

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

DATE: MAY 26, 2020 TIME: 7:30 P.M. VIRTUAL MEETING

Join Zoom Meeting at: <https://us02web.zoom.us/j/84176735891?pwd=ZWp1Ukxpd3VrcU9FUzI2Y1J5dC9rUT09>

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 provisions 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.

4. Correspondence: None

5. Administrative Review of Agenda

6. CONSIDERATION OF CONSENT AGENDA ITEMS:

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

7. CONSENT AGENDA: Motion, Second and Roll Call to adopt Resolutions #2020-117 to #2020-121

- a. Resolution #2020-117 entitled APPROVING ROUTINE BUSINESS: MINUTES OF MEETINGS AND FILING OF REPORTS
- b. Resolution #2020-118 entitled RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN TO MEMORIALIZE ACCEPTANCE OF THE RESIGNATION OF LAURA TURNER AS A PER DIEM EMT WITH THE EMS DEPARTMENT

- c. Resolution #2020-119 entitled RESOLUTION AUTHORIZING THE PURCHASE OF ONE (1) CHEST COMPRESSION SYSTEM FOR THE TOWNSHIP OF BORDENTOWN EMS DEPARTMENT
 - d. Resolution #2020-120 entitled RESOLUTION CONSENTING TO THE PROPOSED TRI-COUNTY WATER QUALITY MANAGEMENT (WQM) PLAN AMENDMENT
 - e. Resolution #2020-121 entitled APPROVING ROUTINE BUSINESS: PAYMENT OF BILLS
8. Ordinance #2020-09 entitled AN ORDINANCE AMENDING THE BORDENTOWN TOWNSHIP MUNICIPAL CODE AND CREATING A PROJECT LABOR AGREEMENT REQUIREMENT FOR CERTAIN PUBLIC WORKS CONTRACTS AND PUBLICLY FUNDED PROJECTS
- a. Tabled from April 13, 2020 Township Meeting; Motion needed to Take From the Table
 - b. Public Hearing
 - c. Consideration of Adoption
9. New Business: None
10. Administrator's Report
11. Township Committee Liaison Reports
12. Public Participation: Questions, comments or statements from members of the public in attendance
13. Final Comments from Township Committee
14. Motion to Adjourn – Next Township Committee Meeting scheduled for Monday, June 8, 2020.

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

RESOLUTION #2020-117

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 May 11, 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 April 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, Construction and Municipal Court.

RESOLUTION #2020-118

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
BORDENTOWN TO MEMORIALIZE ACCEPTANCE OF THE RESIGNATION OF LAURA
TURNER AS A PER DIEM EMT WITH THE EMS DEPARTMENT

WHEREAS, Laura A. Turner has resigned her position with the Township of Bordentown EMS Department effective June 1, 2020;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby accept the resignation of Turner's employment with the Township EMS Department effective June 1, 2020; and

BE IT FURTHER RESOLVED by the Township Committee of the Township of Bordentown that the above employment termination is in accordance with and under the regulations of the New Jersey State Civil Service Commission.

RESOLUTION #2020-119

RESOLUTION AUTHORIZING THE PURCHASE OF ONE (1) CHEST COMPRESSION SYSTEM FOR THE TOWNSHIP OF BORDENTOWN EMS DEPARTMENT

WHEREAS, there is a need to purchase one (1) Chest Compression System for the Department of Emergency Management Services; and

WHEREAS, the Township has received two (2) quotes for said item; and

WHEREAS, the Township Committee of the Township of Bordentown has determined that Stryker Medical will best fulfill the needs of the Township at a price of \$23,369.29; 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
0-01-42-100-293	2020	\$23,369.29	Chest Compression System

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 Stryker Medical of PO BOX 93308 Chicago, IL 60673-3308, for the purchase of one (1) Chest Compression System in the amount of \$23,369.29.

RESOLUTION #2020-120

RESOLUTION CONSENTING TO THE PROPOSED TRI-COUNTY WATER QUALITY MANAGEMENT (WQM) PLAN AMENDMENT

WHEREAS, the Township of Bordentown desires to provide for the orderly development of wastewater facilities within the Township; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) requires that proposed wastewater treatment and conveyance facilities and wastewater treatment service areas, as well as related subjects, conform with an approved WQM plan; and

WHEREAS, the NJDEP has established the WQM plan amendment procedure through the WQMP rules at N.J.A.C. 7:15-3,5 as the method of incorporating unplanned facilities into a WQM plan; and

WHEREAS, a proposed WQM plan amendment publicly noticed in the New Jersey Register on April 20, 2020 for Rising Sun Meadows has been prepared by Rising Sun Meadows, LLC;

NOW, THEREFORE, BE IT RESOLVED on this 26th day of May 2020 by the Township Committee of the Township of Bordentown that:

1. The Township of Bordentown hereby consents to the amendment, and publicly noticed on April 20, 2020 prepared by Rising Sun Meadows, LLC, for the purpose of its incorporation into the applicable WQM plan.
2. This consent shall be submitted to the NJDEP pursuant to N.J.A.C. 7:15-3.5(g)6.

RESOLUTION #2020-121

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 May 26, 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 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.

INTRODUCED: March 9, 2020

PUBLIC HEARING: May 26, 2020

ADOPTION: