

AN ORDINANCE AMENDING CHAPTER 126 ENTITLED “LAND USE,” TO CREATE A NEW PART 15 ENTITLED “REDEVELOPER AGREEMENTS,” ARTICLE LI ENTITLED “CONTRIBUTION TO ELECTION CAMPAIGNS,”

WHEREAS, it is the desire of the Township Council of the Township of Bridgewater, County of Somerset, State of New Jersey, to foster fair and open competition in the redevelopment process, to ensure public confidence in the exercise of the Township’s statutory redevelopment authority, to avoid the appearance of impropriety that can arise when the timing between political contributions and contracting with redevelopers seeking agreements under New Jersey’s redevelopment law closely coincide, and to ensure that the substantial powers conferred on the Township for redevelopment are exercised in the best interest of the residents of the Township; and

WHEREAS, in an effort to pursue and secure those priorities, and in accordance with N.J.S.A. 40A:48-2 and N.J.S.A. 40A:12A-1, the Township Council seeks to establish rules and procedures for contracting with redevelopers whose contracts are exempt from public bidding requirements;

BE IT THEREFORE ORDAINED, by the Township Council of the Township of Bridgewater in the County of Somerset and State of New Jersey that Chapter 126 of the Municipal Code of the Township of Bridgewater, County of Somerset, State of New Jersey, entitled “Land Use,” shall be amended to create a new Part, hereby designated as Part 15 and entitled “Redevelopers Agreements,” and to create therein a new Article, hereby designated as Article LI and entitled “Contributions to Election Campaigns,” consisting of new Subsections 376 through 380, inclusive, of Chapter 126 and to consist of the following provisions:

Section I

A new section shall be inserted into the Municipal Code of the Township of Bridgewater as 126-376, shall be entitled as “Purpose,” and shall contain the following provisions:

The purpose of this Part shall be as follows:

1. to foster fair and open competition in the redevelopment process;
2. to ensure public confidence in the exercise of the Township’s redevelopment authority as conferred by the Local Redevelopment and Housing Law (“LRHL”), N.J.S.A. 40A:12A-1 et seq;
3. to avoid the appearance of impropriety that can arise when the timing between political contributions and contracting with redevelopers seeking agreements under the LRHL closely coincide; and
4. to ensure that the substantial powers conferred on the Township by the LRHL are exercised in a manner free of outside influence and in the best interest of the residents of the Township.

Section II

A new section shall be inserted into the Municipal Code of the Township of Bridgewater as 126-377, shall be entitled as “Definitions,” and shall contain the following provisions:

Agreement shall mean any agreement, contract or other instrument incorporated and executed pursuant to any provision of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., including, but not limited to redeveloper agreements pursuant to N.J.S.A. 40A:12A-9 and payments in lieu of taxes pursuant to N.J.S.A. 40A:12A-40. The term “agreement” shall also be defined as long-term tax abatements pursuant to N.J.S.A. 40A:21-1 and short-term tax abatements pursuant to N.J.S.A. 40A:22-1.

Candidate shall be defined as (1) an individual seeking election to a public office of the State or of a county, municipality or school district at an election; except that the term shall not include an individual seeking party office; (2) an individual who shall have been elected or failed of election to an office, other than a party office, for which he sought election and who receives contributions and makes expenditures for any of the purposes authorized by section 17 of N.J.S.A. 19:44A-11.2 during the period of his service in that office; and (3) an individual who has received funds or other benefits or has made payments solely for the purpose of determining whether the individual should become a candidate as defined in paragraphs (1) and (2) of this subsection

Contribution shall be defined as include all loans and transfers of money or other thing of value to any candidate, candidate committee, joint candidates committee, political committee, continuing political committee, political party committee or legislative leadership committee and all pledges or other commitments or assumptions of liability to make any such transfer; and for purposes of reports required under the provisions of this Part shall be deemed to have been made upon the date when such commitment is made or liability assumed.

Municipal Office shall be defined as Mayor of the Township of Bridgewater and/or member of the Township Council of the Township of Bridgewater, and Candidate for Municipal Office shall be defined as a candidate for one of the aforementioned offices.

Political party committee shall be defined as the State committee of a political party, as organized pursuant to N.J.S.A. 19:5-4, any county committee of a political party, as organized pursuant to N.J.S.A. 19:5-3, or any municipal committee of a political party, as organized pursuant to N.J.S.A. 19:5-2.

Redeveloper shall be defined as any person, firm, corporation, limited liability entity, partnership, sole proprietorship, or any other business entity howsoever incorporated, or public body that shall enter into or propose to enter into a contract or enter into an agreement (as defined in this Part) with the Township or other redevelopment entity for the redevelopment or rehabilitation of an area in need of redevelopment, or an area in need of rehabilitation, or any part thereof, under the provisions of this N.J.S.A. 40A:12A-1 et seq. the Local Housing and Redevelopment Law, or for any construction or other work forming part of a redevelopment or rehabilitation project. The term “redeveloper” shall also include any person or individual

holding a 10% or greater ownership stake in any business entity, howsoever constituted, that shall enter into or propose to enter into a contract or agreement as contemplated herein. The term “redeveloper” shall also include any principle, partner, or officer of any business entity, howsoever constituted, that shall enter into or propose to enter into a contract or agreement as contemplated herein.

Redevelopment shall be defined as the clearance, replanning, development and redevelopment; the conservation and rehabilitation of any structure or improvement, the construction and provision for construction of residential, commercial, industrial, public or other structures and the grant or dedication of spaces as may be appropriate or necessary in the interest of the general welfare for streets, parks, playgrounds, or other public purposes, including recreational and other facilities incidental or appurtenant thereto, in accordance with a redevelopment plan.

Redevelopment project shall be defined as any work or undertaking pursuant to a redevelopment plan; such undertaking may include any buildings, land, including demolition, clearance or removal of buildings from land, equipment, facilities, or other real or personal properties which are necessary, convenient, or desirable appurtenances, such as but not limited to streets, sewers, utilities, parks, site preparation, landscaping, and administrative, community, health, recreational, educational, and welfare facilities.

Township shall mean the Township of Bridgewater in the County of Somerset, State of New Jersey, and any of its independent agencies or instrumentalities.

Section III

A new section shall be inserted into the Municipal Code of the Township of Bridgewater as 126-378, shall be entitled as “Prohibited Contributions,” and shall contain the following provisions:

- A. The Township shall not enter into an agreement or otherwise contract with any redeveloper for the planning, replanning, construction or undertaking of any redevelopment project, including the conveyance or leasing of any public property in conjunction with the redevelopment of an area within the Township, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., if that redeveloper has made any contribution of money, or pledge of a contribution, including in-kind contributions, to any candidate for municipal office in the Township of Bridgewater, or to any Bridgewater Township municipal or Somerset County political party committee in excess of the threshold specified in this Part within one calendar year immediately preceding the commencement of negotiations for the contract or agreement.

- B. No redeveloper that enters into negotiations for, or agrees to, any contract or agreement with the Township for the planning, replanning, construction or undertaking of any redevelopment project, including the conveyance or leasing of any public property in conjunction with the redevelopment of an area within the Township, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., shall knowingly make any contribution of money, or pledge of contribution, including in-kind contributions, to any candidate for municipal

office in the Township of Bridgewater, or to any Bridgewater Township municipal or Somerset County political party committee, between the time of the first communications between that redeveloper and the Township regarding a specific contract or agreement and the later of the termination of negotiations or the completion of the contract or agreement.

- C. No redeveloper that enters into negotiations for, or agrees to, any contract or agreement with the Township for a payment in lieu of taxes agreement pursuant to N.J.S.A. 40A:12A-40, a long-term tax abatement pursuant to N.J.S.A. 40A:21-1, a short-term tax abatement pursuant to N.J.S.A. 40A:22-1, or any other agreement, contract or instrument intended to alter the tax obligation or liability of redevelopment project, shall knowingly make any contribution of money, or pledge of contribution, including in-kind contributions, to any candidate for municipal office in the Township of Bridgewater, or to any Bridgewater Township municipal or Somerset County political party committee, from the time of referral of the redevelopment project, or any portion or element thereof, by the governing body to the Planning Board of the Township of Bridgewater pursuant to N.J.S.A. 40A:12A-4(a)(1) until such time the rights and obligations or any agreement executed hereunder have been discharged.
- D. Any individual or entity meeting the definition of “redeveloper” under this Part may annual contribute a maximum of three hundred (\$300) dollars each for any purpose to any candidate for municipal office in the Township of Bridgewater, or to any Bridgewater Township municipal or Somerset County political party committee, without violating Subsections A, B, or C of Section 126-378 of the Code of the Township of Bridgewater. In addition, any group of individuals meeting the definition of “redeveloper” under this Part, including such principles, partners and officers of the redeveloper in the aggregate, may not annually contribute for any purpose in excess of three hundred (\$900) dollars to all candidates for municipal office in the Township of Bridgewater, or to any Bridgewater Township municipal or Somerset County political party committee, without violating Subsections A, B, or C of Section 126-378 of the Code of the Township of Bridgewater.
- E. The limitations set forth in this Part shall not apply in the event the subject agreement is awarded to the redeveloper after public bidding undertaken in accordance with the Local Public Contracts Law, N.J.S.A. 40A:1-1 et seq., or the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq.
- F. No contribution of money or any other thing of value, including in-kind contributions, made by a redeveloper to any candidate for municipal office in the Township of Bridgewater or to any Bridgewater Township municipal or Somerset County political party committee, shall be deemed a violation of this subsection, nor shall an agreement for a redevelopment project, of any kind whatsoever, be disqualified thereby, if that contribution was made by the redeveloper prior to the introduction date of this ordinance.
- G. A redeveloper, candidate for municipal office in the Township of Bridgewater, Bridgewater Township municipal or Somerset County political party committee may cure a violation of this Part if, within thirty (30) days of the receipt of the contribution by the candidate for municipal office in the Township of Bridgewater, Bridgewater Township municipal or Somerset County political party committee, the redeveloper notifies the Township Council of

the Township of Bridgewater in writing, and seeks and receives reimbursement of the contribution for the candidate for municipal office in the Township of Bridgewater, Bridgewater Township municipal or Somerset County political party committee who received the contribution within the aforementioned thirty (30) day period.

Section IV

A new section shall be inserted into the Municipal Code of the Township of Bridgewater as 126-379, shall be entitled as “Disclosure,” and shall contain the following provisions:

- A. Prior to entering into or approving any agreement with any redeveloper, the Township shall receive a sworn statement from the redeveloper made under penalty of perjury that the redeveloper has not made any contributions in violation of this Part.
- B. The redeveloper shall have a continuing duty to report any violation of this subsection that may occur during the negotiations or duration of the any agreement as defined in this Part. The statement required under this subsection shall be made prior to entry into the redevelopment agreement with the Township and shall be in addition to any other statement or certifications that may be required by law.

Section V

A new section shall be inserted into the Municipal Code of the Township of Bridgewater as 126-380, shall be entitled as “Violations and Penalties,” and shall contain the following provisions:

- A. All Township agreements subject to the limitations set forth in this Part shall provide that it shall be a breach of the terms of the agreement for a redeveloper to violate this subsection or to knowingly conceal or misrepresent contributions given or received, or to make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution.
- B. Any redeveloper who knowingly fails to reveal a contribution made in violation of this Part, or that knowingly makes or solicits contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contributions, shall be disqualified from eligibility for future Township redevelopment agreements for a period of four (4) calendar years from the date of the determination of the violation

Section II

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

Section III

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

Section IV

This ordinance shall take effect upon adoption and publication in the manner required by New Jersey general law but, in no event, less than 20 days after its final passage by the Township Council and approval by the Mayor, where such approval is required pursuant to N.J.S.A. 40:69A-181(b).

Adopted: February 21, 2019

Effective: March 13, 2019