agree to follow all of the rules and regulations set forth in this agreement. I further acknowledge that this agreement supersedes any and all agreements made in writing or verbally prior to the execution of this agreement.

The Pelham Police Department and below named Tow Company retain the right to terminate this agreement at any time with thirty (30) days written notice provided to the other party.

Chief Joseph A. Roark, Pelham NH Police Department, Date

Tow Company Name and signature of Proprietor, Date