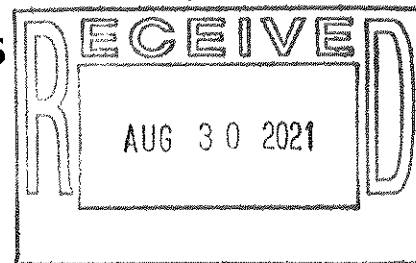


OCT. Corresp. /cc: Katrina

**BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF WARREN**

WAYNE DUMONT, JR. ADMINISTRATION BUILDING
165 COUNTY ROAD 519 SOUTH
BELVIDERE, NJ 07823-1949



Corr #1

ALEX J. LAZORISAK
COUNTY ADMINISTRATOR

Telephone: 908-475-6500
Fax: 908-475-6528

August 26, 2021

Mayor Brian Tipton
Township of Harmony
3003 Belvidere Road
Phillipsburg, NJ 08865

Subject: Roadway Solicitation

Dear Honorable Mayor and Governing Body:

The solicitation of purchases or contributions for any cause in the roadway is generally prohibited under State law. State law, however, grants a limited exception in the case of municipalities that authorize the solicitation of contributions by charitable organizations pursuant to municipal ordinance. Specifically, N.J.S.A. 39:4-60 provides that a municipal governing body may by ordinance authorize charitable organizations, as defined in N.J.S.A. 45:17A-20, to solicit contributions in the roadway, other than interstate highways or toll roads, subject to the regulations promulgated by the State Department of Transportation in consultation with the Division of Highway Traffic Safety. Although the statute expressly prohibits municipalities from authorizing charitable organizations to conduct solicitations on County and State roads without approval of the County or the State, depending on the jurisdiction over the particular roadway, it is important to note that neither the County, nor the State, has the authority to authorize roadway solicitations in the absence of a municipal ordinance. In other words, authorization in the form of a municipal ordinance permitting charitable organizations to engage in roadway solicitations and approval of the municipality in which the roadway is located are prerequisites to the approval of any request made to the County in connection with a County road.

Another aspect of this of critical importance to both the County and its constituent municipalities alike is with regard to the relationship between the aforementioned statute, N.J.S.A. 39:4-60, and the Tort Claims Act, particularly, N.J.S.A. 59:2-1.1, as it pertains to liability for accidents and injuries arising from roadway solicitations. It should be noted that N.J.S.A. 59:2-1.1, which was adopted as part of the same legislation that empowered municipalities to authorize this type of activity, grants fairly broad immunity to municipalities and counties from liability for property damage and personal injury from motor vehicle accidents arising in the course of roadway solicitations. While we would encourage each municipality to consult with their municipal attorney on this issue, the County reads this statute to condition the grant of such immunity on compliance N.J.S.A. 39:4-60.

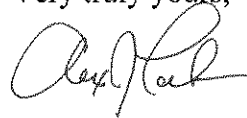
Mayor Brian Tipton
Township of Harmony
August 26, 2021
Page 2

Thus, upon recommendation of the insurance carrier and legal counsel, the County has elected to strictly adhere to the policy of not granting approval for roadway solicitations in the absence of the requisite municipal authorizations. This will take effect January 1, 2022.

Enclosed for your use are the statutes as outlined above.

If you have any questions please feel free and contact me.

Very truly yours,



Alex J. Lazorisak
County Administrator

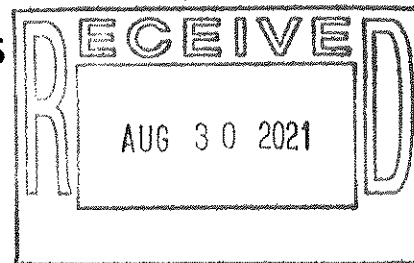
AJL:tlm

Enclosures

c: WC Board County Commissioners

Oct. Corresp. /cc: Katrina

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Enclosures

c: WC Board County Commissioners

New Jersey Statutes Annotated

Title 39. Motor Vehicles and Traffic Regulation

Subtitle 1. Motor Vehicle and Traffic Laws

Chapter 4. Traffic Regulation (Refs & Annos)

Article 9. Operation of or Acts Affecting Operation of Vehicles and Street Cars

N.J.S.A. 39:4-60

39:4-60. Soliciting trade or contributions prohibited; designation
of particular highway as hazardous for such purposes; signs

Currentness

Except as provided herein, no person shall stand in the roadway of a highway to stop, impede, hinder or delay the progress of a vehicle for the purpose of soliciting the purchase of goods, merchandise or tickets, or for the purpose of soliciting contributions for any cause, and the only question of law and fact in determining guilt under this section shall be whether goods, merchandise or tickets were tendered or offered for sale, or whether a contribution was solicited.

A municipal governing body by ordinance may authorize charitable organizations as defined in section 3 of P.L.1994, c. 16 (C. 45:17A-20) to solicit contributions in the roadway of a highway, other than interstate highways or toll roads maintained pursuant to P.L.1962, c. 10 (C. 27:12C-1 et seq.) or P.L.1991, c. 252 (C. 27:25A-1 et seq.), P.L.1952, c. 16 (C. 27:12B-1 et seq.), or P.L.1948, c. 454 (C. 27:23-1 et seq.), subject to regulations promulgated pursuant to the "Administrative Procedure Act," P.L.1968, c. 410 (C. 52:14B-1 et seq.), by the Department of Transportation in consultation with the Division of Highway Traffic Safety.

A municipality shall not authorize charitable organizations to solicit on any county highway or intersection of a county highway without the approval of the board of chosen freeholders. A municipality shall not authorize charitable organizations to solicit on any State highway or intersection of a State highway without the approval of the Commissioner of Transportation. The board of chosen freeholders and the Commissioner of Transportation shall not unreasonably withhold approval.

In addition to the prohibition contained in the first paragraph of this section, whenever in his judgment the public safety so requires, the Commissioner of Transportation may, by regulation, designate any highway or sections of any highway as a location wherein the standing of any person or the parking of any vehicle for the purpose of soliciting the purchase of goods, merchandise or tickets, or for the purpose of soliciting contributions for any cause, is deemed hazardous or inimical to the proper flow of traffic, and shall be prohibited. Each highway or section thereof so designated shall be clearly marked by appropriate signs which shall be erected and maintained by the authority having the responsibility for the maintenance of such highway, upon receipt by such authority of written notice from the director of the adoption of such regulation. No person shall stand in, and no operator shall allow a vehicle to stand in, any section of a highway so designated and marked to stop, impede, hinder or delay the progress of a vehicle for the purpose of soliciting the purchase of goods, merchandise or tickets, or for the purpose of soliciting contributions for any cause, and the only question of law and fact in determining guilt under this section shall be whether goods, merchandise or tickets were tendered or offered for sale, or whether a contribution was solicited. Whenever in his judgment the public safety so requires the Commissioner of Transportation may, by regulation, amend or alter any designation made by him pursuant to the provisions of this paragraph. Nothing contained in this paragraph shall be construed to authorize or permit any person to stand in or to allow a vehicle to stand in any highway where the same is or shall be prohibited by any other provision of this Title or by any amendment thereof or supplement thereto, or by any ordinance, resolution, regulation or order duly adopted pursuant to authority thereunder.

Any person who shall violate any of the provisions of this section shall pay, upon conviction, a penalty not to exceed \$100.

Credits

Amended by L.1951, c. 23, p. 78, § 35; L.1997, c. 82, § 1, eff. Aug. 1, 1997.

Editors' Notes

SENATE LAW AND PUBLIC SAFETY COMMITTEE

Senate, No. 622--L.1997, c. 82

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 622 with committee amendments.

This bill permits the sale of merchandise or tickets and the solicitation of contributions from motorists by members of volunteer fire companies or first aid, rescue or emergency squads. Municipal governing bodies would have the ability, by ordinance, to regulate such sales and solicitations.

The bill does not permit solicitations to be conducted on the New Jersey Turnpike, Garden State Parkway or Atlantic City Expressway. In addition, the bill grants immunity to municipalities from civil liability for personal injury or property damage resulting from a motor vehicle accident occurring in the course of or during such sales or solicitations.

The committee amendment is technical in nature. As introduced the bill required the Department of Transportation (DOT) to consult with the Division of Motor Vehicles (DMV) in promulgating regulations; however the DMV has been transferred from the Department of Law and Public Safety to the DOT, so language requiring consultation is not necessary.

It is the committee's understanding that the purpose of this bill is to encourage the fund-raising efforts of volunteer fire companies and volunteer first aid, rescue and emergency squads.

N. J. S. A. 39:4-60, NJ ST 39:4-60

Current with laws through L.2020, c. 86 and J.R. No. 2.

End of Document

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New Jersey Statutes Annotated

Title 59. Claims Against Public Entities (Refs & Annos)

Subtitle 1. New Jersey Tort Claims Act (Refs & Annos)

Chapter 2. Immunity and Liability of Public Entity (Refs & Annos)

N.J.S.A. 59:2-1.1

59:2-1.1. Liability of public entity for damage or injury resulting
from roadway solicitations by charitable organizations

Currentness

Notwithstanding any provisions of law to the contrary, a municipality, a county or the State shall not be liable in any civil action for damages for property damage or personal injury resulting from a motor vehicle accident arising out of or in the course of roadway solicitations for the purpose of soliciting contributions, conducted by charitable organizations, as defined pursuant to section 3 of P.L.1994, c. 16 (C. 45:17A-20), pursuant to R.S. 39:4-60.

Credits

L.1997, c. 82, § 2, eff. Aug. 1, 1997.

N. J. S. A. 59:2-1.1, NJ ST 59:2-1.1

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N. J. S. A. 39:4-60, NJ ST 39:4-60

Current with laws through L.2021, c. 130 and J.R. No. 3.

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New Jersey Statutes Annotated
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Current with laws through L.2021, c. 130 and J.R. No. 3.

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Corr #2

**THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF WARREN**
Wayne Dumont, Jr. Administration Building
165 County Route 519 South
Belvidere, NJ 07823

RESOLUTION 401-21

On a motion by Ms. Ciesla, seconded by Mr. Sarnoski, the following resolution was adopted by the Board of County Commissioners of the County of Warren at a meeting held September 8, 2021.

RESOLUTION TO AMEND THE WARREN COUNTY SOLID WASTE MANAGEMENT PLAN TO REMOVE THE RESOURCE RECOVERY FACILITY LOCATED AT 218 MT. PISGAH AVENUE ON BLOCK 26 LOTS 88, 88.01, AND 89 IN OXFORD TOWNSHIP AND REMOVE A CLASS C RECYCLING FACILITY LOCATED AT 40 FOUL RIFT ROAD ON BLOCK 21, LOT 11 IN WHITE TOWNSHIP AND REVISE THE SHORT AND LONG TERM DISPOSAL STRATEGY FOR THE DISPOSAL OF SOLID WASTE GENERATED WITHIN THE COUNTY OF WARREN AND TO CLARIFY LANGUAGE REGARDING THE RECONFIGURATION AND CONSOLIDATION OF LOTS FOR THE WARREN COUNTY DISTRICT LANDFILL

WHEREAS, the Resource Recovery Facility located in Oxford Township at 218 Mt. Pisgah Avenue on Block 26, Lots 88, 88.01, and 89, owned by Covanta Energy, functioned as a regional market facility for the disposal of ID 10 waste generation within Warren County and outside of Warren County; and

WHEREAS, Covanta Energy ceased accepting all waste on March 2, 2019, and closed operations in accordance with a Mothball Plan that was submitted to and approved by the New Jersey Department of Environmental Protection; and

WHEREAS, over the past two years, the Resource Recovery Facility had no active or productive role in the management of I.D. 10 waste generated within Warren County; and

WHEREAS, the Solid Waste Regulations at N.J.A.C. 7:26 - 6.11(b)7 provides for the deletion of a facility not in operation for more than two years, the Warren County is deleting the RRF from its Solid Waste Management Plan; and .

WHEREAS, N.J.A.C. 7:26 - 6.10(b)9, requires that the County formally amend its Solid Waste Management Plan as the removal of the Resource Recovery Facility, owned by Covanta Energy, affects the County's short and long term disposal strategy; and

WHEREAS, the Warren County District Landfill is included in the Warren County Solid Waste Management Plan (SWMP) and has approved for expansion in a previous SWMP amendment adopted by the Board of County Chosen Freeholders on September 27, 2017 and certified by the Commissioner of NJDEP dated March 8, 2018; and

WHEREAS, the expansion is projected to extend the life of the landfill until the year 2061; and

WHEREAS, while the landfill expansion is under construction, the short term disposal strategy for ID 10 waste generated within Warren County is to dispose of the waste at the transfer stations located in Hunterdon County or Somerset County or to transport the waste to any other permitted disposal site with the State of New Jersey or outside of the State; and

WHEREAS, the long term strategy will be for all permitted types of waste types generated within Warren County to be disposed of at the Warren County District Landfill when the expansion becomes available and all contractual restrictions between the Pollution Control Financing Authority and Covanta are resolved; and

WHEREAS, language concerning the reconfiguration and consolidation of lots formerly designated as landfill properties and offered for donation to the NJDEP needs to be clarified; and

WHEREAS, the Class C Recycling Center, located at 40 Foul Rift Road, on Block 21, Lot 11 in White Township, formerly owned by Natures Choice Corporation, has had its operating permit revoked and terminated by the NJDEP, and has not been in operation for over two years; and

WHEREAS, the Solid Waste Regulations at N.J.A.C. 7:26 - 6.11(b)7 provides for the deletion of a facility not in operation for more than two years, the Warren County is deleting Class C Recycling Center, formerly operated by Natures Choice from its Solid Waste Management Plan; and

WHEREAS, the Warren County Solid Waste Advisory Council discussed the modification at its July 2, 2021 meeting and recommended the proposed amendments with minor revisions to the County Commissioners; and

WHEREAS, the County held a public hearing on the proposed Solid Waste Management Plan Amendment at the Oxford Township Municipal Building on September 1, 2021 wherein members of the public were invited to share questions and comments relative to the proposed amendment; and

WHEREAS, the Board of County Commissioners presided over a second public hearing on the proposed Solid Waste Plan Amendments on September 8, 2021 in the Warren County Commissioners Meeting Room to further solicit questions and comments from the public on the proposed amendment; and

WHEREAS, the Board of County Commissioners determines that it is in the interest of the County of Warren to address the County's future disposal needs by deleting the Resource Recovery Facility, owned by Covanta Energy and deleting the Class C Recycling Center, formerly operated by Natures Choice from its Solid Waste Management Plan; and

WHEREAS, the sections of the Solid Waste Management Plan that are modified are the Introduction, Section 2: Existing Solid Waste Facilities, Section 6: Collection/Haul Analysis, a portion of Section 7: Recycling, and Section 8: Solid Waste Disposal Strategy.

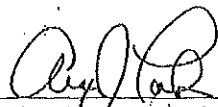
NOW, THEREFORE BE IT RESOLVED, that the Board of County Commissioners hereby amends the Warren County Solid Management Plan as provided in the attached Warren County Solid Waste Management Plan dated July 2, 2021.

BE IT FURTHER RESOLVED, that the Commissioner Director, County Administrator, County Planner/Solid Waste Coordinator and County Counsel are hereby authorized and directed to draft, execute and deliver any and all papers, documents, instruments and other writings and to take and cause to be done any and all actions necessary to effectuate the purposes of this Resolution and consummate the County Solid Waste Management Plan amendment authorized hereunder.

BE IT FURTHER RESOLVED that certified copies of this resolution be sent to the New Jersey Department of Environmental Protection, and copies of this resolution be sent to all Warren County municipalities, the Pollution Control Financing Authority, and the Warren County Health Department.

RECORDED VOTE: Ms. Ciesla yes, Mr. Sarnoski yes, Mr. Kern yes

I hereby certify the above to be a true copy of a resolution adopted by the Board of County Commissioners of the County of Warren on the date above mentioned.



Alex J. Lazorisak

_____, Clerk

[E7]