

**TOWNSHIP OF BORDENTOWN
TOWNSHIP COMMITTEE REGULAR MEETING AGENDA**

DATE: MARCH 9, 2020 TIME: 6:30 P.M. MEETING ROOM, MUNICIPAL BUILDING

1. Call to Order and Roll Call

PRESENT	ABSENT	
_____	_____	Mayor Benowitz
_____	_____	Deputy Mayor Holliday
_____	_____	Committeeman Fuzy
_____	_____	Committeeman Kostoplis
_____	_____	Committeeman Mason
_____	_____	Administrator Theokas
_____	_____	Clerk Carrington
_____	_____	Attorney Fahey
_____	_____	Chief Financial Officer Elsasser

2. Resolution #2020-3-9 to meet in closed session

BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby exclude the public to meet in Closed Executive Session for the purpose of discussing:

- Personnel: Finance Account Clerk/Cashier
- Attorney/Client Privilege: Affordable Housing
Professional Services Agreement

The minutes of the closed session may be disclosed to the public when it is determined that the above matter(s) no longer require confidentiality.

3. Salute to the flag and moment of silence

4. Open Public Meeting Announcement & Fire Announcement

This meeting is called pursuant to the provision of the Open Public Meeting Act. On January 8, 2020, a notice of the 2020 meeting schedule was sent to the *Burlington County Times* and *The Times* and was subsequently published by the *Burlington County Times* on January 10, 2020. The notice is posted on the bulletin boards in the Municipal Building and has remained continuously posted as required under the statute. In addition, a copy of the notice is available to the public and is on file in the office of the Township Clerk.

Proper notice having been given, the Township Clerk is directed to include this statement in the minutes of the meeting. The proceedings of this meeting, which are open to the public, are being electronically recorded and will act as the minutes of the meeting in conjunction with the abbreviated written form of the minutes. Minutes are kept for all meetings, whether open or closed to the public.

In case of an emergency, please note the location of the fire exits. They are in rear and left side of the room. In the case of a fire, do not use the elevator. Assistance will be provided to those in need.

5. Correspondence

- a. February 26, 2020 Letter from Burlington County Public Safety Services
Action: Motion to (continue/discontinue) use of Burlington County Central Communications System for 911 Call Receipts and Emergency Services Dispatch

6. Administrative Review of Agenda
7. Fire District #2 Budget Review
 - a. Overview of Proposed Budget
 - b. Public Hearing
 - c. Consideration of Resolution #2020-71 entitled APPROVE FIRE DISTRICT BUDGET DEFEATED AT THE POLLS
8. CONSIDERATION OF CONSENT AGENDA ITEMS:
 - a. Township Committee review and discussion of Consent Agenda Items.
 - b. Public comment on Consent Agenda items.
9. CONSENT AGENDA: Motion, Second and Roll Call to adopt Resolutions #2020-72 to #2020-84
 - a. Resolution #2020-72 entitled APPROVING ROUTINE BUSINESS: MINUTES OF MEETINGS
 - b. Resolution #2020-73 entitled RESOLUTION APPOINTING MEMBER TO THE ENVIRONMENTAL COMMISSION
 - c. Resolution #2020-74 entitled RESOLUTION TO APPOINT PER DIEM EMT
 - d. Resolution #2020-75 entitled AUTHORIZING REFUND OF OVERPAYMENT OF COAH FEES
 - e. Resolution #2020-76 entitled RESOLUTION AUTHORIZING THE PURCHASE OF ROLLOUT CARTS OF VARIOUS SIZES FOR THE TOWNSHIP OF BORDENTOWN
 - f. Resolution #2020-77 entitled RESOLUTION AUTHORIZING THE PURCHASE OF SKID STEER BOOM MOWER FOR THE TOWNSHIP OF BORDENTOWN PUBLIC WORKS DEPARTMENT
 - g. Resolution #2020-78 entitled REFUND OF ESCROW BALANCES FOR AUTOZONE DEVELOPMENT APPLICATION
 - h. Resolution #2020-79 entitled REFUND OF ESCROW BALANCES FOR SAAJ URBAN RENEWAL DEVELOPMENT APPLICATION
 - i. Resolution #2020-80 entitled RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN TO AUTHORIZE FINAL COMPENSATION TO MATT CROWELL UPON RETIREMENT
 - j. Resolution #2020-81 entitled RESOLUTION ACCEPTING THE PROPOSAL FROM TUREK CONSULTING, LLC, FOR PROPERTY SURVEY, MONUMENTATION AND LEGAL DESCRIPTION OF THE REAL PROPERTY OF BLOCK 66, LOT 12.02, ALSO KNOWN AS 183 CROSSWICKS ROAD
 - k. Resolution #2020-82 RESOLUTION APPOINTING RACHEL FISHER AS FULL-TIME ACCOUNT CLERK/CASHIER
 - l. Resolution #2020-83 entitled Resolution Authorizing THE EXECUTION OF A SETTLEMENT AGREEMENT BETWEEN THE TOWNSHIP OF BORDENTOWN AND NEW JERSEY NATURAL GAS COMPANY

- m. Resolution #2020-84 entitled APPROVING ROUTINE BUSINESS: PAYMENT OF BILLS
- 10. Ordinance #2020-05 entitled CALENDAR YEAR 2020 “CAP” ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)
 - a. Public Hearing
 - b. Consideration of Adoption
- 11. Introduction of Ordinance #2020-06 entitled ORDINANCE AMENDING THE BORDENTOWN TOWNSHIP MUNICIPAL CODE ADDING CHAPTER 8.31 REGARDING COMMERCIAL TENANCY CHANGE
- 12. Introduction of Ordinance #2020-07 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING THE AGWAY (GROWMARK)/YATES REDEVELOPMENT PLAN
- 13. Introduction of Ordinance #2020-08 entitled ORDINANCE AUTHORIZING THE PURCHASE OF REAL PROPERTY LOCATED AT 183 CROSSWICKS ROAD AND KNOWN AS BLOCK 66, LOT 12.02 PURSUANT TO N.J.S.A. 40A:12-5
- 14. Introduction of Ordinance #2020-09 entitled AN ORDINANCE AMENDING THE BORDENTOWN TOWNSHIP MUNICIPAL CODE AND CREATING A PROJECT LABOR AGREEMENT OPTION FOR CERTAIN PUBLIC WORKS CONTRACTS AND PUBLICLY FUNDED PROJECTS
- 15. Consideration of Resolution #2020-85 entitled INTRODUCTION OF 2020 MUNICIPAL BUDGET (BY TITLE ONLY)
- 16. New Business:
 - a. Establishment of Goals for Contracting with Veteran Owned Business Enterprises, Hiring Veterans in the Municipal Workforce & Recognizing the Military Service of Residents in Civic Affairs
 - b. Review of Public Scoping Hearing
- 17. Administrator’s Report
- 18. Township Committee Liaison Reports
- 19. Public Participation: Questions, comments or statements from members of the public in attendance
- 20. Final Comments from Township Committee
- 21. Motion to Adjourn – Next Township Committee Meeting scheduled for Monday, March 23, 2020.

**ALL LEGISLATION LISTED ABOVE IS SUBJECT TO CHANGE
UNTIL IT IS OFFICIALLY ADOPTED BY THE GOVERNING BODY.**



Board of Chosen Freeholders County of Burlington New Jersey



PUBLIC SAFETY SERVICES

GARY C. GUBBEI
Public Safety Director

Phone: (609) 261-3900
Fax: (609) 265-1323

February 26, 2020

Physical Address:
1 Academy Drive
Westampton, NJ 08060

Mailing Address:
49 Rancocas Road
P.O. Box 6000
Mount Holly, NJ 08060

The Honorable Steve Benowitz
Mayor of Bordentown Township
1 Municipal Drive
Bordentown, N.J. 08505

Mayor,

In July of 2015, the County of Burlington created a Master Shared Services Agreement for every Township within the County. All towns within the County approved of this agreement and signed same at that time. This Shared Services Agreement remained in effect for 5 years and is due to renew this year, 2020. The agreement outlines each Township's agreement to use the Burlington County Central Communications System for all 911 Call Receipts and dispatch of all Emergency Services.

Please note that this Shared Services Agreement is *separate* from that of the County "Mutual Aid Agreement" that you already have received and are in the process of renewing at this time. Prior to executing this agreement, we are sending this letter to the Mayor of each Township to confirm your town's continued participation. Please send a response letter confirming your Township's continued participation in this program to Deputy Director Gene J. DiFilippo (Address Below) by no later than March 27, 2020. Once letters are received from each Township, we will send the finalized agreement for signature.

We look forward to continuing to provide outstanding service to all our Municipal Agencies and support the Emergency Services Operations throughout the County of Burlington. If you have any questions, please contact Deputy Director DiFilippo at (609) 265-7173.

Response Mail: Deputy Director Gene J. DiFilippo
1 Academy Drive
Westampton, N.J. 08060
Re: Shared Services Agreement

Sincerely yours,

Gary Gubbei
Director of Public Safety

RESOLUTION #2020-72

APPROVING ROUTINE BUSINESS: MINUTES OF MEETINGS

BE IT RESOLVED by the Township Committee of the Township of Bordentown that the Regular and Closed Session Meeting Minutes of February 24, 2020; as submitted by the Clerk, are hereby approved as (_____ submitted) (_____ corrected) and authorized to be posted to the Municipal Bulletin Board and website.

RESOLUTION #2020-73

RESOLUTION APPOINTING MEMBER TO THE ENVIRONMENTAL COMMISSION

WHEREAS, in accordance with N.J.S.A. 40:56A-1 *et seq.* and Section 2.96.080 of the Bordentown Township Municipal Code, the Mayor is authorized to make appointments to the Environmental Commission:

BE IT RESOLVED this 9th day of March, 2020, by the Township Committee of the Township of Bordentown, in the County of Burlington, and the State of New Jersey, that the Township Committee hereby memorializes the Mayor's appointment of the following person as a Member of the Bordentown Township Environmental Commission:

Edwige Theokas

Term expiring December 31, 2022

RESOLUTION # 2020-74

RESOLUTION TO APPOINT PER DIEM EMT

WHEREAS, the Township Committee of the Township of Bordentown has determined the need to appoint an additional per diem EMT;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby appoint the following per diem EMT effective March 9, 2020;

Laura A. Turner

BE IT FURTHER RESOLVED that compensation shall be set at \$15.00 per hour in accordance with Resolution #2019-145.

RESOLUTION #2020-75

AUTHORIZING REFUND OF OVERPAYMENT OF COAH FEES

BE IT RESOLVED, by the Township Committee of the Township of Bordentown that, as requested by the Chief Finance Officer, it hereby authorizes a refund of overpayment of COAH Fees in the amount of \$30,000.00 to 237 Route 130 Convenience, LLC for Block 121 Lot 5 commonly known as 237 Route 130.

3/9/20

JCE

RESOLUTION #2020-76

RESOLUTION AUTHORIZING THE PURCHASE OF ROLLOUT CARTS OF VARIOUS SIZES FOR THE TOWNSHIP OF BORDENTOWN

WHEREAS, there is a need to purchase rollout carts related to the Township of Bordentown; and

WHEREAS, TMF Corporation has contract 17/18-50 under the ESCNJ Co-op of which the Township of Bordentown is a member; and

WHEREAS, the Township Committee of the Township of Bordentown has determined that TMF Corporation will best fulfill the needs of the Township at a price of \$13,497.00; and

WHEREAS, this is to certify to the Township Committee of the Township of Bordentown that funds for this resolution are available as follows:

BUDGET ACCOUNT	YEAR	COST	DETAIL
C-04-55-967-000	Capital	\$13,497.00	Rollout Carts

JEFFREY C. ELSASSER
CMFO/CTC/PURCHASING AGENT

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown as follows:

The Township Administrator is hereby authorized to approve and forward a purchase order to TMF Corporation of 850 West Chester Pike, Suite 200 Havertown, PA 19083-4439, for the purchase of rollout carts in the amount of \$13,497.00.

RESOLUTION #2020-77

RESOLUTION AUTHORIZING THE PURCHASE OF SKID STEER BOOM MOWER FOR THE TOWNSHIP OF BORDENTOWN PUBLIC WORKS DEPARTMENT

WHEREAS, there is a need to purchase one (1) Raptor Skid Steer Mounted Boom Mower for the Department of Public Works; and

WHEREAS, Cherry Valley Tractor Sales has contract A43022/T2187 under the ESCNJ Co-op of which the Township of Bordentown is a member; and

WHEREAS, the Township Committee of the Township of Bordentown has determined that Cherry Valley Tractor will best fulfill the needs of the Township at a price of \$31,340.00; and

WHEREAS, this is to certify to the Township Committee of the Township of Bordentown that funds for this resolution are available as follows:

BUDGET ACCOUNT	YEAR	COST	DETAIL
C-04-55-965-200	Capital	\$31,340.00	Raptor Skid Steer Boom Mower

JEFFREY C. ELSASSER
CMFO/CTC/PURCHASING AGENT

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown as follows:

The Township Administrator is hereby authorized to approve and forward a purchase order to Cherry Valley Tractor of 35 Route 70 West, Marlton, NJ 08053-3099, for the purchase of one (1) Boom Mower in the amount of \$31,340.00.

TOWNSHIP OF BORDENTOWN

RESOLUTION NO. 2020-78

REFUND OF ESCROW BALANCES FOR AUTOZONE DEVELOPMENT APPLICATION

WHEREAS, there exists unused balances in the following Planning or Zoning escrow account:

<u>Applicant</u>	<u>Project</u>	<u>Account No.</u>	<u>Amount</u>
AutoZone Northeast, LLC 123 S. Front Street Memphis, TN 38103	Block 127 Lot 3	#987400	\$1,680.00

And, **WHEREAS**, the Director of Community Development has certified that the application and project is complete and that the current amount on the most up to date bank statements is to be refunded to the Applicant after deducting any outstanding invoices which shall be paid upon closure of the account; and

WHEREAS, the Director of Community Development recommends the balance of the fund should be returned to the applicants; in accordance with N.J.S.A. 40:55D-53.2.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Bordentown, in the County of Burlington and State of New Jersey, as follows:

1. That the Township Committee, for the aforementioned reasons, hereby directs the release of the unused balance of the escrow deposit, in the amount indicated above, plus applicable interest, if any, in accordance with N.J.S.A. 40:55D-53.1.
2. That the Township Committee directs the Chief Financial Officer to make payment to the aforesaid applicant or owner.
3. That the Township Committee directs the Township Clerk to forward a copy of this resolution to the Applicant.

TOWNSHIP OF BORDENTOWN

RESOLUTION NO. 2020-79

REFUND OF ESCROW BALANCES FOR SAAJ URBAN RENEWAL DEVELOPMENT APPLICATION

WHEREAS, there exists unused balances in the following Planning or Zoning escrow accounts:

<u>Applicant</u>	<u>Project</u>	<u>Account No.</u>	<u>Amount</u>
SAAJ Urban Renewal, LLC 242 Grover Avenue Trenton, NJ 08610 c/o Dinkeroo Taylor	Block 63 Lot(s) 1, 2, 39	#978901	\$1.19
SAAJ Urban Renewal, LLC 242 Grover Avenue Trenton, NJ 08610 c/o Dinkeroo Taylor	Block 63 Lot(s) 1, 2, 39	#978900	\$16,435.51

And, **WHEREAS**, the Director of Community Development has certified that the applications and projects are complete and that the current amounts on the most up to date bank statements are to be refunded to the Applicant after deducting any outstanding invoices which shall be paid upon closure of the account(s); and

WHEREAS, the Director of Community Development recommends the balances of the funds should be returned to the applicants; in accordance with N.J.S.A. 40:55D-53.2.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Bordentown, in the County of Burlington and State of New Jersey, as follows:

1. That the Township Committee, for the aforementioned reasons, hereby directs the release of the unused balances of the escrow deposits, in the amounts indicated above, plus applicable interest, if any, in accordance with N.J.S.A. 40:55D-53.1.
2. That the Township Committee directs the Chief Financial Officer to make payment to the aforesaid applicants or owners.
3. That the Township Committee directs the Township Clerk to forward a copy of this resolution to each Applicant.

RESOLUTION #2020-80

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN TO AUTHORIZE FINAL COMPENSATION TO MATT CROWELL UPON RETIREMENT

WHEREAS, Matt Crowell retired his position with Bordentown Township as Lieutenant effective January 1, 2020; and

WHEREAS, the Township Committee of the Township of Bordentown has determined that Lieutenant Crowell's service to the Township, its residents, and the community at large is noteworthy and that Lieutenant Crowell ends his service in good standing; and

WHEREAS, the Township Finance Department has determined that the total and final compensation due to Lieutenant Crowell upon retirement is \$12,000.00, per collective bargaining agreement and in accordance with Bordentown Township Municipal Code;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Bordentown hereby authorizes final compensation to Lieutenant Crowell upon retirement of a total of \$12,000.00; and

BE IT FURTHER RESOLVED that the Township Committee hereby directs the Township Clerk to provide Lieutenant Crowell a certified copy of this resolution; and

BE IT FURTHER RESOLVED that the Township Committee hereby states its wishes to Lieutenant Crowell for a happy and healthy retirement.

RESOLUTION #2020-81

RESOLUTION ACCEPTING THE PROPOSAL FROM TUREK CONSULTING, LLC, FOR PROPERTY SURVEY, MONUMENTATION AND LEGAL DESCRIPTION OF THE REAL PROPERTY OF BLOCK 66, LOT 12.02, ALSO KNOWN AS 183 CROSSWICKS ROAD

WHEREAS, Turek Consulting, LLC, has submitted a proposal for a property survey, monumentation and legal descriptions of the real property of Block 66, Lot 12.02 also known as 183 Crosswicks Road; and

WHEREAS, it is the desire of the Township Committee to accept the proposal from Turek Consulting, LLC, in an amount not to exceed \$4,500.00; and

WHEREAS, this is to certify to the Township Committee of the Township of Bordentown that funds for this resolution are available as follows:

BUDGET ACCOUNT	YEAR	COST	DETAIL
T-13-40-500-000	AFFORDABLE HOUSING	\$4,500	Property Survey 183 Crosswicks Road

JEFFREY C. ELSASSER
CMFO/CTC/PURCHASING AGENT

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby accept the proposal from Turek Consulting, LLC, of 712 E. Main Street, Suite 1A, Moorestown, NJ 08057, in an amount not to exceed \$4,500.00 for the Property Survey. Monumentation and Legal Description of the real property land of Block 66, Lot 12.02 (183 Crosswicks Road).

RESOLUTION #2020-82

RESOLUTION APPOINTING RACHEL FISHER AS FULL-TIME ACCOUNT CLERK/CASHIER

WHEREAS, the Township Committee has been determined that there is a need to appoint a full-time Account Clerk/Cashier in the Finance Department.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby appoint Rachel Fisher to the position of Account Clerk/Cashier on a full-time basis effective March 16, 2020 and that compensation shall be set at \$19.23 per hour in accordance with Ordinance #2020-03.

BE IT FURTHER RESOLVED that said appointment shall be in conjunction with the rules and regulations of the New Jersey Civil Service Commission.

RESOLUTION AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT BETWEEN THE TOWNSHIP OF BORDENTOWN AND NEW JERSEY NATURAL GAS COMPANY

WHEREAS, in January and March 2016, the New Jersey Board of Public Utilities (the “BPU”) issued certain orders providing New Jersey Natural Gas Company (“NJNG”) with the legal authority to proceed with the construction of a natural gas pipeline known as the “Southern Reliability Link” (“SRL”); and

WHEREAS, the Township of Bordentown appealed the BPU determinations and submitted a request for an adjudicatory hearing concerning permits for the SRL issued by the New Jersey Department of Environmental Protection (“NJDEP”); and

WHEREAS, NJNG submitted a settlement proposal to the Township and, upon further negotiation of the terms of the settlement, the Township Committee of the Township of Bordentown now deems it to be in the Township’s best interest to resolve all pending and potential issues, disputes, and claims in exchange for NJNG paying the Township \$100,000.00; and

WHEREAS, the Township of Bordentown desires to reduce the agreement to a writing that shall be fully binding upon both parties.

NOW THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Bordentown, County of Burlington that the Township Committee hereby:

1. Authorizes the Mayor and the Township Clerk to execute a settlement agreement in conformance with the terms approved by the Township Committee and in such form as reviewed and approved by the Township’s Special Counsel;
2. Directs and authorizes the Township Special Counsel to execute and file the Stipulation of Dismissal and such other and further documents necessary to terminate those actions taken by the Township with respect to the SRL.

RESOLUTION #2020-84

APPROVING ROUTINE BUSINESS: PAYMENT OF BILLS

BE IT RESOLVED by the Township Committee of the Township of Bordentown that all of the bills listed to be paid on the list dated March 9, 2020, as submitted by the Office of Treasurer are hereby approved for payment and the Office of the Treasurer is directed to pay the same.

TOWNSHIP OF BORDENTOWN

ORDINANCE #2020-05

**CALENDAR YEAR 2020 “CAP” ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Committee of the Township of Bordentown in the County of Burlington finds it advisable and necessary to increase its CY 2020 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee hereby determines that a 3.5 % increase in the budget for said year, amounting to \$ 337,923.46 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Bordentown, in the County of Burlington, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2020 budget year, the final appropriations of the Township of Bordentown shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$ 337,923.46, and that the CY 2020 municipal budget for the Township of Bordentown be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

TOWNSHIP OF BORDENTOWN

ORDINANCE No. 2020-06

**ORDINANCE AMENDING THE BORDENTOWN TOWNSHIP MUNICIPAL CODE ADDING
CHAPTER 8.31 REGARDING COMMERCIAL TENANCY CHANGE**

WHEREAS, the Township Committee of the Township of Bordentown upon the advice and recommendation of the Township Construction Official and the Acting Community Development Director believes that requiring commercial business to notify and seek approval for tenancy changes furthers public safety and Township goals; and

WHEREAS, the Township Committee desires to enact reasonable regulations for commercial businesses so as to not impeded commercial businesses but assure public safety; and

WHEREAS, the Township Committee now seeks to amend the Bordentown Township Municipal Code by adding Chapter 8.31 entitled “Commercial Tenancy Change” with the provisions herein.

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Bordentown that:

Section 1. Chapter 8.31 is added to the Bordentown Township Municipal Code with the following:

Chapter 8.31. Commerical Tenancy Change

8.31.010 Definition

The Construction Official shall grant approval of commercial changes of occupancy following inspection by the Sub Code Officials for Building, Electrical, Plumbing and Fire. The approval process provides vital information to the Township to oversee safety conditions. It also protects the health, safety and welfare of the occupants. The approval complements a building permit that is issued before construction to indicate that the proposed construction will adhere to ordinances, codes and laws.

8.31.020. Preconditions and Request for Commercial Tenancy Change Approval

- A. Prior to the sale or change of occupancy of any building and/or structure or portion of a building or structure, a determination shall be made by the Zoning Officer that the proposed use of building and/or structure or portion of a building or structure, is a permitted use.
- B. If the proposed use is deemed permissible, application to the Construction Official shall be made by the owner of record, agent or tenant to request an inspection to determine that all visible health and safety features of the building comply with Township and State of New Jersey Codes. The application shall include, but is not limited to, the following:
 - 1. The intended use;
 - 2. The floor plan including square footage; and
 - 3. The number of employees.

8.31.030 Fees

- A. The fee for requesting a Commercial Tenancy Change Approval shall be as follows:
 - \$180 for a proposed commercial space up to and including 5,000 square feet
 - \$250 for a proposed commercial space exceeding 5,000 square feet
- B. The fee for a re-inspection of any commercial space shall be \$50.

8.31.040. Commercial Tenancy Change Approval

- A. The Commercial Tenancy Change Approval shall state the Use Group Classification per the New Jersey UCC and the maximum number of persons that may occupy the premise per the Use Group classification or the allowed number on the Zoning approval.
- B. The Commercial Tenancy Change Approval shall evidence only that a general inspection of the visible parts of the building has been made and that no violation of N.J.A.C. 5:23- 2.14 have been determined to have occurred and no unsafe conditions as per N.J.A.C. 5:23-2.32 (a) have been found. Nothing in this subsection shall prevent the continued lawful use and occupancy of any such lawfully existing building or structure.

Section 2. Repealer. Any and all ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

Section 3. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable to any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that is allows the Township to meet the goals of the Ordinance.

Section 4. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

INTRODUCED: March 9, 2020

PUBLIC HEARING:

ADOPTED:

TOWNSHIP OF BORDENTOWN

ORDINANCE NO. 2020-07

**AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING THE
AGWAY (GROWMARK)/YATES REDEVELOPMENT PLAN**

WHEREAS, the Bordentown Township Committee (the “Township”) is the Redevelopment Authority for Bordentown Township; and

WHEREAS, the Township previously established a Redevelopment Area, pursuant to the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1, *et. seq.*), which area is commonly referred to as the “Agway (Growmark)/Yates Redevelopment Area;” and

WHEREAS, a Redevelopment Plan for the redevelopment area was adopted by the Township Committee on November 26, 2007; and

WHEREAS, since the adoption of the Redevelopment Plan (the “Plan), there have been changes in conditions and circumstances; and

WHEREAS, one of such changes includes the Township’s current efforts to address its constitutional obligation to provide for its fair share of very low-, low-, and moderate-income housing, as directed by the Super Court and consistent with N.J.A.C. 5:93-1, *et seq.*, as amended and supplemented, N.J.A.C. 5:80-26.1, *et seq.*, as amended and supplemented, and the New Jersey Fair Housing Act of 1985, N.J.S.A.52:27D-301 *et. seq.*; and

WHEREAS, pursuant to that obligation, the Township entered into a settlement agreement with Fair Share Housing Center (“FSHC”), which was subsequently amended and executed on June 11, 2019; and

WHEREAS, pursuant to that obligation, the Township also entered into a settlement agreement with the entity known as K Johnson Urban Renewal LLC on March 11, 2019; and

WHEREAS, the settlement agreements determined that a portion of the Agway (Growmark)/Yates Redevelopment Area is appropriate and suitable for a family rental inclusionary development of 130 units with a mandatory affordable housing set-aside, which will result in 26 affordable family rental units; and

WHEREAS, a Housing Element and Fair Share Plan was prepared by the Township Planner and adopted by the Planning Board on August 8, 2019 (“2019 HEFSP”), recommending the implementation of an inclusionary development within certain portions of the Agway (Growmark)/Yates Redevelopment Area; and

WHEREAS, the Township desires to adopt an amendment to the Agway (Growmark)/Yates Redevelopment Plan to implement the terms of both settlement agreements and the recommendations of the 2019 HEFSP.

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Bordentown that:

Section 1: The Amended Redevelopment Plan for the Agway (Growmark)/Yates Redevelopment Area, attached as Appendix A, is hereby adopted.

Section 2: This ordinance shall take effect upon final passage and publication according to law.

Section 3: All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4: If any section, paragraph, subdivision or clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

INTRODUCED: March 9, 2020

AMENDED
REDEVELOPMENT PLAN
For the
AGWAY (GROWMARK)/YATES
REDEVELOPMENT AREA

Township of Bordentown
County of Burlington
State of New Jersey

Heyer Gruel and Associates
February 2020

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Maria Carrington, Clerk

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INTRODUCTION

This amended Agway (Growmark)/Yates Area Redevelopment Plan (herein after referred to as "the Amended Plan") regulates lands within the Agway (Growmark)/Yates redevelopment area (herein after referred to as "the Redevelopment Area") designated by the Township of Bordentown as Block 57, Lots 1.01, 1.02 and 6, comprised of approximately 71.67 acres. These lands are bounded to the west by Route 206 and the Conrail railroad tracks, and to the east by Route 130. The southern boundary of the Redevelopment Area begins on the Route 206 right-of-way, approximately 280 feet south of its junction with the Conrail railroad tracks and extends to Route 130. The northern boundary connects the railroad tracks with Route 130, intersecting the southern end of Amboy Road. Figures I and 2 below are maps of the Redevelopment Area.

The original Redevelopment Plan which was adopted in November 26, 2007 was prepared by Remington & Vernick Engineers, Inc. (Remington & Vernick). The Redevelopment Area was deemed an "Area in Need of Redevelopment" by the Township Committee in 2003.

In June 2008, the Township entered into a Redevelopment Agreement with K. Johnson Enterprises, LLC and Growmarks FS, LLC as amended by the First Amendment to the Redevelopment Agreement dated June 2011 for Block 57 Lots 1.02 & 6.

A portion of the Redevelopment Area (Block 57 Lots 1.02 & 6) is also a component of the Amended Settlement Agreement between the Township and Fair Share Housing Center (FSHC) which was executed on June 11, 2019 (the "Amended Settlement Agreement") and the Settlement Agreement between the Township and K Johnson Urban Renewal LLC.(the "KJ Settlement Agreement") dated March 11, 2019. The Settlement Agreements determined that this portion of the Redevelopment Area is appropriate and suitable for a family rental inclusionary development of 130 units with a mandatory affordable housing set-aside. This mandatory set aside will result in 26 affordable family rental units. See Redevelopment Area site map.

As such, this Redevelopment Plan amends the adopted 2007 Redevelopment Plan in order to redevelop a portion of the Redevelopment Area and implement the Amended Settlement Agreement between the Township and FSHC and the KJ Settlement Agreement.

STATUTORY REQUIREMENTS

The Redevelopment Plan is a formal planning document for the Redevelopment Area. According to the Local Redevelopment and Housing Law (NJSA 40A:12A-7), the Redevelopment Plan shall include an outline for the planning, development, redevelopment or rehabilitation of the project area sufficient to indicate:

1. Its relationship to definite local objectives as to appropriate land uses, density of population and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements;
2. Proposed land uses and building requirements in the project area;
3. Adequate provision for the temporary and permanent relocation as necessary of residents in the project area including an estimate of the extent to which decent, safe and sanitary dwelling units affordable to displaced residents will be available to them in the existing local housing market;
4. An identification of any property within the redevelopment area proposed to be acquired in accordance with the redevelopment plan;
5. Any significant relationship of the redevelopment plan to:
 - a. The master plans of contiguous municipalities;
 - b. The master plan of the County in which the municipality is located; and
 - c. The State Development and Redevelopment Plan adopted pursuant to the "State Planning Act" PL 1985, C398 (C52:18A-196 et al.).
6. As of the date of the adoption of the resolution finding the area to be in need of redevelopment, an inventory of all housing units affordable to low- and moderate-income households, as defined pursuant to section 4 of P.L. 1985 c.222 (C.52:27D-304), that are to be removed as a result of the implementation of the redevelopment plan, whether as a result of subsidies or market conditions listed by affordability level, number of bedrooms, and tenure.
7. A plan for the provision, through new construction or substantial rehabilitation of one comparable, affordable replacement housing unit for each affordable housing units that has been occupied at any time within the last 18 months, that is subject to affordability controls and that is identified as to be removed as a result of implementation of the Redevelopment Plan.

AREA AND SITE DESCRIPTION/ PROPOSED DEVELOPMENT

The Redevelopment Area includes two industrial parcels. The northern portion of the Area (Block 57, Lots 1.01) previously contained a vacant copper-foil manufacturing facility (known as the Yates site). The site continues to be undeveloped.

The southern portion of the Redevelopment Area (Block 57, Lots 1.02 &6) formerly contained an Agway industrial facility, the majority of which has since been redeveloped. The development known as Team Campus 85 currently contains 6 buildings in addition to a youth soccer field. Building A contains a 30,000 square foot office ; Building B contains a 75,000 square foot fitness center; Building C consists of a 78,500 square foot office ;Building D consists of a 45,000 square foot indoor practice field; Building E contains a 2,900 square foot branch bank and Building F contains a 24,000 square foot office.

The northern rear portion of the development currently contains the Agway silo and related buildings that are proposed to be demolished. This site will be redeveloped with an inclusionary development containing up to three five story buildings with a maximum of 130 family rental units of which 20 % of the units or 26 will be family affordable rental units. In addition, up to 9,000 square feet of non -residential space will be provided.

REDEVELOPMENT GOALS AND OBJECTIVES

A number of the goals contained in the 2007 Plan continue to remain valid. Several new objectives have been added.

- Create economic opportunity
- Stimulate private economic investment in the Area
- Create new jobs
- Improve the utilization of land, which can be redeveloped for the community's benefit while also taking into account environmental constraints imposed upon the land
- Redevelop underutilized parcels to meet the changing needs of the Township
- Create an aesthetically pleasing development
- Address a portion of the Township's affordable housing obligation by redeveloping a portion of the Area for a residential inclusionary development.

RELATIONSHIP OF THE PLAN TO TOWNSHIP LAND DEVELOPMENT REGULATIONS

The Redevelopment Area shall be redeveloped in accordance with the standards detailed in this Amended Redevelopment Plan. The Plan supersedes the use and bulk provisions of the Township Land Development Regulations (Chapter 25) as it relates the residential inclusionary development as detailed in the Settlement Agreements. Other Township regulations affecting developments that are in conflict are superseded by this Plan. However, existing engineering standards, performance standards and definitions detailed in the Land Development Ordinance shall apply.

No deviations may be granted which will result in permitting a use that is not a permitted use within this Redevelopment Plan. Any deviation from standards of this Plan that results in a “d” variance pursuant to N.J.S.A. 40:55D-70d shall be addressed as an amendment to the Plan rather than via variance relief through the Township’s Zoning Board of Adjustment. An application requesting a deviation from the requirements of this Redevelopment Plan shall provide public notice of such application in accordance with the public notice requirement set forth in N.J.S.A. 40:55D-12a.&b. All development must be approved by the Planning Board and shall be submitted through the normal site plan and subdivision procedures as identified by N.J.S.A. 40:55D, et seq.

Any deviations from bulk standards shall require “c” variance relief. The Planning Board shall have the power to grant relief to the same extent as the Board may grant relief from bulk and dimensional requirements pursuant to N.J.S.A. 40:55D-70.c.

The Planning Board may grant exceptions or waivers from design standards from requirements for site plan or subdivision approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and/or subdivision approval within the Plan. The Board may grant exceptions or waivers if it is determined the literal enforcement of one or more provisions of the Plan is impracticable or would exact undue hardship because of peculiar conditions pertaining to the site. No deviations may be granted under the terms of this section unless such deviations can be granted without resulting in substantial detriment to the public good and will not substantially impair the intent and purpose of the Redevelopment Plan.

Final adoption of this Redevelopment Plan by the Township Committee shall be considered an amendment to the Township of Bordentown Land Development Ordinance and Zoning Map. Unless otherwise defined in the Plan, terms used in this Plan shall have the same meaning as defined in the Township’s Land Development Ordinance.

The Bordentown Township Committee will serve as the redevelopment entity responsible for the execution of the Amended Plan.



Land Use Districts

- Affordable Housing District
- Highway Commercial District


 0 125 250 Feet
 Source: NJOGIS, NJGIN, NJDEP, NJDOT

Land Use Map
Bordentown Township, NJ


 HEYER, GRUEL & ASSOCIATES
 February 2020

LAND USE PLAN

This Land Use Plan shows the following two (2) Land Use districts:

- The Highway Commercial District
- The Affordable Housing District

The following district standards contain information pertaining to the permitted and accessory uses, bulk standards and other district specific standards.

Affordable Housing District

Purpose: The purpose of the Affordable Housing District is to create an inclusionary residential development. This Land Use Plan section includes an illustrative concept plan designed in accordance with the Settlement Agreements with FSHC and K.Johnson Urban Renewal LLC. In accordance with the Township's Settlement Agreements, the residential development is required to provide a set aside of 26 family rental affordable units.

Principal Permitted Uses

- Multi-family residential inclusionary development in accordance with the Settlement Agreements between the Township and FSHC and the Township and K. Johnson LLC
- Mixed use residential/commercial development in accordance with the Settlement Agreements between the Township and FSHC and the Township and K. Johnson LLC

Accessory Uses

- Uses which are customary and incidental to the principal use such as parking, signage, fences, open space and recreational facilities

Standards

Maximum number of residential units: 130

Minimum number of Affordable Family rental units: 26

Bedroom mix of market units: Units shall consist of 1 and 2 bedroom units. No more than 50% of the market units shall be 2 bedroom units. No 3 bedroom market units shall be permitted.

Number of buildings: 3

Mixed Use Development: The ground floor of the building closest to the existing fieldhouse (Building D) shall be developed with up to 9,000 square feet of non-residential space. The upper floors shall be developed with residential units. The area between the mixed use building and the adjacent proposed residential building shall be developed as a tot lot. The area in the front of the non-residential space shall be developed as an outdoor "plaza"

Minimum perimeter building setback: 50 feet

Buffer: A minimum 25 wide buffer shall be provided between the Conrail railroad right of way and the Redevelopment Area. The buffer shall consist of landscaping and fencing as required by the Planning Board at site plan application.

Maximum building height:4 stories/ 50 feet

Minimum parking:

- Residential: 2 spaces per unit
- Non -residential: 1 space per 200 square feet

Distance between buildings: 25 feet

A ‘green” area shall be provided adjacent to the north side of the existing fieldhouse.

Highway Commercial District

Principal Permitted Uses

1. Retail sales of goods and services.
2. Garden centers engaged in the retail sales of living plant material and related garden equipment, vegetation and produce. Outside areas for [the] storage, sale and display [of living plant material] shall conform to all bulk and design requirements for the zone.
3. Banks, including drive-in facilities.
4. Offices and office buildings
5. Restaurants, bars and taverns
6. Health clubs, bowling alleys, skating rinks and other similar indoor recreational activities.
7. Legitimate theaters
8. Childcare centers for which, upon completion, a license is required from the Department of Human Services pursuant to N.J.S.A. 30:5B-1 et seq.
9. Indoor/outdoor sports fields to be used for group or individual training. The field may be enclosed in a structurally sound structure using light-weight fabric, polymer or air-cell paneling supported by strong lightweight metal, polymer or wood framing.
10. Medical Offices
11. Hospitals
12. Same Day Surgery Centers
13. Mixed uses of any of the above

Permitted Accessory Uses

1. Parking decks and garages for automobiles
2. Garages and buildings for storage
3. Temporary construction trailers and one (1) sign not exceeding seventy-five (75) square feet, advertising the prime contractor, subcontractor(s), financing institution and similar data for the period of construction beginning with the issuance of a construction permit and concluding with the issuance of a certificate of occupancy or one (1) year, whichever is less, provided the

trailer(s) and sign are on the site where construction is taking place and are set back at least thirty feet (30') from the street and lot lines.

4. Radio, television and satellite dish antennae, subject to the requirements of Section 25:513 of the township ordinance.
5. Indoor/outdoor sports field: Field to be used for group or individual training. Field may be enclosed in a structurally sound structure using light-weight fabric, polymer or air-cell paneling supported by strong light-weight metal, polymer or wood framing.
6. Uses customarily incidental and accessory to the principal permitted use such as parking, signage, and fencing.

Bulk and Area Requirements

1. Minimum lot area: 5 acres
2. Minimum lot frontage: 200 feet
3. Minimum lot width: 150 feet
4. For principal structures:
 - a. Minimum setback from Route 130: 80 feet for small satellite banks or take-out restaurants, 100 feet for all other principal structures
 - b. Minimum side yard setback: 50 feet
 - c. Minimum setback from Conrail right-of-way and Route 206: 100 feet
5. Minimum setback from Route 130 for all parking areas and access aisles: 40 feet
6. Minimum setback from Conrail right-of-way for all accessory structures: 50 feet
7. Minimum side yard setback for accessory structures, including parking areas, aisles and driveways: 15 feet
8. Maximum Impervious Cover: 75%
9. Maximum Building Height for buildings used exclusively for offices or hotels: 55 feet/5 stories
10. Maximum Building Height for buildings not used exclusively for offices or hotels: 42 feet/3.5 stories

Design Requirements: Highway Commercial District

The requirements set forth below supersede the requirements of the prevailing zoning.

Standards of Section 25:521 should be adhered to, subject to the approval of the Planning Board. Sample materials and a color rendering shall be submitted. These materials and rendering are considered to be part of any approvals and shall not be substantially changed.

Buffering

1. A landscaped buffer with a minimum width of 40 feet shall be maintained along the entire frontage of Route 130. The buffer area shall be limited to vegetative lawns, ground cover, shrubs, bushes, trees, decorative walls and/or fences, and fountains. This buffer may include decorative lighting, identification signs, traffic directional signs and access driveways to and from Route 130.
2. A landscaped buffer with a minimum width of 15 feet shall be maintained along the lot line separating Block 57, Lot 6 from Block 57, Lot 1.02. The buffer area shall include a single row of evergreen plantings, fencing, berms, mounds or a combination thereof to provide an adequate screen to the benefit of the uses on Lot 1.02.
3. A landscaped buffer with a minimum width of 15 feet shall be maintained along the lot lines separating Block 57, Lot 6 from Block 57, Lots 7, 8 and 21. This landscaped buffer shall utilize the existing vegetative growth and be supplemented with additional screening where existing growth does not provide adequate screening.
4. A landscaped buffer with a minimum width of 80 feet shall be maintained along the common lot line between the Conrail railroad right-of-way and the entire Redevelopment Area. Existing vegetative growth located within existing wetland buffers shall remain undisturbed. For areas outside of wetland buffers, landscape screening shall consist of fencing, berms, mounds, multiple staggered rows of evergreen plantings or a combination thereof to achieve adequate screening. Existing rail sidings are to remain within the 80-foot buffer and may be accompanied by a paved loading area for access to rail cars. A buffer is to be placed 80 feet from the southerly most rail siding in the remaining un-paved area.
5. A minimum 70-foot wide landscaped buffer shall be maintained along the entire Route 206 frontage. Existing vegetation growth located within existing wetland buffers shall remain undisturbed, except where proposed stormwater basin outlet piping may cross the buffer to discharge to Hollow Mile Run.
6. A minimum 15-foot wide landscaped screen buffer shall be maintained along the proposed lot line separating the existing warehouse/manufacturing use from the proposed mixed use development. Existing vegetation growth located within existing wetland buffers shall remain undisturbed. This landscaped buffer shall be limited to a single row of evergreen plantings, fencing, berms, mounds or a combination thereof to achieve adequate screening to the benefit of adjoining properties. Where a single row of evergreen planting is being used, a single row is to be planted on each side of the new lot line and staggered so as to appear as a double staggered row of evergreens.

Buildings/Architecture

1. Except as otherwise required below, all buildings shall comply with the design guidelines set forth in Ordinance 2003-23.
2. Penthouses or roof structures for the housing of stairways, tanks, ventilating fans, air conditioning equipment, or similar equipment required to operate and maintain the building, skylights, spires, cupolas, flagpoles, chimneys or similar structures; may be erected above the height limits prescribed by the Plan, but in no case more than fifteen percent (15%) more than the maximum height permitted for use in the Redevelopment Area.
3. Silos, barns and other related buildings for farming purposes associated with farming, warehousing and manufacturing shall not exceed the height of existing silos, buildings and structures.
4. Adaptive reuse or continued use of existing buildings, towers, silos, or other structures shall be the existing height, excluding screened roof top appurtenances, which shall not exceed an additional 5 feet.
5. Detailed architectural plans including colors, materials, and textures, shall be provided for all new buildings and existing buildings that are to remain. Detailed floor plans shall be provided for the new buildings.
6. Buildings shall be located, designated and identified to allow for adequate fire and emergency access.
7. All new construction must conform to Americans with Disabilities (ADA) Act requirements.
8. All external appurtenances, including but not limited to electrical components and HVAC equipment, including roof-mounted units, shall not exceed five (5) feet above the ground surface or the roofline, shall be screened by landscaping or enclosed to match the building facade, and shall not be included in determining building height.
9. HVAC and other appurtenances shall comply with all applicable federal, state or local regulations governing noise levels for both day and night time uses.
10. All power, phone, CATV, and other utilities shall be installed underground, as per current engineering standards. Roof antennae or towers shall not be permitted.
11. The use of the U.S. Green Building Council's LEED@ (Leadership in Energy and Environmental Design) construction standards is encouraged.
12. Buildings shall be considered in terms of their relationship to the surrounding area and natural environment as well as in relation to the human scale.

Parking and Vehicle Circulation

1. Ingress and egress from Route 130 shall be permitted in the following manner:
 - a. For the existing warehouse/manufacturing operations, a right-in and right-out driveway will be located at the northern end of Block 57, Lot 6. This driveway will be the only access for the traffic associated with the existing operations. The proposed improvements will include a wider approach driveway to allow for

queuing of vehicles. The driveway will proceed back through the warehouse/manufacturing site to allow for continuous movement for tractor trailer vehicles.

- b. The mixed use portion of the redevelopment site will be served with two driveway entrances, both on Route 130. One entrance will be located at the center of Redevelopment Block 57, Lot 6, and the other will be located at the southerly portion of the redevelopment tract. The southern-most driveway will be aligned with Livingston Lane located on the opposite (easterly or northbound) side of Route 130, and will allow left turn and right turn entry to and from the site from Route 130. This driveway shall provide a minimum of one in-bound lane and 3 out-bound lanes. These driveways and openings are subject to the approval of the NJDOT and openings may be modified as required by NJDOT. There will be no access to the existing warehouse/manufacturing operations from the mixed use site.
- c. Parking for redevelopment Block 57, Lot 6 will be provided as follows:
 - 1) For the existing warehouse/manufacturing operations, one parking space will be provided per 850 square feet of building floor area for the grain storage operations, and one space will be provided per 375 square feet of building floor area for the fertilizers storage/manufacturing operations.
 - 2) For the mixed use portion of the site, parking will be provided at the following rate:
 - i. Medical Office building: 1 space per 235 square feet of floor area.
 - ii. Professional Office building: 1 space per 200 square feet of floor area.
 - iii. Sports Center: 1 space per 235 square feet of floor area.
 - iv. Communications Tower: 1 space per 100 square feet of floor area.
 - v. Satellite Bank: 1 space per 200 square feet of floor area.
 - vi. Parking space size for the warehouse/manufacturing portion of the site is to be 9 feet wide by 18 feet long. Minimum aisle width is to be 30 feet.
 - vii. Parking space size for the mixed use portion is to be 9 feet wide by 18 feet long for 76% percent of the total amount of stalls and 10 feet wide by 18 feet long for the remaining 24 percent of the total number. Driveway aisle widths in each parking group are to be a minimum of 25 feet. Driveways circulating around each building are to be 30 feet in width.
 - viii. Useable walkways and crosswalks, within the site shall be designed to interconnect buildings to parking areas. Sidewalks are to be a minimum of 6 feet wide where parking stalls abut head-on.

Sidewalks running adjacent to driveways with no parking stalls are to be 5 feet in width.

2. Loading and Unloading

- a. Loading and unloading for the existing warehouse/manufacturing site is an integral part of the current operations. The existing and adaptive procedures and movement patterns shall be made as part of the Plan.
- b. Loading and unloading for the mixed use portion of the site shall be as follows:
 - 1) Medical Office Building: The loading and ambulance drop-off area are to be located at the rear of the building. This area is to simultaneously accommodate both activities at one time. The loading area is to accommodate tractor trailer trucks.
 - 2) Health Sports Building: The loading facility is to be located behind the building. The parking lot and driveway are to accommodate tractor trailer trucks.
 - 3) Professional Office Building: The loading facility is to be located behind building, and the parking lot and driveway are to accommodate a tractor trailer truck.
 - 4) Satellite Bank: The loading area is to utilize one of the proposed parking stalls, on a temporary basis, accommodating a small box or panel truck.
 - 5) Communications Tower: The loading area is to utilize a portion of the proposed 30-foot wide access driveway, on a temporary basis, accommodating a tractor trailer truck.

Signs

1. One monument-type sign shall be permitted along the Route 130 frontage.
2. Each building front shall be permitted to have a facade sign or free standing sign large enough to identify the corporate entity or entities occupying the building.
3. The Redeveloper shall provide a comprehensive sign package, including colors and materials, to the Planning Board. The Planning Board may approve a comprehensive sign package for the project that exceeds the standards of the zoning ordinance and/or this document, in terms of sign area and number of signs if it is demonstrated to the Board's satisfaction such additional signage is necessary to appropriately identify the uses on the site from the street, and is consistent with good planning for the site.

Lighting

1. All lighting shall be post or building mounted and oriented earthward to minimize light spillage and glare.
2. Parking area lighting shall be post-mounted, located within landscaped areas and islands, and shall not exceed 30 feet in height above grade.
3. Pedestrian and access point lighting shall be post-mounted and shall not exceed 16 feet in height above grade.

4. Fixtures shall be shielded to eliminate light overflow into adjoining lots.
5. Lighting shall conform to the Township's specifications. Exact details will be specified at the time of site plan review.

Fencing/Enclosures

1. All bulk waste/recycling receptacles (dumpsters) shall be fully screened. Such screening shall be of adequate height to fully shield the receptacle and shall utilize plantings and/or brick construction with a brick front and gated access way which can be secured during periods of non-use. Chain link fencing for refuse screening is prohibited, however, chain link gates for access to refuse is allowable. If landscape screening is utilized, bollards shall be provided to maintain the integrity of the planted screening. Full brick construction shall be required for structures located within designated buffer area adjacent to any residential or commercial building.
2. Ornamental fencing shall be encouraged
3. Privacy fencing along the rear property line shall be permitted.
4. Heights of all fencing are subject to Planning Board review and approval.

Infrastructure

1. Sidewalk/Walkways: Pedestrian or connecting walkways, within the site, shall be constructed of pavers, concrete, and textured pavement in colors and/or patterns. All walkways shall be a minimum of five (5) feet in width, and shall extend from the building facade to the curb line.
2. Water, Sewer and Stormwater Management: These systems are to be investigated, constructed and upgraded, as required, and shall be subject to review and approval by all applicable federal, state, and local agencies, and will be the responsibility of the selected Redevelopers based on the final approved usages within the Redevelopment Area. All water, sewer and stormwater systems must conform to the New Jersey Department of Environmental Protection Stormwater Regulations, and shall be subject to the applicable state laws and regulations in effect at the time of approval of the Plan.

Miscellaneous Design

1. Drive-up Window Queuing: Vehicle queuing areas shall be adequate to accommodate a minimum of 6 automobiles per drive-up window for banking or fast-food restaurant facilities.
2. A minimum of 3 feet of stepped landscaping shall be provided from the fence of the existing 911 Tower.
3. Minimum setback from the existing 911 Tower shall be maintained to the following: 250 feet to a property line; 120 feet to a building; 11 feet to a parking stall; and 3 feet to an access parking driveway.
4. In determining the types of plants that will be provided on a development plan, consideration should first be given to the species listed on the "Township of Bordentown Schedule of Recommended Street Trees."
5. Usable pedestrian access ways shall be provided throughout the site.

Relationship to Other Plans

Master Plan/Reexamination

The Township's most recent Master Plan Reexamination Report was adopted in August 2018. The Reexamination Report builds on the goals and objectives identified in the 1990 Master Plan and its subsequent Reexamination Reports and Revisions adopted in 1996, 1998, 2002 and 2008. A Land Use Plan element was also adopted in 2018.

This Redevelopment Plan supports the following goals from the 1990 Master Plan:

- The Land Use Plan of the Township of Bordentown should build upon and refine the past planning decisions of the municipality, consistent with present local and regional needs, desires, and obligations
- The Land Use Plan noted the physical characteristics of the Township and its inherent limitations of the land to host different types of community development, thereby necessitating the assignment of different densities and intensities of development to match the capacities of the environment
- The Land Use Plan should strive to prevent homogeneous suburban development throughout the municipality, using such elements as a balanced variety of uses, housing styles and neighborhood commercial centers providing personal sales and services.
- Higher density housing should be permitted only as part of larger scale developments to ensure that adequate roads, recreational areas, community amenities, drainage facilities, public water and sewerage facilities, and other infrastructure are constructed commensurate with the requirements for a variety of residential densities.
- Retail shopping facilities should be provided to serve the needs of the existing and anticipated residential population of the Township, and such shopping facilities should be provided as an integral part of the large scale residential development or in other specific locations in order to avoid the proliferation of vehicular shopping trips.
- Industrial research and office acreage should be controlled with appropriate regulations, without denying the needs of modern research and manufacturing activities and in an appropriate balance between residential and non-residential development and the commensurate benefits of a balanced tax base.
- Proper and sufficient water supplies and sewerage facilities should be planned in order to provide the reasonable opportunity for the implementation of the foregoing Land Use Plan.

The following represents additional recommendations from the 2008 Master Plan Reexamination Report:

- Review existing redevelopment plan/areas to determine if changes need to be made to the boundaries, types of uses permitted, and zoning requirements.

The 2008 Reexamination Report additionally states that the site, Block 1.01 Lots 3 and 6, be included as part of the Township's Redevelopment Plan along with several surrounding properties.

The 2018 Reexamination Plan and Land Use Plan recognizes the Agway Redevelopment Plan and details the goals and proposed uses.

This Redevelopment Plan is consistent with the Township’s Master Plan 2018 Reexamination Report and Land Use Plan. It is also a component of the adopted August 2019 Housing Element and Fair Share Plan.

Northern Burlington County Growth and Preservation Plan

The Northern Burlington County Growth and Preservation Plan (GAPP) was adopted by the Burlington County Board of Chosen Freeholders in October 2010. The Township is located in northern Burlington County. The GAPP presents a regional strategy with the following goals:

- Revitalize Northern Burlington County’s Hamlets, Villages and Towns
- Conserve Northern Burlington County’s agricultural and natural resources and systems
- Promote beneficial economic growth, development and renewal for all residents of the County
- Protect the environment, prevent and clean up pollution
- Provide adequate public facilities and services at a reasonable cost
- Provide adequate housing at a reasonable cost
- Preserve and enhance areas with historic, cultural, scenic, open space and recreational value
- Ensure sound and integrated planning and implementation throughout the Northern Burlington County region.

The GAPP shows the majority of Bordentown Township under the category of T3- Suburban. The Suburban Area includes Post World War II neighborhoods and modern residential subdivisions in sewer service areas, as well as development highway corridors and centers outside older communities. According to the GAPP, the Redevelopment Area falls within the suburban infill classification.

The Plan also encourages redevelopment, where appropriate, at intensities sufficient to support pedestrian-oriented development, public safety, transit accessibility, a broad range of uses and mixed uses, and efficient use of infrastructure. Additionally, municipalities should continue to provide local and regional housing services that support healthy Centers.

This Redevelopment Plan is consistent with the GAPP.

New Jersey State Development and Redevelopment Plan

The New Jersey State Development and Redevelopment Plan (SDRP) was adopted on March 1, 2001. This plan compared the planning policies among various government levels with the purpose of attaining compatibility among local, county and State plans. The SDRP allocates land into five (5) different categories called Planning Areas. The Redevelopment Area in Bordentown Township is located within Planning Area 1 (PA1), the Metropolitan Planning Area. The

Metropolitan Planning Area includes a variety of older, developed cities and towns that have a compact, close-knit development pattern. The SDRP is a unique document that, while not binding, guides State-level development and redevelopment policy as well as local and regional planning efforts. The Plan includes eight statewide goals and dozens of policies which are intended to implement the goals.

The goals of the PA 1: Metropolitan Planning Area are as follows:

- Provide for much of the State's future redevelopment
- Revitalize cities and towns
- Promote growth in compact forms
- Stabilize older suburbs
- Redesign areas of sprawl
- Protect the character of existing stable communities

This Redevelopment Plan is consistent with the State Development and Redevelopment Plan.

State Strategic Plan

The Final Draft of the New Jersey State Strategic Plan for Development and Redevelopment dated October 2011, which has yet to be adopted by the State Planning Commission, was intended to be an update to the State Development and Redevelopment Plan. This document takes a strategic approach to setting goals and a vision for the State of New Jersey. The State Strategic Plan contains four over-arching goals that "incorporate[s] administrative actions, legislative and regulatory forms, and public investment prioritization." These goals are as follows:

- Goal 1: Targeted Economic Growth
- Goal 2: Effective Planning for Vibrant Regions
- Goal 3: Preservation and Enhancement of Critical State Resources
- Goal 4: Tactical Alignment of Government

The Strategic Plan further states "these goals must work in tandem as their interrelationship represents a critical piece of the State's blueprint for success."

Additionally, the State Strategic Plan articulates a number of goals as Garden State Values. The following values are relevant to this Redevelopment Plan:

- Garden State Value #1: Concentrate development and mix uses.
- Garden State Value #2: Prioritize Redevelopment, infill, and existing infrastructure.
- Garden State Value #4: Create High-Quality, Livable Places.
- Garden State Value #6: Advance Equity.
- Garden State Value #7: Diversify Housing Options.

- Garden State Value #8: Provide for Healthy Communities through Environmental Protection and Enhancement.
- Garden State Value #10: Make Decisions within a Regional Framework

This Redevelopment Plan is consistent with the Draft State Strategic Plan.

Relationship to Adjacent Municipalities

The Township of Bordentown lies adjacent to the following municipalities:

- Hamilton Township (Mercer County)
- Chesterfield Township (Burlington County)
- Mansfield Township (Burlington County)
- Florence Township (Burlington County)
- Fieldsboro Borough (Burlington County)
- Bordentown City (Burlington County)

The development of this area is not anticipated to have any impacts on the adjacent municipalities.

Administrative and Procedural Requirements

Duration of Redevelopment Plan

The Redevelopment Plan shall remain in effect for 30 years from the date of adoption of this Plan by the Township Committee. After that period, the Zoning Ordinance will regulate the development of the site.

Amending the Redevelopment Plan

Upon compliance with the requirements of applicable law, the Township of Bordentown may amend, revise or modify this Redevelopment Plan, as changing circumstances may make such changes appropriate.

Property Acquisition

Although permitted, the use of eminent domain is not anticipated.

Relocation

The site does not contain any residential units which would require relocation.

Affordable Housing Units

No affordable housing units are identified to be removed as part of the implementation of this Redevelopment Plan.

Provision of New Affordable Housing Units

Redevelopment Plans are permitted to require the provision of affordable housing units per the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-7.b).

In conformance with the Amended Settlement Agreement and the KJ Settlement Agreement, residential development within the Redevelopment Area is required to provide 26 family-rental units. Residential units shall be developed in conformance with the approved Settlement Agreements and all affordable housing units shall comply with the Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1 et. seq. or any successor legislation, with the exception that in lieu of 10% of affordable units in rental projects being required to be affordable households earning at or below 35% of the regional median household income, a minimum of 13% of affordable units in such projects is required to be affordable to households earning at or below 30% of the regional median household income. The proposed affordable units will comply with the MOU, UHAC regulations, the FHA, applicable COAH regulations, and all other applicable laws.

The residential units and any redevelopment agreement shall comply with N.J.A.C. 5:97-6.6 and 6.4, including all phasing requirements.

TOWNSHIP OF BORDENTOWN

ORDINANCE 2020-08

**ORDINANCE AUTHORIZING THE PURCHASE OF REAL PROPERTY LOCATED AT 183
CROSSWICKS ROAD AND KNOWN AS BLOCK 66, LOT 12.02 PURSUANT TO
N.J.S.A. 40A:12-5**

WHEREAS, the owner of those property located at 183 Crosswicks Road and identified on the official tax map of the Township of Bordentown as Block 66, Lot 12.02 has offered this property for sale to the Township of Bordentown; and

WHEREAS, an appraisal was obtained, and due diligence undertaken to determine the suitability of the property for public purposes; and

WHEREAS, the Township Committee of the Township of Bordentown has determined that this property is suitable for a legitimate public purpose, more specifically, to be used for affordable housing; and

WHEREAS pursuant to N.J.S.A. 40A: 12-5(a)(l) et. seq., a municipality may acquire real property for public use.

WHEREAS, funding for this purchase, totaling \$265,000 will be provided from the Affordable Housing Trust.

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Bordentown, County of Burlington as follows:

Section 1. The purchase of the property identified as Block 66, Lot 12.02 for the sum of \$265,000 which funds shall be provided from the Township's Affordable Housing Trust is hereby authorized, such purchase to be contingent upon compliance with the Local Lands and Building Law, N.J.S.A. 40A:12-1.

Section 2. The Township Administrator and Township Attorney are hereby authorized to prepare a contract of sale and to negotiate its terms in accordance with applicable law and to do and to perform all other acts as are necessary to complete the real estate transaction including retaining such professionals including, but not limited to, engineers, land surveyors, title company and the like. The Township's acquisition shall be contingent upon satisfaction of all conditions and requirements contained in the contract documents.

Section 3. The Mayor, Township Clerk, Township Administrator, Township Attorney, and such other Township Officials and/or professionals as required are authorized and directed to execute any and all documents on behalf of the Township and undertake all necessary actions in regard to this matter.

Section 4. Repealer. Any and all other ordinances inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistencies.

Section 5. Severability. In the event that any section paragraph, clause phrase, term, provision or part of this ordinance shall be adjudicated by a court of competent jurisdiction to be involved or unenforceable for any reason, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, clause, term, provision or part thereof directly involved in the controversy in such judgment shall be rendered.

Section 6. This ordinance shall take effect immediately upon adoption and publication according to law.

INTRODUCED: MARCH 9, 2020
ADOPTED:

TOWNSHIP OF BORDENTOWN

ORDINANCE NO. 2020-09

AN ORDINANCE AMENDING THE BORDENTOWN TOWNSHIP MUNICIPAL CODE AND CREATING A PROJECT LABOR AGREEMENT OPTION FOR CERTAIN PUBLIC WORKS CONTRACTS AND PUBLICLY FUNDED PROJECTS

WHEREAS, the Township of Bordentown has a compelling interest in ensuring that large construction projects that it directly undertakes or for which it provides financial support are performed promptly, at a responsible cost and with the highest degree of quality;

WHEREAS, the Township of Bordentown seeks to promote meaningful job opportunities for its citizens;

WHEREAS, the Township of Bordentown seeks to ensure that job opportunities generated by construction projects contemplated by this Ordinance help low-income, minority and women workers gain access to careers in the construction trades;

WHEREAS, the employment of apprentices in such contracts can maintain reasonable costs while providing valuable and rewarding work opportunities for new workers;

WHEREAS, Project Labor Agreements are a form of pre-hire collective bargaining agreements that cover all of the terms and conditions of a specific project;

WHEREAS, Project Labor Agreements make possible legally enforceable guarantees that projects will be carried out in an orderly and timely manner, without strikes, lock-outs or slowdowns; and

WHEREAS, Project Labor Agreements also make it possible to provide for peaceful, orderly and mutually binding procedures for resolving labor disputes;

WHEREAS, Project Labor Agreements can provide the Township of Bordentown with a guarantee that construction projects as described above are completed with a highly skilled diverse workforce;

WHEREAS, a highly skilled workforce ensures the efficient, economical and safe completion of contracts as described above;

WHEREAS, the benefits received by Contractors regulated by this ordinance can create opportunities to employ a substantial number of apprentices, thus ensuring that these projects will expand access to middle-class careers in the construction trades for a new generation of workers, and

WHEREAS, Project Labor Agreements shall be considered on a project by project basis where such agreement benefits the Township of Bordentown from a cost, efficiency, quality, safety and/or timeliness standpoint; and

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Bordentown, that the Municipal Code of the Township of Bordentown is hereby amended and supplemented as follows:

SECTION 1. (New Section)

Title 14 PROJECT LABOR AGREEMENTS

Chapter 14.01 Project Labor Agreements for Certain Public Works Projects

14.01.010 Purpose

This chapter shall ensure that certain public construction contracts with total costs that exceed \$5,000,000, excluding land acquisition costs, that the municipality directly undertakes are performed promptly, at a reasonable cost and with the highest degree of quality. This chapter also creates opportunities to employ a substantial number of apprentices, thus ensuring that these projects will expand access to living wages careers in the construction trades for a new generation of workers.

14.01.020 Definitions

As used in this chapter, the following terms shall have the meanings indicated:

- A. **Apprentice** - A worker who participates in a Federally-approved Apprenticeship Program or as an Apprentice equivalent participates in a Federally-approved training program, takes a construction apprenticeship test and receives benefits and pay not less than those received by an Apprentice.
- B. **Apprentice Program** - An apprenticeship program operated by an entity registered by the Bureau of Apprenticeship and Training of the US Department of Labor or registered by a Federal apprenticeship agency recognized by the Bureau.
- C. **Certain Projects** - The Township in its sole discretion may exempt projects which otherwise would fall within the purview of this Ordinance from the requirements of same.
- D. **Contractor** - A person or entity awarded a Public Works contract contemplated by this Ordinance.
- E. **Labor Organization** - An organization which represents, for purposes of collective bargaining, employees involved in the performance of construction contracts and eligible to be paid prevailing wages under the "New Jersey Prevailing Wage Act," P.L.1963, c.150(C.34:11-56.25 et seq.) and has the present ability to refer, provide or represent sufficient numbers of qualified employees to perform the contracted work and which has an apprenticeship program registered by the Bureau of Apprenticeship and Training of the U.S. Department of Labor.
- F. **Project Labor Agreement** - A pre-hire collective bargaining agreement between a labor organization and the Township of Bordentown or a developer, as the situation dictates, that contains at a minimum the requirements set forth in this section.
- G. **Public Works Project** any Public Works Project for the construction, reconstruction, demolition or renovation of buildings at the public expense, other than pumping stations or water or sewage treatment plants, for which:
 - 1. It is required by law that workers be paid the prevailing wage determined by the Commissioner of Labor pursuant to the provisions of the "New Jersey Prevailing Wage

Act", P.L.1963, c.150 (C.34:11-56.25 et seq.); and

2. The public entity estimates that the total cost of the project, exclusive of any land acquisition costs, will equal or exceed \$5 million.

- H. **Not for Profit** shall mean any entity that is organized as a nonprofit or not for profit entity, corporate or to otherwise as a governmental entity.
- I. **Subcontractor** - A person or entity that is engaged or performs work or provides materials for a Contractor as defined herein, which person or entity may or may not be in privity of contract with the Township of Bordentown.

14.01.030 Project Labor Agreements for Certain Projects

- A. The Township may include a Project Labor Agreement in a Public Works Project on a case-by-case basis, if the Township Administrator determines, taking into consideration the size, complexity and cost of the project that, with respect to that project, the Project Labor Agreement complies with the requirements of this chapter. The agreement shall either be directly entered into with a Labor Organization or the award of the contract shall be made on the condition that the construction manager for the contract shall negotiate a project labor agreement in good faith with one or more Labor Organizations. In all cases, the Project Labor Agreement must advance the interests of the Township of Bordentown, including cost, efficiency, quality, time, time lines and need for a skilled labor force and safety.
- B. Agreement Requirements. Each Project Labor Agreement executed pursuant to this ordinance shall contain the following terms pursuant to this section and in accordance with N.J.S.A. 52:38-1 et seq. (P.L. 2202, C. 44):
1. Advance the interests of the Township of Bordentown, including the interests in cost, efficiency, quality, timeliness, skilled labor force, and safety;
 2. Contain guarantees against strikes, lock-outs, or other similar actions;
 3. Set forth effective, immediate, and mutually binding procedures for resolving jurisdictional and labor disputes arising before the completion of the work;
 4. Be made binding on all Contractors and Subcontractors on the project in all relevant documents, including bid specifications;
 5. Require that each Contractor and Subcontractor working on the project utilize have an Apprenticeship Program as defined herein.
 6. Fully conform to all statutes, regulations and Township of Bordentown ordinances regarding the implementation of set-aside goals for women and minority owned businesses, the obligation to comply with which shall be expressly provided for in the Project Labor Agreement;
 7. Include a publicly available plan which is in full conformance with the requirements of all applicable statutes, regulations, executive orders and Township ordinances regarding the share of

employment and apprenticeship positions in the project for minority group members and women and is mutually agreed upon by the participating labor organizations and the public entity provided that any shares mutually agreed upon pursuant to this subsection shall equal or exceed the requirements of other statutes, regulations, executive orders or local ordinances;

8. State that Contractors and Subcontractors need not be a party to a collective bargaining agreement with the applicable labor organization other than for the project covered by the Project Labor Agreement.
9. Require the Township to monitor, or arrange to have a State agency monitor the amount and share of work done on the project by minority group members and women and the progression of minority group members and women into apprentice and journey worker positions and require the Township to make public, or have the State agency make public, all records of monitoring conducted pursuant to N.J.S.A. 52:38 et seq. (P.L. 2002, Chapter 44), this Chapter and the Project Labor Agreement.
10. State that any and all residents who are already in any signatory union or an apprenticeship program shall be referred to Contractors or Subcontractors who request them, even if those Bordentown residents were not in line for referral under normal hiring hall procedures;
11. Require the contract for the Public Works Project to provide whatever resources may be needed to prepare for apprenticeship a number of women and minority members sufficient to enable compliance with the plan agreed upon pursuant to this Chapter and provide that the use of those resources be administered jointly by the participating labor organization and the public entity;
12. State that the terms of the Project Labor Agreement shall prevail over conflicting terms of any collective bargaining agreements;
13. Require that the labor organization utilize members who are Bordentown residents as their first choice for staffing without regard of any other preferential status; and
14. Require that ten percent (10%) of the labor hours required shall be performed by the Bordentown Township residents who are participating in the apprenticeship program and that one hundred (100%) percent of the apprentices shall be Burlington or Mercer County residents. Upon confirmation that there are insufficient Bordentown Township residents participating in the apprenticeship program, to satisfy the 10% of labor hours requirement, apprenticeship program participants from other Burlington County communities or from Mercer County may be used to satisfy this goal.

C. Preconstruction Requirements: Contractors and Labor Organizations shall complete the following:

1. **Preconstruction Meeting:** Not less than ninety (90) days prior to the commencement of construction, the Contractor will meet with the Township Administrator to present workforce needs, which will include the job description of the positions to be filled and the duration of the project. In addition, the Contractor will provide the construction schedule. The Labor Organizations will present the Contractor and the Township with the projected availability and

trades of eligible apprentices, who are projected to be available to work on the project.

2. Advertisement: Not less than sixty (60) days prior to the commencement of construction, the Labor Organizations will advertise in two (2) newspapers regularly published and distributed in Bordentown and outreach via other media, such as cable television, the web, and/or radio. The advertisement will solicit apprenticeship applications for each Labor Organization's apprenticeship program, describe the basic requirements for admission, describe the job training and set for the range of salaries.
3. Job Fairs: The Labor Organizations will jointly participate in at least two (2) job fairs to be held at a location to be provided by the Township in order to explain the apprenticeship programs and solicit applications from attendees. Each participating Labor Organization shall pay a pro rata share of the costs of each job fair.

14.01.040 Apprenticeship Utilization Goals

A requirement for local/minority hiring goals providing that for each Contractor or Subcontractor performing work on a covered project, the Project Labor Agreement shall provide that at least ten (10%) percent of all project work hours will be performed by Bordentown residents and at least ten (10%) percent of all project work hours will be performed by minorities and/or women. A Contractor shall not be subject to enforcement actions for violations of this section if that Contractor can demonstrate that it made good faith efforts to comply. For the purpose of this section, good faith efforts for a Contractor shall, at a minimum, include compliance with the following:

1. Entry into a PLA and obtaining Letters of Assent from each Contractor/ Subcontractor.
2. Convene pre-bid and preconstruction meetings to educate construction managers and subcontractors about the local/minority hiring goals.
3. Cooperate with Township Representative. The Contractor shall cooperate with the Township designated representative. The Township representative shall provide services in support of the Contractor's local minority hiring goals. Among other things, the Township representative will:
 - a. Establish a point of contact to provide information about available job opportunities;
 - b. Develop and maintain an up-to-date list of qualified local residents by trade and confirm local residency;
 - c. Assist Contractors with reporting by working with Contractors and the Township where appropriate.
4. Regularly contacting and documenting of contact with the Township representative and providing certified payroll and other records on a regular basis to the Township representative.
5. Use and documenting use of Township-approved Craft Request Forms sent to both unions and Township representative. Craft Request Form means a document through which Contractors shall request workers from unions.

6. Requesting local, minority and women hires from union hiring hall.
7. Documenting reasons for not hiring referred candidates from target populations, if applicable.
8. Allowing Township representative prompt and willing access to documentation of all of the above activities and to the work site if required.

14.01.050 Local Minority Hiring Goals

For each Contractor and Subcontractor performing work on a Covered Project, the Project Labor Agreement shall contain female and minority employment goals that are consistent with the guidelines set forth by the Division of Public Contracts Equal Employment Opportunity pursuant to N.J.A.C. 17:27-7.2.

14.01.060 Enforcement

- A. **Monitoring and Enforcement.** Each Contractor and Subcontractor subject to the provisions of this Chapter shall submit to the Township a completed certified Declaration of Compliance form prior to commencing work on the Covered Project.
- B. **Contractors and Subcontractors.** All Contractors on projects subject to this Chapter shall require that their Subcontractors comply with the provisions of this Chapter. Language indicating the Subcontractor’s agreement to comply shall be included in the contract between the Contractor and Subcontractor and shall contain a provision making such terms enforceable by the Township. Copies of such agreements shall be submitted to the Township.
- C. **Reports.** All Contractors and Subcontractors shall report to the Township Administrator on a quarterly basis according to the following schedule (by March 31, June 30th, September 30th, and December 31st of each year) and shall provide the following information, certified and notarized, for each covered contract for which work was performed during the previous quarter:
 1. **Manning Report**

The Contractor’s report will accurately reflect the total hours in each construction trade or craft and the number of hours worked by Township residents, including a list of minority resident and women resident workers in each trade or craft, and will list separately the work hours performed by such employees of the Contractor and each of its Subcontractors during the previous quarter;
 2. **Certified Payroll Report**

The Contractor’s report will specify the residence, gender and ethnic/racial origin of each worker, work hours, and the rate of pay and benefits provided.
 3. **Equal Employment Opportunity Reports**

A copy of the Labor Organization’s Local Union Report (EEO-3) and Apprenticeship Information Report (EEO-2) which are required to be filed with the Equal Employment Opportunity Commission by the Labor Organization.

4. **Apprenticeship Report**

The Report of the Labor Organization that shall list the names, address and contact information of all Bordentown residents who were accepted in to the Apprenticeship Program. The report shall also list the names, address and contact information of all Bordentown residents who were rejected for admission, with the reasons for rejection and, for those Bordentown residents who failed to finish the program, the reasons why they failed to complete the program.

5. **Final Cost Report**

No later than 90 days following project completion, the Contractor shall submit a certificate of actual Total Construction Costs. All Total Construction Costs shall be certified to the Township by the project Architect and Engineer and is subject to review by the Township at the time of application for Certificate of Occupancy and audit by the Township.

6. **Other Reports**

The Contractor or the Labor Organization shall furnish to the Township of Bordentown such further information, documents or reports as shall be requested.

D. **Records.** Contractors and Subcontractors performing work on Covered Contracts shall maintain certified payroll records for all employees and shall preserve them for a period of three years after completion of the covered contract, making such records available within three (3) days of a written request by the Township or its designee and upon inspection without notice.

E. **Site and Records Access.** All Contractors and Subcontractors performing work on Covered Contracts shall permit access for representatives of the Township or its designee to all work sites and to all applicable records in order to monitor compliance with the provisions of this ordinance.

F. **Township Remedies.** In the event the Township has good cause to believe that any Contractor or Subcontractor has failed to comply with the provisions of this Chapter, the Contractor or Subcontractor shall be given written notice and afforded an opportunity to submit a written response to the Township within 10 days of receipt of the written notice. In the event the Township determines the Contractor or Subcontractor has failed to comply with the provisions of this Chapter, the Township shall have available all remedies available at law and equity, including but not limited to the following:

1. Suspending or terminating the contract;
2. Completing the contract and requiring the Contractor or Subcontractor to pay all damages and costs in utilizing a substitute Contractor or Subcontractor;
3. Debarring the Contractor or Subcontractor from eligibility for future Township contracts;
4. Assessing a daily fine and other penalties payable to the Township. A schedule of fines and penalties necessary to enforce this chapter shall be recommended by the Township Administrator and enacted by ordinance of the Township Committee. The Township shall withhold funds from any final payment due to covered Contractors in an amount sufficient to

cover unpaid fees or potential penalties for shortfalls regarding the apprenticeship requirements of this chapter. Such fines and penalties shall be not less than 3% nor more than 10% of the total price of the contract in question.

14.01.070 Implementation

The Township Administrator may promulgate regulations or policies implementing this chapter.

Section 2. All Township Ordinances or portions of ordinances inconsistent herewith are hereby repealed to the extent of their inconsistency only.

Section 3. If any part of this Ordinance shall be declared invalid or inoperative, such part shall be deemed severable and the invalidity thereof shall not affect remaining parts of this Ordinance.

Section 4. This Ordinance shall take effect upon passage, approval and publication as required by law.