

THE MEETING OF THE CITY OF BURLINGTON COMMON COUNCIL, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, WAS HELD ON TUESDAY, SEPTEMBER 1, 2015, AT 7:00 PM, IN THE CITY HALL, 525 HIGH STREET, BURLINGTON, NJ, PURSUANT TO THE OPEN PUBLIC MEETINGS ACT.

The Deputy Municipal Clerk advised the public of the location of the two fire exits; one on the left after exiting the Council Chamber and the other being the entrance to the building.

Members present: Mr. Ghaul, Ms. Hatala, Mr. Swan, Ms. Woodard, Mr. Babula. (5) Absent: Mr. Conaway, Ms. Lollar. (2)

Also present: Municipal Attorney- George Saponaro, Administrator- David Ballard, Capt. Snow.

The following notice of the meeting was sent:

There will be a Meeting of the Common Council of the City of Burlington held on September 1, 2015 at 7:00 PM, prevailing time at the City Hall Building, 525 High Street, Burlington, N.J. 08016.

Cindy A. Crivaro, RMC  
Municipal Clerk

**INVOCATION**

Deacon Walter Karpecik, Jr. of St. Katherine Drexel Parish

**SALUTE TO FLAG**

**COMMUNITY INFORMATION ANNOUNCEMENTS**

Ms. Schiller gave an update on upcoming community events.

**CONSENT AGENDA**

Councilwoman Hatala, moved that all Consent Agenda items be approved. It was seconded by Councilwoman Woodard. All were in favor.

**PETITIONS AND COMMUNICATIONS\***

Approved by Consent Agenda. All were in favor.

**CORRESPONDENCE FOR AUGUST 2015**

**NOTICES, AGENDAS, MINUTES, REPORTS, ETC. RECEIVED**

Reports from various departments received:

Monies collected by the Municipal Clerk's Office for the month of July 2015.	\$17,926.00
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**AGENDAS RECEIVED FROM VARIOUS BOARDS**

08-01 Historic Preservation Commission for September 2, 2015

08-02 Screening Board for August 2015

**PETITIONS OF APPEALS:**

08-30 Block 74, Lot 25

**COMMUNICATION TO AND FROM MUNICIPAL ENGINEER**

08-300 Pennoni Associates, dated August 13, 2015, re: Assiscunk Creek Levee Improvement Phase 1

08-301 Pennoni Associates, dated August 6, 2016, re: City of Burlington Secondary Clarifier #1 Drive Replacement

**CORRESPONDENCE TO AND FROM BURLINGTON COUNTY**

08-501 BCCAP, dated July 22, 2015, re: Annual Report BCCAP

**CORRESPONDENCE TO AND FROM THE STATE OF NEW JERSEY**

08-700 State of New Jersey, dated July 31, 2015, re: Municipal Aid, Transit Village, Bikeways and Safe Streets to Transit

08-701 State of New Jersey, dated August 13, 2015, re: Arrival of Pope Francis

08-702 State of New Jersey, dated August 28, 2015, re: Proposed FFY2016 Priority System Intended Use Plan and Project Priority List Document

08-703 DEP New Release, dated August 26, 2015, re: Media Advisory/Photo and Video Opportunities

**MISCELLANEOUS CORRESPONDENCE**

08-800 Endeavor Emergency Squad, Inc., re: July 2015 Monthly Statistics

08-801 Elcon, re: Proposal back to PADEP

08-802 Elaine McClammy, dated August 6, 2015 re: oversized vehicle parking

08-803 City of Burlington Board of Education, re: August 24, 2015 5pm meeting

08-804 Endeavor Emergency Squad, Inc., re: 75 Years of Dedicated Service Fundraising Event, October 10, 2015

08-805 Board of Education, re: Legal Notice Monday August 31, 2015 5pm

08-806 City of Burlington Board of Education, re: Notice, Member Vacancy

**APPROVAL OF INVOICES\***

Approved by Consent Agenda. All were in favor.

**APPROVAL OF MINUTES\***

Approved by Consent Agenda. All were in favor.

**ORDINANCE(S) - SECOND READING & FINAL DISPOSITION**

ORDINANCE NO. 11-2015 OF THE CITY OF BURLINGTON AMENDING CHAPTER 2, ARTICLE VIII OF THE CODE OF THE CITY OF BURLINGTON (DEPARTMENT OF PUBLIC SAFETY – POLICE DIVISION)

**WHEREAS**, the City of Burlington Police Department sets forth its organization, positions, powers, and duties under Article 8 of the Code of the City of Burlington; and

**WHEREAS**, the City of Burlington Police Department, through the Administration, has made recommendations concerning amendments to the City of Burlington Code as it relates to the Police Division; and

**WHEREAS**, the City of Burlington Police Department has received a number of extra-duty assignments from a variety of organizations in the City which require a police presence or services; and

**WHEREAS**, the Common Council of the City of Burlington finds it to be in the best interest of the Police Division to make amendments to the Code for the City of Burlington;

**NOW THEREFORE BE IT ORDAINED** by the Common Council for the City of Burlington as follows:

1. The Code of the City of Burlington, Article VIII Department of Public Safety – Police Division shall be amended as follows:

Section 2-24.1 Extra Duty Assignments

**A. Purpose.**

The purpose of this article is to set forth guidelines to govern the employment of City of Burlington police officers for voluntary extra-duty (off-duty) details within the City of Burlington or within other local municipalities and which extend beyond their regular assigned duties and responsibilities.

**B. Extra-duty details permitted under certain conditions.**

Officers of the City of Burlington Police Department may be permitted to accept and perform police-related employment and services for private persons or entities, including school districts, only during off-duty hours and at such time as will not interfere with the efficient performance of regularly scheduled or emergency duty for the City, as determined by the City of Burlington Chief of Police or his authorized designee. Officers of the City Police Department may be permitted to perform police-related services subject, however, to the following conditions:

1. All such work performed by the police officer shall be in his/her official capacity as an employee of the City of Burlington Police Department and subject to its supervision and control.

2. The Police Officer shall be paid for the extra-duty services by the City of Burlington Police Department at a rate of pay determined by the City for such police-related work.

3. The City of Burlington, the City of Burlington Chief of Police, or his designee, shall bill the private person or entity for all such services performed based on the prevailing rate established by the City of Burlington, which may be amended from time to time by resolution adopted by the Common Council of the City of Burlington

4. The City of Burlington Chief of Police, or his designee, shall establish the procedure for assigning police officers to such duty referenced in this section.

5. No City of Burlington police officer shall engage in any employment for police-related services with any private person or entity, except in the manner established pursuant to this section. To be eligible for extra-duty employment, a sworn officer must be in good standing with the City of Burlington Police Department. Officers on medical or disability leave are not eligible for extra-duty assignments. The Chief of Police shall include in his monthly report to the appropriate authority information about extra-duty work of members of the Department.

6. The City of Burlington Chief of Police shall retain ultimate authority to determine what officers, if any, and which officers may participate in any extra-duty assignments. Any and all participation by any officer is at the discretion of the Chief of Police and the Chief reserves the authority to deny extra-duty assignments on a discretionary basis.

**C. Extra-duty employment to be voluntary.**

Any such extra-duty employment shall be voluntary, and may be accepted or declined solely at the option of the officer (provided the extra-duty employment is approved in the manner described herein). Acceptance of such extra-duty employment shall not be a condition of employment or promotion within the City of Burlington Police Department. Officers of the City of Burlington Police Department are eligible to accept off-duty employment only during periods when they are not assigned to regular duty and at such times when off-duty employment will not interfere with the efficient performance of their regularly scheduled police duties. The Chief of Police, or his designee, shall monitor all off-duty employment to ensure that the City's interests are protected.

**D. Definitions.**

As used in this article, the following terms shall have the meaning indicated:

**EMPLOYER**

Any individual, partnership, corporation, business entity or other organization, located either within or outside the City of Burlington, including, but not limited to, schools.

#### EXTRA-DUTY

Any voluntary outside employment when a police officer is not scheduled for a shift of duty by the City of Burlington Police Department and that calls for the actual or potential use of law enforcement powers by the police officer employee. This shall be limited to employment as a security guard, traffic control officer, or plainclothes surveillance officer.

#### IN THE EMPLOY OF THE EMPLOYER

All times when a police officer is scheduled for and does, in fact, work for an "outside employer" as extra-duty, as such term is defined in this section.

#### PLAINCLOTHES SURVEILLANCE OFFICER

A position of employment involving the wearing or carrying of a City of Burlington Police Department badge or the carrying of a firearm or other dangerous weapon, as such term is defined by N.J.S.A. 2C:39-1 et seq.

#### POLICE OFFICER

Any class of police officer of the City of Burlington.

#### SECURITY GUARD

A position of employment involving the wearing of a City of Burlington uniform, badge, and/or the carrying of a firearm or other dangerous weapon, as such term is defined by N.J.S.A. 2C:39-1 et seq.

#### TRAFFIC CONTROL OFFICER

A position of employment involving the wearing of a City of Burlington police uniform while directing or monitoring traffic within or outside the municipal boundaries of the City of Burlington.

#### WORKERS' COMPENSATION INSURANCE

All forms of insurance, including self-insurance, required under N.J.S.A. 34:15-1 et seq.

#### **E. Chief of Police approval required.**

Any person, entity, or organization wishing to employ off-duty police for extra-duty work shall first obtain the approval of the City of Burlington Chief of Police, which approval shall be granted if in the opinion of the Chief such employment would not be inconsistent with the efficient functioning and good reputation of the City of Burlington Police Department, and would not unreasonably endanger or threaten the safety of the officer or officers who are to perform the work. The procedure for extra-duty assignment approval is memorialized within this Ordinance. The Chief of Police is hereby authorized and directed to establish such rules and regulations as are necessary to implement this section.

**F. Minimum time of assignments; cancellation.**

Extra-duty assignments shall be a minimum of four hours. Cancellation of an assignment by an employer with less than 24 hours' advanced notice to the Chief of Police shall be subject to this minimum.

**G. Liability and insurance required.**

No employer shall employ a City of Burlington police officer for extra duty without having first filed with the City of Burlington Clerk a certificate of insurance, certificate to evidence comprehensive general liability, and automobile liability in the amount of not less than \$500,000 any one occurrence and workers' compensation with statutory limits with respect to injuries and/or damages suffered or caused by police officers while in the employ of the employer.

1. All policies of insurance evidenced by any certificate filed hereunder shall be maintained by the employer in full force and effect at all times while any police officer is employed by such employer. Upon the change or renewal of any such policy of insurance, the employer shall forthwith file with the City Clerk a new and current certificate of insurance in compliance with the foregoing provisions.

2. No certificate of insurance required by this subsection shall be deemed filed with the City Clerk unless it has been first approved by the City Risk Management Designee.

**H. Escrow account.**

1. Except as provided herein, any person or entity requesting the services of an off-duty police officer of the City of Burlington Police Department shall estimate the number of hours such law enforcement services are required, which estimate shall be approved in writing by the Chief of Police, and shall establish an escrow account with the City CFO by depositing an amount sufficient to cover the rates of compensation and administrative fees set forth herein for the total estimated hours of service plus an additional ten percent (10%) of said amount.

2. If the amount required to be deposited with the City exceeds \$20,000, an escrow deposit of \$20,000 shall be required. Said \$20,000 deposit shall be maintained until such time as the amount required to be deposited for all remaining services on any given project shall be less than \$20,000, and then such lesser amount shall be required to be maintained.

3. The person or entity requesting such services shall be responsible for ensuring that sufficient funds remain in the escrow account in order to avoid any interruption of services. In the event the funds in such an escrow account should become depleted, services of off-duty law enforcement officers shall cease and requests for further or future services shall not be performed or posted until additional funds have been deposited in the escrow account in the manner prescribed above.

4. State, county and municipal bodies and agencies and public schools may be exempted from the requirements for the posting of an escrow deposit at the discretion of the City of Burlington CFO.

5. The City of Burlington Chief of Police, with the concurrence of the City of Burlington CFO, may waive escrow requirements for assignments of less than five hours in total if, in their judgment, the outside employer has demonstrated a history of timely payment or demonstrated other, similar indicia of reliable and consistent, timely payment of fees and wages owed.

**I. Employer violations and penalties.**

Any employer who employs a police officer for extra-duty without first having complied with the requirements as set forth shall be subject to a fine of \$500 or imprisonment of one day, or both, for each day that it employs the police officer.

**J. Compliance with article required.**

Any police officer who accepts or continues extra-duty employment with an employer who has not complied with the requirements of this article, shall be deemed in violation of the rules and regulations of the Police Department and shall be subject to appropriate discipline. The police officer shall, prior to accepting or continuing extra-duty employment, ascertain from the prospective employer whether it has complied with the provisions hereof. If the employer has not yet complied, the police officer shall not accept the prospective extra-duty employment.

**K. Attire.**

Officers assigned to extra-duty details shall be attired as prescribed by the Department's uniform policy. Officers shall be attired in the requisite and appropriate uniform or plain clothes best suited for the nature of the extra-duty detail. Uniformed traffic details shall consist of the uniform of the day and shall be equipped with a regular duty belt, other applicable gear and equipment (e.g. reflectorized traffic safety vest), and may wear an approved baseball-type cap. Officers assigned to extra-duty details shall be subject to all rules, regulations, orders and standard operating procedures of the City of Burlington Police Department.

**L. Compliance with safety standards for traffic-related details.**

Officers working any form of traffic-related detail shall comply with all applicable safety standards.

**M. Police action in serious or emergency matters.**

An officer on an extra-duty assignment shall take police action in response to any serious police matter coming to their attention at any time, and are additionally expected to respond to emergency situations in the City of Burlington if the extra-duty assignment is within the immediate area. All officers are subject to recall to duty if an emergency arises in the City of Burlington.

**N. Eligibility.**

In order to be eligible for extra-duty employment, a police officer must be in good standing with the Department. Officers who are on medical or other leave due to sickness, temporary disability or an on-duty injury shall not be eligible to engage in extra-duty employment. Officers who accept or perform extra-duty employment while on sick or injured leave from their regular duties with the City of Burlington Police Department shall be subject to discipline.

**O. Wages.**

Wages earned for outside extra-duty employment by any City of Burlington police officer shall not be applied toward the pension benefits of the police officer so employed.

**P. City reservation of right to decline extra-duty employment.**

The Chief of Police, as well as the City of Burlington, reserves the right to decline to approve any extra-duty employment as herein defined and subject to the Chief of Police's discretion.

**Q. Defense and indemnification.**

Each employer of a police officer for extra duty must sign in advance a hold-harmless indemnification agreement stating that said employer will release, defend and indemnify the police officer, the Police Chief, the Police Department, the Common Council members, City of Burlington and any agent, officer, employee thereof and save them harmless from and against any and all claims, actions, damages, liability and expenses, including but not limited to court costs and reasonable attorney's fees, without regard to fault, in connection with or arising out of any acts or omissions by the City of Burlington police officer in performing the extra duty subject to said employer's agreement with the City of Burlington or in connection with or arising out of that agreement between said employer and the City of Burlington or City of Burlington Police Department for such extra-duty assignment.

**R. Procedure.**



1. All requests for extra-duty assignments shall be forwarded to the City of Burlington Chief of Police through the use of the attached form. Requests for assignments for a period of one week or longer shall be submitted at least fifteen (15) days before such services are required. Any prospective employer shall be apprised of any applicable City codes, ordinances, rules and regulations, and policies and procedures.

2. The Chief of Police shall ensure:

a. Compliance with this policy and all applicable City codes and ordinances, Departmental rules, regulations, policies and procedures, and other applicable contracts, agreements, laws and regulations.

b. Notwithstanding any other regulations and/or contracts, ensure that there is an equitable opportunity for all eligible officers within the Department to avail themselves to such extra-duty employment. Repeated denials by an officer who has been offered such employment does not encumber or obligate the Department to ensure for equitable distribution of such employment opportunities.

c. All officers working extra-duty details shall do so under the auspices and control of the Department's rules and regulations and policies and procedures.

d. All officers working extra-duty details have the training, experience and skills required to perform the assignment safely and appropriately, and shall be denied assignment if he or she lacks the same. An officer may be declined permission to accept a specific extra-duty position if, in the judgment of the Chief of Police, the officer lacks the training, experience or skills needed for the assignment.

e. All escrow payments, certificates of insurance and applicable forms have been completed, submitted, and accepted as required.

**S. Rates of compensation; administrative fee; payment for services.**

Rates of compensation for contracting the services of off-duty law enforcement officers for extra-duty shall be at a fixed rate per hour for the officer that shall be established by resolution authorized by the City of Burlington Common Council. Said amount shall be inclusive of any potential overtime due to the officer at his regular hourly rate. Additionally, an administrative fee shall be charged to cover the administrative costs, overhead, and out-of-pocket expenses for the officer that are incurred by the City of Burlington, including, but not limited to, an administrative fee for use of a City of Burlington vehicle. All fees related to this section shall be set and established by resolution adopted by the City Common Council from time to time.

**T. Performance of police-related services in other police jurisdictions.**

Officers of the City of Burlington Police Department are hereby authorized and empowered to perform extra-duty police-related services for private persons, entities, or organizations during off-duty hours in other police jurisdictions, subject to the approval by the Chief of Police. Rates for compensation and payment of officers engaged in such extra-duty assignments shall be that rate of payment and compensation established by ordinance in the outside jurisdiction.

**U. City administration of extra-duty payments.**

All payments made by an employer for extra-duty employment, including, but not limited to, administrative costs, shall be placed in an extra-duty police account to be known and established as the "Police Extra-Duty Trust Account," or some other such name as required by the CFO of the City of Burlington and all funds collected for services rendered and disbursements made shall be by and through such account. Officers of the City of Burlington Police Department shall be paid for services performed on the scheduled pay dates and on the submission of a time voucher approved by the Chief of Police, or his designee, and presented to the City CFO for payment from the aforesaid account. No disbursement shall be made for extra-duty services rendered until full payment has been received on account of such service from the employer. The Chief of Police, or his designee, shall bill for all such services rendered by officers of the Department, and shall keep such further books and records as may be deemed appropriate by the Common Council of the City of Burlington or the City Auditor.

1. Any employer requesting extra-duty services of an off-duty officer shall submit a deposit in the "Policy Extra-Duty Trust Account" based upon the Police Chief's estimate of time required by the employer based upon the prevailing rate established by the City. The deposit shall be made prior to any officer providing extra-duty services, and, in the event the employer's escrow account becomes depleted, extra-duty services shall be immediately terminated by the Police Chief.

2. All funds, if any, remaining in the employer's escrow account after the extra-duty services are completed and paid for shall be returned to the employer, unless the employer elects to leave the escrowed amount in the account for future extra-duty employment.

**V. Exemptions; waiver of extra-duty compensation.**

Any school district, charity or other nonprofit organization recognized by the Internal Revenue Code may apply to the Police Chief for an exemption from all fees codified within this section. The application for exemption shall be in writing and forwarded to the Police Chief. Additionally, any police officer may voluntarily elect to donate any extra-duty compensation earned to an employer that is recognized by the Internal Revenue Code as a charitable or nonprofit organization, which election by the officer shall be communicated to the Police Chief prior to commencing the extra-duty employment with the charitable or nonprofit employer, including school districts.

**W. Police vehicle.**

The Chief of Police shall determine if extra-duty assignments require the use of a Burlington City vehicle, and, if so determined, the Police Chief shall impose and charge a fee as set by Resolution of the Common Council for the City of Burlington with a minimum of \$25 per hour, minimum four hours per use for the use of said vehicle with such fee to be payable to the City.

**X. Business within the City of Burlington**

Any person, entity, or organization wishing to employ off-duty police for extra-duty work within the City limits or municipal boundaries of the City of Burlington must engage the City of Burlington Police Department in order to effectuate the use of and employ off-duty police officers for extra-duty work. As previously defined herein, if the City of Burlington Chief of Police declines such an employment request, the Chief of Police may either refer the employment opportunity to another municipal police department of the New Jersey State Police or may advise the employer that they may seek out an alternative municipal police department of the New Jersey State Police. The Chief of Police retains the authority to deny such employment and deny the employer authorization to seek out such alternative police at the Chief of Police's discretion. The Chief of Police is hereby authorized and directed to establish such rules and regulations as are necessary to implement this section. If the employer engages another police department, said employer must apply to the City of Burlington Chief of Police for approval.

**BE IT FURTHER ORDAINED**, that if any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

**BE IT FURTHER ORDAINED**, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

**BE IT FURTHER ORDAINED**, that this Ordinance shall take effect upon passage and publication in accordance within applicable law.

Upon the motion of Councilwoman Woodard, seconded by Councilman Ghaul, the foregoing ordinance was introduced.

Public Comments

None.

Council Comments

None.

This ordinance was then adopted by the following roll call vote: AYES: Mr. Ghaul, Ms. Hatala, Mr. Swan, Ms. Woodard, Mr. Babula. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Conaway, Ms. Lollar. (2).

ORDINANCE NO. 12-2015 OF THE CITY OF BURLINGTON AMENDING CHAPTER 300,  
ARTICLE II OF THE CODE OF THE CITY OF BURLINGTON (RECYCLING)

WHEREAS, the New Jersey Solid Waste Management Act ("SWMA"), 13:1E -1et seq., as amended by P.L. 1987, c. 102, requires each municipality within the State of New Jersey to adopt an ordinance or ordinances governing separation and collection of certain recyclable materials; and

WHEREAS, the Burlington County District Solid Waste Management Plan ("County Plan"), as Adopted by the Burlington County Board of Chosen Freeholders ("County") and approved by the New Jersey Department of Environmental Protection ("DEP") pursuant to the SWMA, also requires each municipality within the County to adopt an ordinance governing separation and collection of recyclable materials as designated by the County Plan; and

and WHEREAS, pursuant to the County Plan, the Department of Solid Waste (DSW) has prepared and distributed a model ordinance in a form substantially similar to this Ordinance.

NOW THEREFORE, it is hereby enacted and ordained by the City of Burlington, in the County of Burlington, State of New Jersey, as follows:

**Section 1. Purpose of Ordinance**

The City of Burlington finds that reducing the amount of solid waste and conservation of recyclable materials is an important public concern and is necessary to implement the requirements of the SWMA and the County Plan. The recycling of certain materials from the residential, commercial and institutional establishments in this Municipality will conserve existing landfill capacity, facilitate the implementation and operation of other forms of resource recovery and conserve natural resources through reduced energy consumption, reduced water and air pollution as well as reduce the demand on raw material extraction.

**Section 2. Statutory Authority for Recycling Ordinance**

This Ordinance is adopted pursuant to P.L. 1987, c. 102 (effective April 20, 1987), N.J.S.A. 40:48-2, N.J.S.A. 40:66-1 and N.J.S.A. 40:49-2.1 and any amendments adopted thereto.

**Section 3. Definitions**

As used in this Ordinance, the following definitions shall apply:

- Act or SWMA – shall mean the Solid Waste Management Act, N.J.S.A. 13:1E-1 et seq., as amended and supplemented.
- Aluminum can - shall mean empty food and beverage containers comprised of aluminum. Excluded from this definition are aluminum aerosol cans, aluminum foil and trays.
- Antifreeze - shall mean liquid used in a cooling system that is mixed with water and prevents the water from freezing. The solution serves as the engine coolant.

- Burlington County Regional Program – shall mean the program utilized for the collection of those recyclable materials as designated by the Department of Solid Waste from residential curbside, participating multifamily and participating school collection programs.
- Certified recycling coordinator – shall mean a person who shall have completed the requirements of a course of instruction in various aspects of recycling program management, as determined and administered by the Department of Environmental Protection.
- Class A recyclable material – shall mean source separated, non-putrescible, metal, glass and plastic bottles coded #1 & #2; and paper and corrugated and other cardboard.
- Class B recyclable material – shall mean source separated, non-putrescible waste concrete, asphalt, brick, block, asphalt based roofing, scrap and wood waste; source separated, non-putrescible waste materials other than metal, glass, paper, plastic containers, corrugated and other cardboard resulting from construction remodeling repair and demolition operations on houses, commercial buildings, pavements and other structures; source separated whole trees, tree trunks, tree parts, tree stumps, brush and leaves provided that they are not composted; source separated scrap tires; and source separated petroleum contaminated soils.
- Class C recyclable materials – shall mean source separated compostable or anaerobically digestible material such as source separated food waste biodegradable plastic and yard trimmings.
- Class D recyclable material - shall mean used oil, antifreeze, latex paints, thermostats, fluorescent lamps (light bulbs), oil-based finishes, batteries, mercury containing devices and consumer electronics.
- Commercial Establishment – shall mean all commercial and industrial activities that operate for profit and are involved in retail or manufacture of goods and services provided for sale.
- Commingled – shall mean a combining of source separated recyclable materials for the purpose of recycling.
- Common Area Recycling Storage Location – shall mean a location designed in accordance with the land use ordinances of this municipality as required for multifamily dwellings with more than twenty (20) residential units where curbside collection is not provided under the Burlington County Regional Program.
- Condominium Complex – shall mean a group of units, arranged horizontally or vertically, where the form of ownership of real property under a master deed providing for

ownership by one or more owners of units of improvements together with an undivided interest in common elements appurtenant to each such unit. \_\_\_

- Consumer electronics – shall mean computer equipment, including desktop and laptop computers and related components, including, monitors, circuit boards, terminals, and CPU's. It shall also include Televisions and cellular phones. \_
- Contaminant – shall mean solid waste, food waste, or other material which adheres to, or which is otherwise contained on or in, source separated recyclable materials.
- Corrugated and other cardboard - shall mean all corrugated cardboard normally used for packing, mailing, shipping or containerizing goods, merchandise or other material, but excluding plastic, foam, foil or wax-coated or soiled corrugated cardboard.
- County – shall mean the Burlington County Board of Chosen Freeholders, and its successors and assigns, acting through the Burlington County Division of Solid Waste Management.
- Curbside designated recyclables - shall mean those designated recyclables that are placed for collection within the parameters of the curbside collection program as outlined herein.
- Curbside Recycling Container – shall mean a container(s) provided by the municipality or persons for the temporary storage of recyclable materials within the residential unit(s).
- De minimis – shall mean less than 1% by volume.
- DEP or Department – shall mean the New Jersey Department of Environmental Protection.
- Designated recyclable materials - shall mean those recyclable materials to be source separated in this municipality including but not limited to Aluminum Cans, Antifreeze, Consumer Electronics, Corrugated Cardboard, Fluorescent Lights, Glass Containers, Lead Acid Batteries, Leaves, Metal Appliances, Paper, Plastic Bottles (coded #1&#2), Rechargeable Batteries, Steel (tin) cans, Textiles, Tires & Used Motor Oil.
- Disposition or disposition of designated recyclable materials - shall mean the transportation, placement, reuse, sale, donation, transfer or temporary storage for a period not exceeding six months, or for a period of time as mandated by law, of designated recyclable materials for all possible uses except for disposal as solid waste.
- DSW shall mean the Burlington County Department of Solid Waste, its successors and assigns.
- Fiber - shall mean all newspaper, fine paper, bond paper, junk mail, office paper, magazines, paperback books, school paper, catalogs, computer paper, telephone books, chipboard, corrugated and other cardboard and similar cellulosic material whether

shredded or whole, but excluding wax paper, plastic or foil-coated paper, thermal fax paper, carbon paper, blueprint paper, food contaminated paper, soiled paper and cardboard.

- Fluorescent lights - shall mean a lighting system which works by creating electric arcs inside a gas rich tube to produce ultraviolet light, then converting this to visible fluorescent light by its passage through a layer of phosphor on the inside of the glass.
- Generator - shall mean any person(s) who causes solid waste to be produced for any purpose whatsoever.
- Glass - shall mean all clear (flint), green, and brown (amber) colored glass containers. Glass shall not include crystal, ceramics, light bulbs, plate, window, laminated, wired or mirrored glass.
- Ink Jet Cartridge - shall mean a replaceable unit that holds ink and the print nozzles for inkjet printers.
- Institutional establishment - shall mean any entity, either public or private, either for profit or nonprofit, who operates for educational, charitable, religious, fraternal or other public purpose.
- Lead acid battery – shall mean storage batteries with lead electrodes and that contain dilute sulfuric acid as the electrolyte. These include starting batteries, such as vehicle batteries, marine batteries, small sealed lead acids and deep cell batteries used to power vehicles or marine accessories such as trolling motors, winches or lights.
- Leaves - shall mean vegetative material, typically generated in the autumn, which fall from trees and are collected for removal from a property.
- Metal appliances – shall mean appliances composed predominantly of metal including stoves, washing machines, dryers and water heaters. Also included are all Freon containing appliances including air conditioners, freezers, refrigerators and dehumidifiers.
- Mobile home park - shall mean any park, including a trailer park or camp, equipped to handle mobile homes sited on a year-round basis as defined in N.J.S.A. 2A: 18-61.7 et seq.
- Multifamily dwelling - shall mean any building or structure or complex of buildings or structures in which three or more dwelling units are rented or leased or offered for rental or lease for residential purposes; whether privately or publicly financed, except hotels, motels or other guest houses serving transient or seasonal guests as those terms are

defined under subsection (j) of section 3 of the “Hotel and Multiple Dwelling Law,” P.L.1967, c. 76 (C.55: 13A-1 et seq) & N.J.S.A 40:66-1.2 et seq.

- "Municipality" shall mean the City of Burlington located within the County of Burlington, State of New Jersey.
- Municipal recycling depot - shall mean a site owned and operated by a municipality for the receipt and temporary storage of certain designated Class A Recyclable materials delivered by residents, small commercial and non-profit establishments for a period not exceeding two months, prior to their transport to a recycling center or end-market.
- Municipal solid waste – shall mean residential, commercial and institutional solid waste generated within a community.
- Municipal solid waste stream – shall mean residential, commercial and institutional waste in the context of the Statewide Solid Waste Management Plan Update, which constitutes the waste stream, used to calculate the State mandated 50% recycling rate. This waste stream includes waste types 10 and 23.
- Paper - shall mean all newspaper, fine paper, bond paper, junk mail, office paper, magazines, paperback books, school paper, catalogs, computer paper, telephone books and similar cellulosic material whether shredded or whole, but excluding tissue and towel paper, wax paper, plastic or foil-coated paper, thermal fax paper, carbon paper, NCR paper, blueprint paper, food contaminated or soiled paper.
- Paper Cartons – shall mean shelf stable and refrigerated paperboard cartons used for food and beverage products.
- Person - shall mean any individual, firm, partnership, corporation, association, cooperative enterprise, trust, municipal authority, federal institution or agency, state institution or agency, municipality, other governmental agency of any other entity or any group of such persons, which is recognized by law as the subject of rights and duties.
- Plastic bottles - shall mean all bottles that are labeled as made from polyethylene terephthalate (PET) and coded as #1 and high - density polyethylene terephthalate (HDPE) and coded as #2. Specifically excluded are bottles that formerly contained hazardous materials, including, but not limited to paint, solvents, motor oil and pesticides and herbicides.
- Putrescible waste – shall mean organic material which is capable of, and prone to, a rapid process of biological and biochemical decomposition, under anaerobic or aerobic conditions, resulting in the formation of malodorous byproducts.



- Qualified private community - shall mean a residential condominium, cooperative or fee simple community or horizontal property regime, the residents of which do not receive any tax abatement or tax exemption related to its construction comprised of a community trust or other trust device, condominium association, home owners association or council of co-owners, wherein the cost of maintaining roads and streets and providing essential services is paid for by a not-for profit entity consisting exclusively of unit owners within the community. No apartment building or garden apartment complex owned by an individual or entity that receives monthly rental payments from tenants who occupy the premises shall be considered a qualified private community. No "proprietary campground facility," as defined in section 1 of P.L.1993, c.258 (C.45: 22A-49), shall be considered to be a qualified private community.
- Rechargeable batteries - shall mean batteries used in portable electronic devices composed of Nickel Cadmium (Ni-Cd), Nickel Metal Hydride (Ni-MH), Lithium Ion (Li-ion) and Small Sealed Lead (Pb).
- Recyclable materials – shall mean materials that would otherwise become solid waste that can be separated, collected and/or processed and returned to the economic mainstream in the form of raw materials or products.
- Recycling - shall mean any process by which materials, which would otherwise become solid waste, are collected, separated or processed and returned to the economic mainstream in the form of raw materials or products.
- Recycling center – shall mean a facility designed and operated solely for receiving, storing, processing or transferring source separated recyclable material (Class A, Class B, Class C and/or Class D recyclable materials).
- Resident - shall mean shall mean any person residing within the Municipality on a temporary or permanent basis, but excluding persons residing in hotels or motels.
- Scrap metal – shall mean bits and pieces of metal parts (for example, bars, turnings, rods, sheets, wire) or metal pieces that may be combined together with bolts or soldering (for example, radiators, scrap automobiles, railroad box cars) which when worn or superfluous, can be recycled. Included are all ferrous and non-ferrous metals including appliances and appliances containing refrigerants.
- Solid waste – shall mean garbage, refuse and other discarded materials, as defined in N.J.S.A. 13:1E-1, et seq. and N.J.S.A. 48:13A-1, et seq.
- SWMA - shall mean the New Jersey Solid Waste Management Act, as amended.
- Source separated – shall mean recyclable materials separated from the solid waste stream at the point of generation.

- Steel can - empty food, beverage and aerosol containers comprised of tin, steel or a combination thereof, which formerly contained only non-hazardous substances or such other substances as have been approved for recycling by Department of Solid Waste.
- Television - shall mean a stand-alone display system containing a cathode ray tube or any other type of display primarily intended to receive video programming via broadcast, having a viewable area greater than four inches measured diagonally, able to adhere to standard consumer video formats and having the capability of selecting different broadcast channels and support sound capability.
- Textiles - shall mean clean dry clothing or other fabric measuring at least one foot x one foot in size. It shall not include material that is wet or mildewed.
- Tires - shall mean rubber wheels used on motorized transport or equipment whether bias-ply, cross-ply or radial.
- Toner cartridge – shall mean an exhausted replaceable cartridge containing toner powder and sometimes the photosensitive drum on which a laser printer generates the image to be printed.
- Type 10 municipal solid waste – shall mean waste originating in the community consisting of household waste from private residences, commercial waste which originates in wholesale, retail or service establishments such as, restaurants, stores, markets, theatres, hotels and warehouses, and institutional waste material originated in schools, hospitals, research institutions and public buildings.
- Type 13 bulky waste – shall mean large items of waste material, such as appliances and furniture. Discarded automobiles, boats, trucks and trailers and large vehicle parts, and tires are included under this category.
- Used oil - shall mean any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use, is contaminated by physical or chemical impurities, or unused oil that is contaminated by physical or chemical impurities through storage or handling and is determined to be a solid waste by the generator.
- Used oil collection center - shall mean the municipal recycling center that manages used oil and accepts and/or aggregates and stores used oil collected from used oil generators regulated under N.J.A.C. 7:26A-6.4 that bring used oil to the collection center in shipments of no more than 55 gallons pursuant to N.J.A.C. 7:26A-6.4(e). Used oil accumulation centers may also accept used oil from household “do-it-yourselfer” used oil generators.

#### **Section 4. Requirements Applicable to Source Separation of Designated Recyclables.**

Notwithstanding the limitations to the Burlington County Regional Program (BCRP) or the Municipal Recycling Depot as outlined within this ordinance, every person is required to source separate and recycle each of the Designated Recyclable Materials outlined within this ordinance.

**Section 5. Establishment of Curbside Program.**

- A. In order to facilitate the collection of certain Designated Recyclable Materials, there is hereby established a curbside program for the collection of source separated recyclable material from residents of the Municipality.
  
- B. Designated Recyclable Materials for the curbside program are those materials designated by the DSW for collection within the BCRP. These materials are: Aluminum Cans, Corrugated Cardboard, Glass Containers, Paper, Plastic Bottles (Coded 1 & 2), Steel (Tin) Cans and other recyclable materials as may be designated from time to time by the DSW.
  
- C. Multifamily complexes of twenty (20) or more units, condominium complexes of twenty (20) or more units or mobile home parks of twenty (20) or more units, or any commercial or institutional establishment shall not receive collection under this program unless the collection location and type of containers are approved by the DSW.
  
- D. Collections of recyclable materials pursuant to this section shall be in accordance with a schedule of recycling collection areas and dates promulgated by DSW and publicly advertised by the Municipality or County.
  
  
  
  
  
  
  
  
  
  
- E. All residents served by the curbside program shall source separate all designated recyclables for curbside collection and shall place them at the side of the road fronting their residence in the manner designated by Section 6 of this Ordinance and on the date specified for collection.
  
- F. Residents who are physically unable to place recyclable materials out for collection within the Burlington County Regional Program shall be exempt from requirements for participation within the program.
  - a. Determinations for this exemption shall be at the discretion of this municipality.

**Section 6. Requirements Applicable to Source Separation and Collection of Designated Recyclables for the Curbside Program.**

All recyclables placed for collection pursuant to the Curbside Program established within Section 5 of this Ordinance shall be source separated and prepared for collection in accordance with the following conditions:

- A. Cardboard and paper shall be placed in recycling buckets/recycling carts, paper bags or tied in bundles not exceeding thirty-five (35) pounds in weight nor exceeding one (1) foot in thickness.
  - a. Cardboard and paper shall not be set out for recycling collection in plastic bags.
  - b. In those locations where carts are provided for the collection of corrugated cardboard and paper, those materials shall be placed in the carts that are provided by the municipality.
    - i. Boxes shall be flattened as to fit into the cart.
    - ii. Where cardboard boxes are too large to be placed in the cart and where there are too many boxes to fit within the cart, cardboard boxes must be flattened and placed alongside the cart for collection.
  - c. Carts shall be placed at the curb with the lid opening facing the street.
  - d. Carts shall be placed in such a manner so as to leave at least three (3) feet of clear space around each side of the cart and away from any overhead obstructions.
  - e. Carts shall be maintained in a neat and sanitary condition so as to deter vermin and odors.
  - f. Carts are the property of the municipality and may not be used for any other purpose or to contain any other material.
  
- B. Glass containers, aluminum cans, steel cans, paper cartons and plastic bottles:
  - a. Remove all caps and lids and dispose of as solid waste.
  - b. Glass containers, aluminum cans, steel cans, paper cartons and plastic bottles shall be rinsed free of contaminants.
  - c. Glass containers, aluminum cans, steel cans, paper cartons and plastic bottles shall be placed in a recycling container provided by the Municipality.
  - d. Plastic and/or paper garbage bags shall not be utilized as containers for glass containers, aluminum cans, steel cans, paper cartons and plastic bottles.
  
- C. Municipally provided recycling carts/containers may not be used for any other purpose whatsoever.
  
- D. Removal of recycling carts/containers provided by the municipality by any person is prohibited.
  
- E. Recyclables shall not be placed for collection earlier than the evening of the day preceding a scheduled collection day. Recyclables must be placed at the roadside by 6:00 A.M. on the scheduled collection day.
  
- F. All other terms and phrases shall be as defined in the SWMA and regulations promulgated thereunder and the County Plan, unless content clearly requires a different meaning.

**Section 7. Establishment of a Municipal Recycling Depot Program.**

- A. There is hereby established a Municipal Depot Program for the convenience of the residents. Source Separated Recyclables listed below may be brought to 850 Jacksonville Road, Burlington NJ, on Wednesdays and Saturdays from 7:30AM to 2:30PM.
- B. The following source separated recyclables will be accepted at the Municipal Recycling Depot:
  - a. Aluminum Cans
  - b. Corrugated Cardboard
  - c. Glass Containers
  - d. Paper and Paper Cartons
  - e. Plastic Bottles (Coded 1 & 2)
  - f. Steel (Tin) Cans
  - g. and other recyclable materials as designated by the Municipality.

**Section 8. Requirement to provide Common Area Recycling Storage Locations.**

- A. It shall be the responsibility of the owner or manager of every Multifamily, Qualified Private Community and Mobile Home Park to construct and maintain, in a neat and sanitary condition, Recycling Storage Location(s) and recycling containers on their property in accordance with section 207 of the Land Development ordinances of the City of Burlington **“Design of Containment Areas for Designated Recyclable Materials on Residential Sites”** and in accordance with the requirements of the Burlington County Department of Solid Waste Management. –
- B. Designated Source Separated Recyclables:
  - Aluminum Cans
  - Corrugated Cardboard
  - Glass Containers
  - Paper and Paper Cartons
  - Plastic Bottles (Coded 1 & 2)
  - Steel (Tin) Cans
  - and other recyclable materials as designated by the Municipality.
- C. The owner or manager of each and every one of the above referenced locations shall notify all new residents within thirty (30) days of occupancy and all other residents no less than two (2) times each calendar year of the recycling location(s), the list of materials that is required to be recycled, the location of all recycling containers and the requirements of recyclable material preparation.
- D. The owner or manager of each and every one of the above referenced locations who elects not to participate in the Burlington County Regional Program shall arrange for the collection and recycling of the designated recyclable materials outlined within this section at their own expense as allowed by law.
- E. The owner or manager of each and every one of the above referenced locations shall be required to report recycling tonnages as described in Section 10, Recycling Reporting

Requirements, except where collection services are provided by the Burlington County Regional Program.

**Section 9. Mandatory Commercial and Institutional Source Separation Program.**

All persons generating municipal solid waste within this Municipality through the operation of a commercial or institutional establishment shall source separate and arrange for collection of all designated recyclables within thirty (30) days of the effective date of this Ordinance.

- A. Designated Recyclable Materials for the mandatory commercial and institutional source separation program shall consist of the following materials:

- Aluminum Cans
- Antifreeze
- Consumer Electronics
- Corrugated Cardboard
- Fluorescent Lights
- Glass Containers
- Lead Acid Batteries
- Leaves
- Metal Appliances
- Paper and Paper Cartons
- Plastic Bottles (Coded 1 & 2)
- Rechargeable Batteries
- Steel (Tin) Cans
- Textiles
- Tires
- Used Motor Oil
- Ink Jet Cartridge
- Toner Cartridge
- and other recyclable materials as designated by the Municipality

- B. The owner or manager of each and every Commercial and Institutional Source shall be required to report recycling tonnages as described in Section 10.
- C. The arrangement for collection of designated recyclables for disposition hereunder shall be the responsibility of the individual(s) responsible for the provision of solid waste or recycling services including the provision or maintenance of litter receptacles located on the property of any commercial or institutional establishment generating designated recyclables.

**Section 10. Recycling Reporting Requirements.**

Pursuant to 7:26A-10.3 all multifamily housing owners, mobile home parks, commercial and institutional housing owners or their agents shall report the tonnage of designated recyclable materials collected for recycling from their business or premises, as follows:

- A. The management individual(s) responsible for the provision of recycling services as herein defined at all Residential, Commercial, Institutional and Industrial properties that contract for recycling services with a private company, shall submit to the Municipal Recycling Coordinator by the First Day of February of each year, documentation verifying the previous year's total recycling (expressed by weight) for each material recycled.
- B. Documentation shall take the form of a letter or report issued by the recycling service provider or end market to the generator of the recycled material. The generator must maintain weight slips or paid invoices and make such records available for inspection by this Municipality, County or State for a period not to exceed five (5) years.
- C. Any solid waste or recycling service provider shall submit to the Municipal Recycling Coordinator, by the First Day of February of each year, documentation verifying the previous year's total recycling (expressed by weight) for each material recycled as prescribed by the DSW.
- D. At a minimum, all reporting shall detail the municipality of origin, the name and location of the market or recycling center and the amount of each source separated recyclable material, expressed in gallons, tons or cubic yards, brought to each manufacturer or recycling center from the municipality of origin. Those persons specifying this information in cubic yards shall also indicate the conversion ratio utilized for calculating the materials from cubic yards to tons.

**Section 11. Unlawful Activities; Nuisance.**

It shall be unlawful for:

- A. Any person, other than those persons authorized to collect any designated recyclable which has been placed at the roadside for collection or within a recycling depot pursuant to this Ordinance;
  - B. Any person to violate, cause, or assist in the violation of any provision of this Ordinance or any provision of the County Plan concerning recycling;
  - C. Any person to place or to cause to be placed any material other than a designated recyclable in or near a recycling depot.
  - D. Any person to remove a municipally issued recycling container from their property.
  - E. Any person to hinder, obstruct, prevent or interfere with this Municipality, the County or any other authorized persons in the performance of any duty under this Ordinance or in the enforcement of this Ordinance.
  - F. Any person to offer to collect or knowingly collect designated recyclable materials in any manner except as source separated recyclable materials as defined herein.
  - G. Any person required to provide a report as required under this ordinance to fail to do so.
- All unlawful conduct set forth in this section shall constitute a public nuisance.

**Section 12. Non-collection of Solid Waste.**

- A. Any person collecting solid waste generated within this Municipality shall refuse to collect solid waste from any person who has failed to source separate recyclables designated under any applicable section of this Ordinance.
- B. Any person collecting solid waste generated within this Municipality shall refuse to collect solid waste from any person who has placed solid waste into a municipally issued recycling container.

**Section 13. Other Means of Disposal.**

- A. Notwithstanding anything herein to the contrary, any resident of the Municipality may donate or sell any recyclable to any other person, whether operating for a profit or not for profit, provided, however, that the person receiving the recyclables shall not, under any circumstances, collect the donated or sold material from an established recycling collection route or from a recycling depot without prior written permission from this Municipality for such collection.
- B. Permission for such collection shall not be given for any day other than a Saturday or Sunday and, in no case, shall such permission be given to collect recyclables from a recycling depot.

**Section 14. Non-interference with Existing Contracts.**

- A. Nothing contained in this Ordinance shall be construed to interfere with or in any way modify the provisions of any existing contract which is consistent with N.J.S.A. 13:1E 29 and in force in the Municipality on the effective date of this Ordinance.
- B. No renewal of any existing contract upon the expiration of the original term thereof and no new contract for the collection, transportation, processing or purchase of solid waste or recyclables shall be entered into after the effective date of this Ordinance, unless such renewal or such contract shall conform to the requirements of this Ordinance.

**Section 15. Enforcement.**

- A. Enforcement of this Ordinance shall be the responsibility of Joint Code Enforcement (local Code Enforcement Officer /Police).
- B. In addition to the City of Burlington Joint Code Enforcement, the Burlington County Health Department and the DSW are hereby appointed as Enforcement Officer(s) for enforcement of all recycling requirements of this Ordinance.
- C. Enforcement of this Ordinance shall be commenced in the Superior Court or in the municipal court of the Municipality, and penalty or fine shall be collected with costs in a summary civil proceeding.



- D. Any penalties or fines collected in an enforcement action shall be paid to the Municipality when the Municipality brings such action.
- E. Any penalties or fines collected in an enforcement action shall be paid to the Treasurer of Burlington County when such action is brought by the Burlington County Health Department or the DSW.

**Section 16. Schedule of Penalties.**

Any person who violates the provisions of this Ordinance shall upon conviction thereof in a proceeding before a court of competent jurisdiction be subject to the following fines:

- A. Misuse of recycling containers/carts for trash, theft of containers: A fine of not less than sixty – five dollars (\$65.00) and not more than one hundred dollars (\$100.00).
- B. Residential Recycling Violation: A fine of not less than twenty-five dollars (\$25.00) and not more than one thousand dollars (\$1,000.00).
- C. Scavenging: A fine of not less than fifty dollars (\$50.00) and not more than one thousand dollars (\$1000.00).
- D. Commercial or Institutional Violation: A fine of not less than five hundred dollars (\$500.00) and not more than one thousand dollars (\$1,000.00).
- E. For any person who offers to collect recyclable materials in any manner except as prescribed within this ordinance: A fine of not less than one thousand dollars (\$1000.00) and not more than four thousand five hundred dollars (\$4500.00).
- F. For any solid waste or recycling service provider who fails to report as required within this ordinance: A fine of not less than five hundred dollars (500.00) and not more than one thousand dollars (\$1000.00).
- G. For any management individual(s) responsible for the provision of recycling services as herein defined at all Residential, Commercial, Institutional and Industrial properties that contract for recycling services with a private company who fails to report as required within this ordinance: A fine of not less than five hundred dollars (500.00) and not more than one thousand dollars (\$1000.00).

Each continuing day of violation of this Ordinance shall constitute a separate offense.

**Section 17. Injunctions; Concurrent Remedies.**

In addition to any other remedy provided in this Ordinance, the Municipality may institute a suit in equity where unlawful conduct or public nuisance exists as defined in this Ordinance for an injunction to restrain a violation of this Ordinance or the County Plan. In addition to an injunction, the court may impose penalties as authorized by Section 16 hereof. The penalties and remedies prescribed by this Ordinance shall be deemed concurrent. The existence, exercise or

any remedy shall not prevent the Municipality or the County from exercising any other remedy provided by this Ordinance or otherwise provided by law or equity.

**Section 18. Construction.**

The terms and provisions of this Ordinance are to be liberally construed, so as best to achieve and to effectuate the goals and purposes hereof. This Ordinance shall be construed in pari materi with the SWMA and the County Plan.

**Section 19. Severability.**

The provisions of this Ordinance are severable. If any provision of this Ordinance or its application to any person or circumstances is held invalid, said invalidity shall not affect any other provision or application of this Ordinance which can be given effect without the invalid provision or application of this Ordinance.

**Section 20. Repealer.**

All provisions of any other ordinance which are inconsistent with the provisions of this Ordinance are hereby repealed.

**Section 21. Effective Date.**

This Ordinance shall become effective upon final adoption and publication in the manner prescribed by law.

Upon the motion of Councilwoman Woodard, seconded by Councilman Swan, the foregoing ordinance was introduced.

Public Comments

None.

Council Comments

Councilman Ghaul questioned page 9, section 8a.

Councilwoman Hatala suggested to publish some of the highlights in the Beverly Bee and on the website

Councilwoman Woodard and Councilman Swan concurred.

This ordinance was then adopted by the following roll call vote: AYES: Mr. Ghaul, Ms. Hatala, Mr. Swan, Ms. Woodard, Mr. Babula. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Conaway, Ms. Lollar. (2).

**RESOLUTIONS / CONSENT AGENDA RESOLUTIONS\***

Resolution No. 146-2015

Upon the recommendation of the Alaimo Group, the Common Council of the City of Burlington hereby authorizes the Mayor and the Municipal Clerk to execute an amended agreement, Change Order #2, with Curb Con, Inc. of Barnegat, New Jersey, for an increase in the amount of

\$3,152.00 providing for quantity adjustments and additional items in connection with the High Street Roundabout Construction Project.

Upon the motion of Councilwoman Woodard, seconded by Councilman Ghaul, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Ghaul, Ms. Hatala, Mr. Swan, Ms. Woodard, Mr. Babula. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Conaway, Ms. Lollar. (2).

Resolution No. 165-2015

**RESOLUTION TO AMEND ADOPTED BUDGET FOR "2015 DRIVE SOBER OR GET PULLED OVER" GRANT FROM THE NJ DEPARTMENT OF LAW AND PUBLIC SAFETY**

WHEREAS, N.J.S. 40A:4-87 provides that the Director 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 an item of appropriation for equal amount, and

WHEREAS, the City of Burlington received a 2015 **Drive Sober or Get Pulled Over Grant** in the amount of \$5,000.00 from the New Jersey Department of Law and Public Safety;

**SECTION 1**

NOW THEREFORE, BE IT RESOLVED that the City of Burlington hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$5,000.00 as follows which item is now available as a revenue from:

Miscellaneous Revenues - Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of Local Government Services - Public and Private Revenues Offset with Appropriations:

<b>2015 Drive Sober or Get Pulled Over Grant</b>	\$
5,000.00	

**SECTION 2**

BE IT FURTHER RESOLVED that a like sum of \$ 5,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations Operations-Excluded from "CAP"  
Public and Private Programs Offset by Revenues:

<b>2015 Drive Sober or Get Pulled Over Grant</b>	\$ 5,000.00
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Upon the motion of Councilman Ghaul, seconded by Councilwoman Woodard, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Ghaul, Ms. Hatala, Mr. Swan, Ms. Woodard, Mr. Babula. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Conaway, Ms. Lollar. (2).

Resolution No. 166-2015

Upon the recommendation of the Pennoni Associates, Inc., the Common Council of the City of Burlington hereby authorizes the Mayor and the Municipal Clerk to execute an amended agreement, Change Order #1, with T. R. Weniger of Piscataway, New Jersey, for an increase in the amount of \$6,972.00 providing for the replacement of 12 feet of deteriorated 24" corrugated metal pipe in connection with the Assiscunk Creek Levee Improvement Project (Phase I), making the total revised contract amount \$233,172.00.

Upon the motion of Councilwoman Woodard, seconded by Councilman Ghaul, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Ghaul, Ms. Hatala, Mr. Swan, Ms. Woodard, Mr. Babula. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Conaway, Ms. Lollar. (2).

Resolution No. 167-2015

Whereas, the Burlington County Board of Chosen Freeholders has approved the Open Space, Recreation, Farmland and Historic Preservation Trust Fund ("Trust Fund") and established a Municipal Park Development Program ("Program") to provide grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for municipal public park and recreation development purposes; and

Whereas, the Governing Body of the City of Burlington desires to obtain County Municipal Park Development Program funds in the amount of \$250,000 to fund the Riverfront Bandstand Project; and

Whereas, The City of Burlington is the owner of and controls the project site.

Now, Therefore, Be It Resolved by the City of Burlington that:

1. Mayor James A. Fazzone is authorized to make an application to the County of Burlington for Municipal Park Development Program Funds; to provide additional application information and furnish such documents as may be required for the Municipal Park Development Program; and act as the municipal contact person and correspondent of the above named municipality;
2. The City of Burlington is committed to this project and will provide the balance of funding necessary to complete the project in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and

3. If awarded a grant by the County of Burlington under the Municipal Park Development Program, the municipality will use the approved funds in accordance with the Municipal Park Development Program Policy and Procedure Manual, and applicable federal, state and local government rules, regulations and statutes thereto; and
4. The Mayor and Municipal Clerk are hereby authorized to sign and execute any required documents, agreements and amendments thereto with the County of Burlington for the approved funds;
5. This resolution will take effect immediately.

Upon the motion of Councilwoman Woodard, seconded by Councilwoman Hatala, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Ghaul, Ms. Hatala, Mr. Swan, Ms. Woodard, Mr. Babula. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Conaway, Ms. Lollar. (2).

Resolution No. 168-2015

RESOLUTION NO. 168-2015 OF THE CITY OF BURLINGTON AUTHORIZING A REDUCTION OF THE PERFORMANCE BOND FOR MITCHELL AVENUE ROAD RECONSTRUCTION FOR THE APARTMENTS AT THE MILL PROJECT

WHEREAS, the City of Burlington has received a request for a Performance Bond (Bond No. 58715914) Reduction for the Mitchell Avenue Road Reconstruction for Apartments at The Mill Project; and

WHEREAS, the City Engineer has performed a site inspection and recommends Performance Bond Reduction No. 1 for this project.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Burlington hereby approves the reduction of the Performance Bond in the amount of \$186,632.88, resulting in a remaining bond amount of \$79,985.52.

BE IT FURTHER RESOLVED, that a copy of this Resolution be served to the party requesting acceptance, in accordance with N.J.S.A. 40:55D-53.

Upon the motion of Councilwoman Woodard, seconded by Councilman Swan, the foregoing resolution was adopted by the following roll call vote: AYES: Mr. Swan, Ms. Woodard, Mr. Babula. (3); NAYS: Ms. Hatala. (1); ABSTAIN: (0); ABSENT: Mr. Conaway, Mr. Ghaul, Ms. Lollar. (3).

Resolution No. 169-2015 - TABLED

RESOLUTION NO. 169-2015 OF THE CITY OF BURLINGTON AUTHORIZING A REDUCTION OF THE PERFORMANCE BOND FOR ON-SITE IMPROVEMENTS FOR THE APARTMENTS AT THE MILL PROJECT

WHEREAS, the City of Burlington has received a request for a Performance Bond (Bond No. 58715915) Reduction for On-Site Improvements for the Apartments at The Mill Project; and

WHEREAS, the City Engineer has performed a site inspection and recommends Performance Bond Reduction No. 1 for this project.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Burlington hereby approves the reduction of the Performance Bond in the amount of \$692,006.28, resulting in a remaining bond amount of \$296.574.12.

BE IT FURTHER RESOLVED, that a copy of this Resolution be served to the party requesting acceptance, in accordance with N.J.S.A. 40:55D-53.

Councilwoman Woodard made a motion to amend the amount. It was not seconded.

Councilwoman Woodard made a motion to TABLE this resolution pending further information, seconded by Councilman Swan this resolution was **TABLED** by the following roll call vote: AYES: Ms. Hatala, Mr. Swan, Ms. Woodard, Mr. Babula. (4); NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Conaway, Mr. Ghaul, Ms. Lollar. (3).

Resolution No. 170-2015\*

Resolution No. 170-2015 of the City of Burlington Supporting the *Drive Sober or Get Pulled Over 2015 Statewide Crackdown*

Whereas, approximately one-third of all fatal traffic crashes in the United States involve drunk drivers; and

Whereas, impaired driving crashes cost the United states almost \$50 Billion a year; and

Whereas, 27% of motor vehicle fatalities in New jersey in 2013 were alcohol related; and

Whereas, an enforcement crackdown is planned to combat impaired driving; and

Whereas, the summer season and the Labor Day holiday in particular are traditionally times of social gatherings which include alcohol; and

Whereas, the State of New Jersey, Division of Highway traffic safety, has asked law enforcement agencies throughout the state to participate in the *Drive Sober or Get Pulled Over 2015 Statewide Crackdown*; and

Whereas, the project will involve increased impaired driving enforcement from August 21 through September 7, 2015; and

Whereas, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

Therefore, be it resolved that the Common Council of the City of Burlington declares its support for the *Drive Sober or Get Pulled Over 2015 Statewide Crackdown* from August 21 through September 7, 2015 and pledges to increase awareness of the dangers of drinking and driving.

Approved by Consent Agenda. All were in favor.

Resolution No. 171-2015\*

Common Council of the City of Burlington hereby authorizes the Municipal Clerk to issue a Mercantile License to Zena Dodd-Bucci, 1300 Wynwood Drive, Cinnaminson, N.J. to operate a business at 228 High Street t/a "Attic Artchives."

Approved by Consent Agenda. All were in favor.

Resolution No. 172-2015\*

RESOLUTION NO. 172-2015 OF THE CITY OF BURLINGTON CANCELLING TAXES AND REFUNDING OVERPAYMENT ON PROPERTY OWNED BY A TOTALLY DISABLED VETERAN

WHEREAS, the property identified herein as Block 194 Lot 18, located at 402 Rutgers Ave is owned by Mr. Juan Cabrera, declared to be a 100% permanently and totally disabled veteran; and

WHEREAS, the State of New Jersey provides tax exempt status, under N.J.S.A. 54:4-3:30, to veterans declared as such; and

WHEREAS, due to the cancellation of pro-rated 2015 taxes in the amount of \$3,537.85, an overpayment will occur on property in the amount of \$421.46;

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Burlington that the 2015 pro-rated taxes are hereby cancelled for the reason set forth above and authorizes the Chief Financial Officer to issue a refund check in the amount of \$421.46 for the overpayment of 2015 taxes. The refund to be issued as follows:

<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY OWNER</u>	<u>AMOUNT</u>
194 (402 Rutgers Ave)	18	Juan Cabrera	\$ 421.46

Make check payable to:

Wells Fargo Real Estate Tax Serv  
AU 37602, P O Box 14506  
Des Moines, IA 50306

Approved by Consent Agenda. All were in favor.

Resolution No. 173-2015\*

RESOLUTION NO. 173-2015 OF THE CITY OF BURLINGTON CANCELLING TAXES ON EXEMPT PROPERTY

WHEREAS, the parcel identified herein as Block 135, Lot 56, located at 30 E. Union Street was owned by New Jersey Housing & Mtg Fin. and was granted tax exempt status under N.J.S.A. 54:4-3.6c;

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington authorizes the cancellation of 2015 pro-rated taxes in the amount of \$1,330.86 as follows:

<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY OWNER MAILING ADDRESS</u>	<u>AMOUNT</u>
135 (30 E. Union Street)	56	New Jersey Housing & Mtg Fin.	\$ 1,330.86

Approved by Consent Agenda. All were in favor.

Resolution No. 174-2015\*

RESOLUTION NO. 174-2015 OF THE CITY OF BURLINGTON REFUNDING OVERPAYMENT OF TAXES

WHEREAS, an overpayment of 2015 taxes, has occurred on the properties identified herein, due to a demolition which resulted in a reduction in the assessment;

NOW THEREFORE BE IT RESOLVED, that the Common Council of the City of Burlington authorizes the Chief Financial Officer to issue refund checks for 2015 taxes as follows:

<u>Block</u>	<u>Lot</u>	<u>Property Owner</u>	<u>Amount</u>
32 (465 Locust Avenue)	29	Rook, Angel 415 Locust Avenue Burlington, NJ 08016	\$ 244.17
129 (312 E. Union Street)	13	Baird, David William 315 Wood St Burlington, NJ 08016	\$ 1,808.79



Approved by Consent Agenda. All were in favor.

Resolution No. 175-2015\*

RESOLUTION NO. 175-2015 OF THE CITY OF BURLINGTON REFUNDING OVERPAYMENT OF TAXES

WHEREAS, the parcel identified herein was the subject of a State Tax Appeal.

WHEREAS, an overpayment of the 2015 taxes has occurred.

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington authorizes the Chief Financial Officer to issue a check for overpayment of 2015 taxes as follows:

<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY OWNER MAILING ADDRESS</u>	<u>AMOUNT</u>
9032 (446 High Street)	44	Verizon-New Jesrey c/o Duff & Phelps P O Box 2749 Addison, TX 75001	\$ 39,972.55

Approved by Consent Agenda. All were in favor.

Resolution No. 176-2015\*

RESOLUTION NO. 176-2015 OF THE CITY OF BURLINGTON REFUNDING OVERPAYMENT OF TAXES

WHEREAS, the parcels identified herein was the subject of a Tax Appeal.

WHEREAS, an overpayment of the 2015 taxes has occurred.

NOW THEREFORE, BE IT RESOLVED that the Common Council of the City of Burlington authorizes the Chief Financial Officer to issue refund checks for overpayment of 2015 taxes as follows:

<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY OWNER MAILING ADDRESS</u>	<u>AMOUNT</u>
195 (Columbus Street)	10	The Storage Stop Inc. 223 Warner Rd Columbus, NJ 08022	\$ 119.47

118 (19 E. Union Street)	33	Endeavor At Burlington 522 Cookman Ave Asbury Park, NJ 07712	\$ 1,446.64
118 (15 E. Union Street)	37	Endeavor At Burlington 522 Cookman Ave Asbury Park, NJ 07712	\$ 174.72

Approved by Consent Agenda. All were in favor.

Resolution No. 177-2015\*

Common Council of the City of Burlington hereby authorizes the temporary closure of E. Second Street, between High Street and James Street for a Block Party on Saturday, October 31, 2015 from 5:00 pm to 9:00 pm.

Approved by Consent Agenda. All were in favor.

Resolution No. 178-2015\*

A resolution providing for a meeting not opened to the public in accordance with the provisions of the New Jersey Open Public Meetings Act. N.J.S.A. 10:4-12: Therefore be it resolved by the Common Council of the City of Burlington, assembled in public session on September 1, 2015, that an Executive Session Closed to the Public shall be held on September 1, 2015, in the Council Meeting Room, for discussion of matters relating to the specific items designated in this resolution:

- Real Estate/Contracts N.J.S.A. 10:4-12 (7) Pearl Pointe Redevelopment

The nature of the discussion conducted in closed session and or the result thereof may be disclosed to the public in an open public meeting held in September of 2015 or shortly there after.

Approved by Consent Agenda. All were in favor.

**PUBLIC COMMENTS**

Dr. Doloughty, Superintendent of Burlington City Schools- spoke of the upcoming school year; introduced several of the school employees who were in attendance; distributed the 2015 - 2016 School Calendar & Information Guide; spoke of plans for the year ahead.

Harry Heck, 116 E. Union Street- spoke of the bus stop at Broad and High Streets, asked for the status of the moving of the bus stops; spoke of people not curbing their dogs.

Barbara , 118 E. Federal Street- spoke of concerns of a drive-by shooting in her neighborhood.

Linda Turner-Richardson, 27 Wilbur Henry Drive, Florence, N.J.- spoke of concerns about safety in Burlington.

Sharon Watkins, 130 E. Federal Street- spoke of concerns about safety in Burlington.

### **ADMINISTRATION REPORT**

Mr. Ballard spoke in response of the public's concerns about safety in Burlington; gave an update on the Brown Street Repaving Project, Memorial Hall Reconstruction Project, High Street High Visibility Crosswalk Project, 7<sup>th</sup> Street Water Tower Repainting Project, Oakland & Laumaster Repaving Project.

Councilwoman Hatala asked about coordinating projects; spoke of a dead tree in front of Memorial Hall; spoke of the parade to take place on Veteran's Day, during the projects; asked about a bill on the bill list for the MACCS.

President Babula spoke of the High Street High Visibility Crosswalk Project.

### **COUNCIL COMMENTS**

Councilwoman Woodard thanked the members of the school for coming; thanked the residents of Federal Street for coming.

Councilman Swan asked for an update on the bus stops.

Councilman Swan spoke of vegetation at a property at Brown and Ellis Street, asked that Code Enforcement take a look.

Councilwoman Hatala spoke of a pothole at Mooreland and Uhler.

Councilman Ghaul spoke of tall grass at 745 Neptune Avenue.

Councilwoman Woodard asked for an update on Polito's junk yard.

Mr. Saponaro gave an update, progress has been made.

Councilman Ghaul requested a conference on the bus stops.

### **EXECUTIVE CONFERENCES**

- Pearl Pointe Redevelopment - George Saponaro, Esq.

### **ORDINANCE(S) - INTRODUCTION & FIRST READING**

AN ORDINANCE OF AUTHORIZING THE SALE OF CERTAIN CITY OWNED PROPERTY SPECIFICALLY BLOCK 112, LOT 1 AND BLOCK 118, LOTS 2 & 60 OTHERWISE IDENTIFIED IN THE PEARL POINTE REDEVELOPMENT AREA

Upon the motion of Councilwoman Hatala, seconded by Councilwoman Woodard, the foregoing ordinance was adopted by the following roll call vote: AYES: Mr. Ghaul, Ms. Hatala, Mr. Swan, Ms. Woodard, Mr. Babula. (5); NAYS: (0); ABSTAIN: (0); ABSENT: Mr. Conaway, Ms. Lollar. (2).

**ADJOURNMENT**

Upon the motion of Councilwoman Hatala, seconded by Councilman Ghaul, this meeting of September 1, 2015 was adjourned.

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Cindy A. Crivaro, RMC  
Municipal Clerk