

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

DATE: APRIL 27, 2020 TIME: 7:30 P.M. VIRTUAL MEETING
Join using URL: <https://us02web.zoom.us/j/84593578708?pwd=c1k4RXhpV0hUb09kSzBzbE5ERkNoQT09>

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. Salute to the flag and moment of silence

3. Open Public Meeting 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.

5. Correspondence: None

6. Administrative Review of Agenda

7. CONSIDERATION OF CONSENT AGENDA ITEMS:

- a. Township Committee review and discussion of Consent Agenda Items.
- b. Public comment on Consent Agenda items.

8. CONSENT AGENDA: Motion, Second and Roll Call to adopt Resolutions #2020-101 to #2020-108

- a. Resolution #2020-101 entitled APPROVING ROUTINE BUSINESS: MINUTES OF MEETINGS AND FILING OF REPORTS
- b. Resolution #2020-102 entitled PLEDGE SUPPORTING NEW JERSEY WILDLIFE ACTION PLAN

- c. Resolution #2020-103 entitled RESOLUTION SUPPORTING THE ADOPTION OF “IDLE FREE ZONES”
 - d. Resolution #2020-104 entitled RESOLUTION ENDORSING THE ADOPTION OF GREEN BUILDING PRACTICES FOR CIVIC, COMMERCIAL AND RESIDENTIAL BUILDINGS
 - e. Resolution #2020-105 entitled AUTHORIZING YEAR 2020 TEMPORARY EMERGENCY APPROPRIATIONS (N.J.S.A. 40A:4-20)
 - f. Resolution #2020-106 entitled RESOLUTION AUTHORIZING MAYOR TO EXECUTE A CONTINUATION OF PROFESSIONAL SERVICES
 - g. Resolution #2020-107 entitled RESOLUTION TO APPOINT SPECIAL LAW ENFORCEMENT OFFICERS, CLASS II
 - h. Resolution #2020-108 entitled APPROVING ROUTINE BUSINESS: PAYMENT OF BILLS
9. Ordinance 2020-10 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY; CANCELLING CERTAIN APPROPRIATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN THE AGGREGATE AMOUNT OF \$177,396.24 AND RE-APPROPRIATING \$174,144.74 OF SAID APPROPRIATIONS FOR OTHER CAPITAL IMPROVEMENTS OR FOR TRANSFER TO THE CAPITAL SURPLUS FUND
- a. Public Hearing
 - b. Consideration of Adoption
10. Ordinance 2020-11 entitled ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, COUNTY OF BURLINGTON, AMENDING THE BORDENTOWN TOWNSHIP MUNICIPAL CODE AND ADDING SECTION 2.68.080 “POLICE EXTRA DUTY SERVICES”
- a. Public Hearing
 - b. Consideration of Adoption
11. New Business: None
12. Administrator’s Report
13. Township Committee Liaison Reports
14. Public Participation: Questions, comments or statements from members of the public in attendance
15. Final Comments from Township Committee
16. Motion to Adjourn – Next Township Committee Meeting scheduled for Monday, May 11, 2020.

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

RESOLUTION #2020-101

APPROVING ROUTINE BUSINESS: MINUTES OF MEETINGS

BE IT RESOLVED by the Township Committee of the Township of the Regular Session Meeting Minutes of April 13, 2020; as submitted by the Clerk, are hereby approved as (_____ submitted) (_____ corrected) and authorized to be posted to the Municipal Bulletin Board and website.

BE IT RESOLVED that the following reports for the month of March 2020 as submitted by the Township Officials have been received, provided to the Township Committee and filed with the Township Clerk: Finance, Tax Collector, Township Clerk, Community Development, Housing, Construction and Municipal Court.

RESOLUTION #2020-102

PLEDGE SUPPORTING NEW JERSEY WILDLIFE ACTION PLAN

This Plan is in support of New Jersey Department of Environmental Protection, Division of Fish and Wildlife, State-level Priority Conservation Goals and Strategies.

Recognizing that animals are an integral and valuable part of all communities and believing concern for the wellbeing of wild animals and wild species is a hallmark of a sustainable natural community, the Township of Bordentown pledges its support for the New Jersey Wildlife Action Plan as outlined:

WHEREAS, New Jersey is home to a rich diversity of wildlife and ecologically significant natural communities; and

WHEREAS, New Jersey's wildlife and wild places are under threat from development, fragmentation, invasive species and the impacts of people; and

WHEREAS, the populations of mammals, birds, invertebrates, fish, reptiles and amphibians that live in and migrate through New Jersey find themselves clinging to smaller and smaller pieces of wild clean lands and aquatic habitats; and

WHEREAS, it is more cost-effective to prevent species from becoming imperiled than it is to recover them once their populations have declined; and

WHEREAS, a naturally functioning and healthy ecosystem represents a healthy environment for NJ wildlife and our citizens; and

WHEREAS, the NJ Division of Fish and Wildlife, other state and federal agencies, and many partners in conservation have worked together to develop a state Wildlife Action Plan for the benefit of biologists, wildlife experts, municipal leaders, land stewards, non-profit organizations, educators, planners, researchers, outdoor recreation enthusiasts, landowners and all the people who know the wild places of the State of New Jersey; and

WHEREAS, the New Jersey Wildlife Action plan is a comprehensive action agenda for the conservation of native wildlife, the restoration of important lands and water, and public education targeting the needs of rare wildlife in New Jersey; and

WHEREAS, the residents of, and visitors to, New Jersey also enjoy and benefit from New Jersey's wildlife and wild spaces.

NOW THEREFORE, the Township of Bordentown resolves to take the following steps with regard to our municipal land-use decisions with the intent of making Bordentown Township an ecologically sustainable community. It is our intent to include these principles in our public lands management, our environmental resources inventory and to inform the next master plan revision and update our zoning accordingly.

- We will identify imperiled species, critical habitat and unique ecosystems in our Environmental Resource Inventory.
- Acknowledging that it is more cost-effective to protect species than recover species, we will protect populations of rare and imperiled species that live and breed in, and migrate through, the municipality and the habitats they depend upon.

- Because habitat integrity is critical to healthy biodiversity we will manage publicly owned lands in accordance with wildlife management actions laid out in the New Jersey Wildlife Action Plan and will promote the management of all protected lands to promote biodiversity.
- We will protect wildlife habitats and maintain connectivity of habitat when formulating an open space acquisition strategy, open space stewardship plans and through the municipal master plan including planning and zoning ordinances.
- We will seek to minimize disturbance of critical wildlife populations and their habitats from human activities, subsidized predators and invasive species.
- When possible and appropriate, we will work with neighboring municipalities to implement the aforementioned principles across municipal boundaries.
- When possible and appropriate, we will strive to monitor and implement appropriate management of municipal easements to ensure native vegetation and wildlife takes precedence over invasive and/or exotic species.

RESOLUTION #2020-103

RESOLUTION SUPPORTING THE ADOPTION OF “IDLE FREE ZONES”

WHEREAS, emissions from gasoline and diesel-powered vehicles contribute significantly to air pollution, including greenhouse gases, ozone formation, fine particulates, and a multitude of potentially harmful pollutants that can trigger an asthma attack and other ailments; and

WHEREAS, asthma is a significant public health concern in the State of New Jersey, especially among children and the elderly; and

WHEREAS, for every gallon of gasoline used, the average car produces about 20 pounds of carbon dioxide (CO²), the largest contributor to greenhouse climate change, with one-third of greenhouse gas emissions coming from the transportation sector; and

WHEREAS, the U.S. Argonne National Laboratory estimates that about 20 million barrels of diesel fuel are consumed each year by long-haul trucks; and

WHEREAS, we can avoid producing unnecessary greenhouse gas emissions and exposure to air toxics by reducing or eliminating wasteful vehicle idling; and

WHEREAS, petroleum-based gasoline and diesel fuel are nonrenewable fuels and used wisely and not wasted; and

WHEREAS, idling is not generally beneficial to a vehicle’s engine because it wears engine parts; and

WHEREAS, idling more than 10 seconds uses more fuel and emits more pollutants than turning a warm engine off and on again; and

WHEREAS, idling for 10 minutes uses as much fuel as it takes to travel 5 miles; and

WHEREAS, vehicle idling occurs in locations (e.g. school grounds, parking lots, distribution centers, strip malls, construction sites, businesses, etc.) where residents can be exposed to air pollutant emissions; and

WHEREAS, minimizing idling would significantly improve public health, air quality, reduce costs and greenhouse gas emissions.

NOW THEREFORE BE IT RESOLVED that the Township Committee of the Township of Bordentown, County of Burlington, State of New Jersey supports the adoption “Idle Free Zones” by government agencies, schools, businesses and other organizations by:

- Encouraging any gasoline or diesel-powered motor vehicle to turn off their engines after 10 seconds if they plan to remain at a location for more than 30 seconds.
- Ensuring idling does not occur at idle-frequent locations such as school drop-off and pick-up, drive through windows; gas stations, parking lots, business centers, etc.
- Maintaining municipal vehicles to eliminate any visible exhaust.
- Enforcing existing regulations under NJ’s existing no-idling code.
- Supporting broad education of the public about the health, environmental and economic impacts of idling and way to reduce idling.

RESOLUTION ENDORSING THE ADOPTION OF GREEN BUILDING PRACTICES FOR CIVIC, COMMERCIAL AND RESIDENTIAL BUILDINGS

WHEREAS, buildings account for 39% of CO² emissions – more than either the transportation or industrial sectors. In addition, buildings account for nearly 12% of potable water use, 65% of waste output, and 71% of electricity consumption in the U.S. (U.S. Green Building Council).

WHEREAS, green building – also referred to as sustainable or high-performance building -- is a collection of better design, construction, and operating practices that have the potential to reduce or eliminate the negative impacts of development on the environment and on human health. There are many examples of green building programs and guidelines that have been propagated at national, state, and municipal levels. They commonly address energy efficiency and carbon emissions reduction, water conservation, waste reduction, healthy and sustainably produced materials, indoor air quality, occupant productivity and health, and other components of green building and sustainable development.

WHEREAS, the purpose of this resolution is to enhance the public welfare and assure that commercial, residential and civic development is consistent with the (identify name of municipality) desire to create a more sustainable community by incorporating green building measures into the design, construction, operation and maintenance of buildings.

WHEREAS, the Township of Bordentown desires to set a leadership example in the area of green building through the implementation of energy efficiency audits and upgrades to the municipal building stock, continued procurement practices, etc. (e.g., improve water conservation, reduce light pollution, increase construction waste recycling).

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Bordentown hereby implements a Green Building Policy that will consider opportunities to incorporate green building measures into the design, construction, operation and maintenance of municipal buildings and facilities.

RESOLUTION #2020-105

AUTHORIZING YEAR 2020 TEMPORARY EMERGENCY APPROPRIATIONS (N.J.S.A. 40A:4-20)

WHEREAS, an emergent condition has arisen in that the Township of Bordentown is expected to enter in contracts, commitments or payments prior to the 2020 budget and no adequate provision has been made in the 2020 Temporary Budget for the aforesaid purpose; and

WHEREAS, N.J.S.A. 40A:4-20 provides for the creation of an emergency temporary appropriation for said purpose; and

WHEREAS, the total emergency temporary appropriation resolutions adopted in the year 2020 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S.A. 40A:4-20) including this resolution total \$3,633,158.85;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown, Burlington County, State of New Jersey, that in accordance with the provisions of N.J.S.A. 40A:4-20:

1. Emergency temporary appropriations be and the same are hereby made in the amount of \$644,500.00 as follows:

Temporary Appropriations 04.27.20 40A:4-20

	PRIOR	\$	2,988,658.85
ADMINISTRATION	S/W		15,000.00
	O/E		25,000.00
MAYOR / COMMITTEE	S/W		7,500.00
	O/E		1,000.00
Municipal Clerk	S/W		15,000.00
	O/E		1,000.00
Finance	S/W		25,000.00
	O/E		10,000.00
Auditing Services	O/E		15,000.00
Tax Assessor	S/W		1,000.00
	O/E		5,000.00
Legal	O/E		
Engineering	O/E		15,000.00

Planning	O/E	1,500.00
Zoning	O/E	500.00
Community Development	S/W	2,500.00
	O/E	500.00
UCC	S/W	52,500.00
	O/E	-
POLICE	S/W	225,000.00
	O/E	
Emergency Mgmt	S/W	250.00
	O/E	6,000.00
P/W - Streets Roads	S/W	7,500.00
	O/E	-
Solid Waste - Contractual	O/E	60,000.00
P/W - Vehicle Maintenance	S/W	
	O / E	
MACCS	O/E	
Environmental Comm	O/E	250.00
Certificate of Fire Compliance Inspections	O/E	1,500.00
Natural Gas	O/E	5,000.00
Water	O/E	500.00
Telecommunications	O/E	
Landfill/Solid Waste	O/E	
Petroleum Products	O/E	
Social Security (O.A.S.T.)	O / E	75,000.00
DCRP	O/E	500.00
EMS	S/W	30,000.00
	O/E	5,000.00

RESOLUTION #2020-106

RESOLUTION AUTHORIZING MAYOR TO EXECUTE A CONTINUATION OF PROFESSIONAL SERVICES

WHEREAS, the Township of Bordentown appointed has designated Jack Carmen Design for Generations LLC to provide the services of Township Planner for the Township of Bordentown for the 2020 calendar year; and

WHEREAS, Mr. Carmen has ceased working as Design for Generations LLC and effective May 15, 2020 will be working with Spiezele Architectural Group, Inc. of 1395 Yardville Hamilton Square Road, Suite 2A, Hamilton, NJ 08691; and

WHEREAS, Mr. Carmen is willing to continue to provide planning services for the Township of Bordentown under the same terms of the 2020 Professional Services Agreement between Design for Generations LLC and the Township of Bordentown; and

WHEREAS, the Township of Bordentown continues to be in need of planning services for the remainder of the 2020 calendar year.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown, County of Burlington, State of New Jersey, that the Mayor of the Township of Bordentown is hereby authorized to execute a continuation of planning services for the Township with Jack Carmen of Spiezele Architectural Design Group, Inc. effective May 15, 2020.

RESOLUTION #2020-107

RESOLUTION TO APPOINT SPECIAL LAW ENFORCEMENT OFFICERS, CLASS II

WHEREAS, by way of Resolution #2018-176-22, the Township Committee did appoint Special Law Enforcement Officers, Class II, at the recommendation of Chief Pesce; and

WHEREAS, in accordance with N.J.S.A. 40A:14-146.14, Special Law Enforcement Officers shall be appointed annually; and

WHEREAS, Chief Pesce is recommending the reappointment of these Special Law Enforcement Officers, Class II, for a term from May 1, 2020 through May 1, 2021; and

WHEREAS, it is the Township Committee's desire to accept the recommendation of Chief Pesce to re-appoint SLEO, Class II officers;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby re-appoint the following Special Law Enforcement Officers, Class II:

Mark Costner
Wayne Lebak

BE IT FURTHER RESOLVED by the Township Committee of the Township of Bordentown that it appoints the following as a Special Law Enforcement Officer, Class II:

Matt Crowell

BE IT FURTHER RESOLVED that said appointments shall take effect May 1, 2020, and the compensation for each officer shall be set at \$25.00 per hour in accordance with Bordentown Township Ordinance #2019-145 which is in accordance with Ordinance #2020-03; and

BE IT FURTHER RESOLVED that said appointment shall be considered part-time not to exceed 28 hours per week.

RESOLUTION #2020-108

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 April 27, 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.

ORDINANCE NO. 2020-10

AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY; CANCELLING CERTAIN APPROPRIATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN THE AGGREGATE AMOUNT OF \$177,396.24 AND RE-APPROPRIATING \$174,144.74 OF SAID APPROPRIATIONS FOR OTHER CAPITAL IMPROVEMENTS OR FOR TRANSFER TO THE CAPITAL SURPLUS FUND

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY (not less than two-thirds of the full membership thereof affirmatively concurring), AS FOLLOWS:

Section 1. The appropriations in the amounts and for the purposes set forth in the table below, which represent a portion of the amounts authorized for the specific projects referenced below, pursuant to the Bond Ordinances specified below, and which remain as balances in said Bond Ordinances, are hereby (i) cancelled and not re-appropriated for other purposes, in the case of the appropriations identified below as unfunded appropriations, and (ii) cancelled and re-appropriated to the purposes described in Section 2 hereof, in the case of the appropriations identified below as funded appropriations.

<u>Ordinance Number</u>	<u>Unfunded Appropriations to be Cancelled</u>	<u>Funded Appropriations to be Re-appropriated or Transferred</u>	<u>Short Description</u>
(a) 2015-13	\$3,251.50		Acquisition of Public Works Equipment
(b) 2016-06		\$71,822.63	Various Road and Street Improvements
(c) 2016-06		\$10,652.00	Renovations/Improvements – Municipal Building
(d) 2017-19		\$59,535.11	Various Capital Improvements
(e) 2017-19		\$950.00	Renovations and Improvements to Municipal Building
(f) 2018-14		\$1,185.00	Building Renovations
(g) 2018-14		\$30,000.00	Park Trails Improvements
	<u>\$3,251.50</u>	<u>\$174,144.74</u>	

Section 2. From the funded appropriations set forth above and cancelled as to their original purposes, (a) \$134.04 is hereby re-appropriated to be used for the acquisition of equipment in the Police Department as set forth in Ordinance 2016-06, (b) \$1,378.95 is hereby re-appropriated to be used for General Equipment and other Improvements as set forth in Ordinance 2017-19, (c) \$50,000.00 is hereby re-appropriated to be used for the acquisition of computer upgrades, (d) \$98,492.70 is hereby re-appropriated to be used for Police Equipment generally of the type as set forth in the list on file with the Township Clerk, as the same may be modified and amended, and (e) \$24,139.05 is hereby transferred to the Capital Surplus Fund for use in future capital projects.

Section 3. The capital budget is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency therewith, and the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Township Clerk and is available in the office of said Clerk for public inspection. The Township reasonably expects to commence the acquisition of the several improvements or purposes described in Section 2 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of the bonds or notes authorized by the Bond Ordinances described in Section 1. To the extent such costs are advanced, the Township further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by the Bond Ordinances described in Section 1 hereof, in an aggregate amount not to exceed the amount of bonds or notes authorized by the Bond Ordinances described in Section 1 hereof.

Section 4. The equipment authorized to be purchased and the improvements authorized hereby are not current expenses and are general improvements that the Township may lawfully make. No part of the cost of the equipment or the improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

Section 5. The average useful life of the equipment and improvements authorized hereby is estimated, in accordance with the Local Bond Law, to be not less than 8.33 years.

Section 6. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 7. This Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

INTRODUCED: April 13, 2020
 PUBLIC HEARING: April 27, 2020
 ADOPTED:

RECORD OF VOTE													
First Reading: 4/13/20							Second Reading: 4/27/20						
COMMITTEE	AYE	NAY	NV	AB	ORD	SEC	COMMITTEE	AYE	NAY	NV	AB	ORD	SEC
Holliday	✓				✓		Holliday						
Kostoplis	✓						Kostoplis						
Mason	✓					✓	Mason						
Fuzy	✓						Fuzy						
Benowitz	✓						Benowitz						
✓ - indicates Vote AB - absent NV - not voting ORD - moved SEC - seconded													

TOWNSHIP OF BORDENTOWN

ORDINANCE No. 2020-11

**ORDINANCE AMENDING THE BORDENTOWN TOWNSHIP MUNICIPAL CODE AND
ADDING SECTION 2.68.080 “POLICE EXTRA DUTY SERVICES”**

WHEREAS, the Bordentown Township Police Department regularly receives requests for traffic control and security services for businesses and local organizations; and

WHEREAS, as requested by the Chief of Police, the Township Committee wishes to establish requirements and procedure for such operations.

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

Section 1: Chapter 2.68 of the Township Code, entitled “Department of Police” is hereby amended to include new Section 2.68.80 as follows:

2.68.080 Extra-duty services.

- A. Purpose. The purpose of this section is to set forth guidelines to govern the employment of Bordentown Township police officers for extra-duty details *within the Township of Bordentown** and which extend beyond their regular assigned duties and responsibilities.
- B. Definitions. As used in this section, the following terms shall have the meanings indicated:
EMPLOYER
Any individual, partnership, corporation, business entity or other organization, located either within or outside of Bordentown Township.
EXTRA DUTY
Any outside employment when a police officer is not scheduled for a shift of duty by the Bordentown Township Police Department and that calls for actual or potential use of law enforcement powers by the police officer.
- C. Any person or entity wishing to receive police services may arrange to receive such services within the Township and those neighboring municipalities participating in the current shared service agreement for police services in accordance with the procedure set forth in section K below. All request shall be subject to the availability of personnel as determined by the Chief of Police. The Chief of Police is responsible for public safety in Bordentown and as such shall administer all activities pursuant to this section.
- D. Minimum time of assignments; cancellation.

1. All assignments shall be a minimum of four hours.
 2. Cancellation of an assignment must be made with no less than two hours' notice. Notice of cancellation received less than two hours prior to the assignment start time shall subject the employer to minimum compensation of two hours pay for all officers scheduled for the first two hours of service.
- E. All police officers providing extra-duty services pursuant to this section shall be considered "on-duty" and will function under the supervision of the Chief of Police. The Bordentown Township Police Department and its employees will maintain all employment rights while assigned to work extra-duty assignments. Employees working extra-duty assignments will be held to their normal standard of conduct and are subject to disciplinary action for any violation of the rules and regulations.
- F. Eligibility. In order to be eligible for extra-duty employment, a police officer must be in good standing with the Department. Officers who are on medical or other leave due to sickness, temporary disability or an ongoing injury shall not be eligible to engage in extra-duty employment. Officers who accept or perform extra-duty employment while on sick or injured leave from their regular duties with the Bordentown Township Police Department shall be subject to discipline.
- G. Wages. Wages earned for outside extra-duty employment by any Bordentown Township police officer shall not be applied toward the pension benefits of the police officers so employed, nor shall hours worked for outside employment be considered in any way compensable as overtime payable by the Township of Bordentown.
- H. Defense and indemnification. Each employer of a police officer for extra duty must defend and indemnify the police officer, the Police Chief, the Police Department, the Bordentown Township Committee members, Bordentown Township and any agent, officer or employee thereof and save them harmless from and against any and all claims, actions, damages, liability and expenses, including but not limited to court costs and reasonable attorneys' fees, without regard to fault, in connection with or arising out of any acts or omissions by the Bordentown Township police officer in performing the extra duty subject to said employer's agreement with Bordentown Township or in connection with or arising out of that agreement between said employer and the Township of Bordentown or Bordentown Township Police Department for such extra-duty assignment.
- I. Procedure.
1. Any person or entity wishing to receive police services which the Township is not obligated or expected to provide or does not usually provide as part of its regular plan of police services may arrange to receive such services within the Township through a private vendor contracted

by the Police Department to manage all scheduled extra-duty services the Police Department. Such persons should notify the Chief of Police or his or her designee, in writing, of the specific nature of the services desired at least 72 hours before such services are required, unless exigent circumstances exist. All requests shall be subject to the availability of personnel as determined by the Chief of Police. The Chief of Police is responsible for public safety in Bordentown and as such shall administer all activities pursuant to this section.

2. All police services within the Township of Bordentown shall be delivered by officers from the Bordentown Police Department. If the Chief of Police determines that the demand cannot be met by the Bordentown Police Department, he may request additional police officers from outside agencies.
3. All requests for extra-duty police services will be finalized in a written agreement between the Chief of Police and the individual or entity requesting such services. This contract will be managed by a private vendor contracted by the Police Department to manage and schedule extra-duty services. The agreement shall specify, at a minimum, the following:
 - (a) The scope of services to be provided, including a properly prepared and completed work zone safety plan in compliance with MUTCD and Township work zone regulations.
 - (b) The commencement date of the police services to be provided;
 - (c) The hours of authorized operation;
 - (d) The number of officers requested and total man-hours needed; and
 - (e) The anticipated date when the need for police services will be completed.
4. The Police Department will, in an effort to save costs, contract with a private company to manage extra-duty services and bill for the services provided.

J. Payment for extra-duty police services

1. A private vendor contracted by the Police Department shall be responsible for generating bills for all extra-duty police services rendered.
2. All fees for extra-duty police services will be collected by the vendor contracted by the Police Department to manage the extra-duty services and deposited with the Bordentown Township Finance Department.
3. The fee shall consist of a special hourly rate, agreed upon by the Township and the recognized collective bargaining unit,* to be paid to officers working extra-duty assignments, plus a reasonable approximation of the administrative cost, overhead and out-of-pocket expenses to the Township for providing the service, as well as administrative fees charged by the vendor contracted by the Police Department; this fee will be charged by the company who will manage and schedule the extra duty services. All payments for such services shall be collected

by the private vendor and paid to the Township of Bordentown.

4. Upon completion of each extra-duty work assignment, the company contracted by the Police Department to manage extra duty services shall cause a summary of the extra-duty assignment(s) to be forwarded to the Township Finance Department to facilitate payment. Upon receipt of proof of extra-duty police services, the Township shall disburse payment to those officers who worked the extra-duty assignments. Payment will be based upon the established officer's hourly rate plus an officer prep fee agreed upon by the Township and the recognized collective bargaining unit. Payment for extra-duty work assignments shall be made to the officers at the next available pay period.

K. Exigent circumstances. The Chief of Police maintains broad discretion to amend, modify or otherwise act without conforming to the letter of this section if exigent circumstances exist or the public health, safety or welfare mandates action by the Chief and would not otherwise allow for timing or deadlines as set forth herein, to be met.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 3. Should any sentence, clause, sentence, phrase or provision of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

SECTION 4. This ordinance shall take effect immediately upon adoption and publication according to law.

INTRODUCED: April 13, 2020

PUBLIC HEARING: April 27, 2020

ADOPTED:

RECORD OF VOTE													
First Reading: 4/13/20							Second Reading: 4/27/20						
COMMITTEE	AYE	NAY	NV	AB	ORD	SEC	COMMITTEE	AYE	NAY	NV	AB	ORD	SEC
Holliday	✓						Holliday						
Kostoplis	✓						Kostoplis						
Mason	✓					✓	Mason						
Fuzy	✓				✓		Fuzy						
Benowitz	✓						Benowitz						

✓ - indicates Vote AB - absent NV - not voting ORD - moved SEC - seconded