

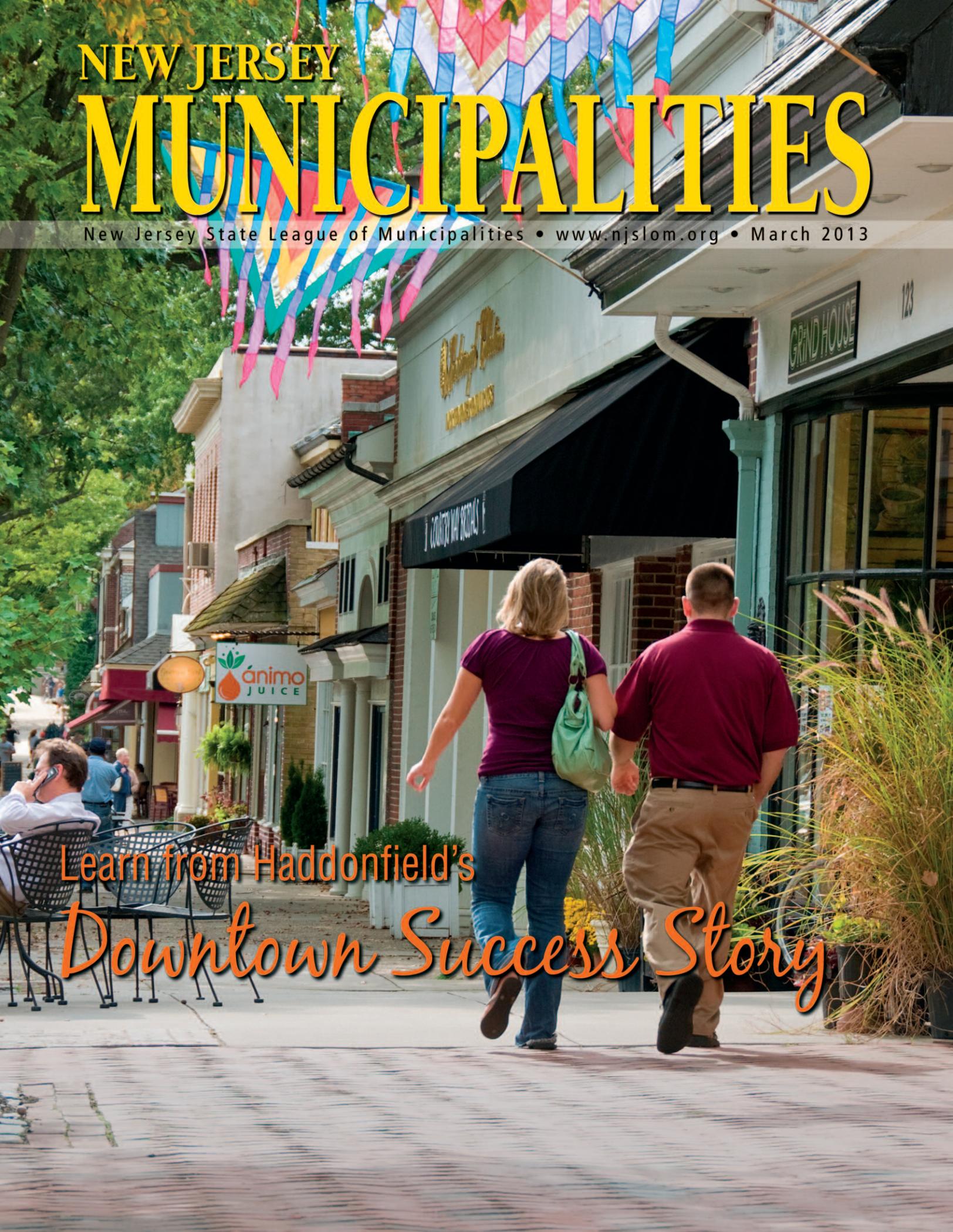
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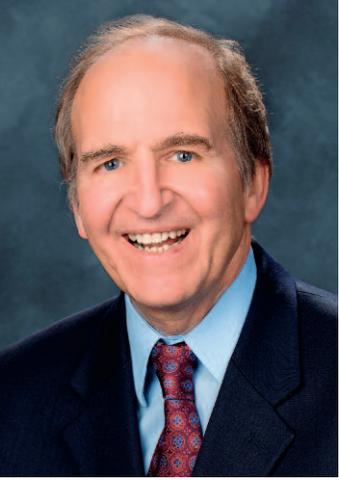
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FROM 222 WEST STATE STREET
BILL DRESSEL, LEAGUE EXECUTIVE DIRECTOR

SAFER SCHOOLS & STREETS

Twelve students and one teacher killed at Columbine High School in Colorado in 1999. Five children, aged 7 to 13, killed at the West Nickel Mines School in rural Pennsylvania in 2006. At Virginia Tech, in 2007, 32 were massacred. Then in December, eight boys and 12 girls, aged six and seven, were murdered, along with six adults, in Newtown, Connecticut.

[THE PRESIDENT RECENTLY PROPOSED A SERIES OF MEASURES AIMED AT MAKING OUR SCHOOLS AND STREETS SAFER.]

"This is our first task," said President Obama, "caring for our children. It's our first job. If we don't get that right, we don't get anything right. That's how, as a society, we will be judged. And by that measure, can we truly say, as a nation, that we're

meeting our obligations? Can we honestly say that we're doing enough to keep our children, all of them, safe from harm? ...I've been reflecting on this the last few days, and if we're honest with ourselves, the answer's no. We're not doing enough. And we will have to change."

The president recently proposed a series of measures aimed at making our schools and streets safer. These included (1) requiring criminal background checks for all gun sales; (2) reinstating a ban on assault weapons; (3) limiting ammunition magazines to ten rounds; (3) banning "cop killer" or armor piercing bullets; (4) increasing criminal penalties for so-called "straw purchases" (when someone buys a weapon for someone else) and lying on background checks; (5) allowing COPS funds to be used to pay for school resource officers; (6) expanding the nation's tracking system on violent deaths to cover all states; and (7) expanding mental health programs for young adults.

He also initiated 23 executive orders to address gun violence. Many of these will make it easier to keep guns out of the wrong hands here in New Jersey. These included (1) requiring federal agencies to make available the information necessary to conduct adequate background checks; (2) addressing legal barriers that might make it difficult for states to share mental health information; (3) improving incentives for states to share information with the background checks system; (4) reexamining the categories of individuals prohibited from purchasing guns; (5) starting a safe gun ownership campaign.

The President has also sought to address the nation's mental health safety-net, by clarifying the scope of mental health services available under Medicaid; completing mental health parity regulations to ensure the availability of affordable and sufficient mental health services; and starting a national dialogue on mental health.

Finally, he has announced that Health and Human Services Secretary Kathleen Sebelius will lead a national dialogue on how all Americans can work to reduce the incidence of gun violence.

Meanwhile, here in New Jersey, Governor Christie's NJ SAFE Task Force promises a comprehensive review of "the intersection of gun control, addiction, mental health and school safety." The report is due this month. Let's hope it leads to safer schools, safer streets and better lives for all the children of our Garden State. ▲

NEW JERSEY MUNICIPALITIES



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The Partnership for Haddonfield offers grants to attract distinctive retailers in targeted categories and fine-dining restaurants.

How to Create an *Award Winning Downtown*

Retail and service businesses are thriving in Haddonfield's downtown. The area is home to over 200 distinctive businesses, shops and restaurants. From apparel boutiques, art galleries and shoe stores to jewelers, hair stylists and bridal shops—Haddonfield has it all.



By Letitia G. Colombi
Mayor, Haddonfield Borough

Haddonfield's shopping and downtown district has been named 'Best of Philly for Main Street Shopping' by Philadelphia Magazine; 'Top Town in South Jersey' by South Jersey Magazine; and 'Best Downtown Shopping Center' by The Courier-Post.

But keeping the downtown vibrant doesn't just happen. It requires the cooperation of government, businesses and a unique Business Improvement District.

It certainly helps that our shops are nestled into well-preserved colonial buildings and offer beautifully-displayed merchandise and great customer service. Walking into one of Haddonfield's shops is like walking into someone's home. This quality sets our downtown area apart from the malls and other downtown destinations.

To help attract even more visitors, the downtown hosts numerous festivals and events throughout the year. In addition to town-wide sidewalk sales in the summer and a Fall Festival in October along Kings Highway, we host the popular Haddonfield Crafts & Fine Art Festival. Other events include Girls' Night Out!, First Fridays, Holiday Candlelight Shopping and the new Valentine's Day promotion "Love is in the Air."

BID Management Many of these events are made possible through the efforts of The Partnership for Haddonfield (PfH). PfH, the management corporation for Haddonfield's Business Improvement District (BID), works to enhance the commercial viability and attractiveness of the Haddonfield business district, while promoting growth and employment within the borough. The Partnership also strives to promote self-help and self-financing programs for Haddonfield's businesses.

Started in 2004, when the ordinance creating the Haddonfield BID was adopted, the Partnership's mission is to provide leadership and to help create and promote a unique mix of businesses. PfH also offers grants to attract distinctive retailers in targeted categories and fine-dining restaurants. The final component of its mission is to sponsor business networking events and actively market the downtown.

Business Recruitment Efforts The Partnership's Retail Recruiter, Remi Fortunato, works to recruit businesses in targeted categories, such as apparel, accessories, home furnishings, bath and body, as well as restaurants and cafes.

The PfH looks for unique, independent businesses rather than national retailers. These types of businesses are what differentiate Haddonfield from the retail areas available at the malls and lifestyle centers throughout South Jersey. The goal of the retail recruitment program is to create a compelling mix of businesses to attract shoppers not only

from Haddonfield but from throughout the Delaware Valley. To identify prospective tenants, Fortunato travels to retail towns within 100 miles of Haddonfield and seeks best-in-class retailers who may be looking to expand to a South Jersey location.

THERE'S NO LIMIT TO
THE WAYS AN EFFECTIVE
MANAGEMENT ORGANIZATION,
LOCAL BUSINESSES AND GOVERNMENT
CAN WORK TOGETHER TO BUILD
A PROSPEROUS DOWNTOWN.

And, under the PfH Retention/Recruitment Program, Haddonfield retailers, restaurants and service businesses may apply for and receive grants to enhance building exteriors, window and/or merchandising displays, and for certain interior enhancements. Funding is also available under this program to cover a portion of the costs for current Haddonfield retailers who are re-locating or expanding their businesses in Haddonfield.

Coordinated Marketing PfH also uses a variety of marketing strategies, including two websites, to promote the downtown. These sites (www.shophaddonfieldnj.com and www.HaddonfieldProfessionals.org) are updated regularly and enable individual businesses to promote themselves through free links to their websites and e-mail addresses. In addition, the PfH sends out information via e-mail to more than 8,000 shoppers throughout the Delaware Valley, at least once a month.

By advertising in the local press and in regional magazines—including Philadelphia Magazine, South Jersey and SJ Magazine, the Voice, the Jewish Exponent, Travelhost and The Courier-Post—our BID leverages ad dollars spent by individual businesses. The advertising effort also includes radio and cable television buys.

The Partnership's public relations effort has been ongoing and tenacious. The downtown's events, awards, new business openings, trends and information have been featured in the local and regional media. By sponsoring regular tours for the Philadelphia Concierge Association, Haddonfield has become an even more popular destination.



Girls' Night Out!, once an annual event, has become so popular that we now hold the event three times a year – in March, June and October. Girls' Night Out! kicks off each fashion season.

All of our events and promotions are designed to provide the type of exposure that will bring people in to Haddonfield to shop. A great deal of plan-

ning and effort goes into special events such as Candlelight Shopping and Girls' Night Out!, which are the most popular.

The holiday season is truly special in Haddonfield. Candlelight Shopping features streets lined with luminaries; exciting in-store holiday events; horse-drawn carriage rides, live entertainment and visits from Santa Claus. Throughout December, downtown Haddonfield glows with white lights hung in nearly every tree.

Another PfH promotional effort is the Gift Certificate Program. The Partnership invests thousands of dollars to supplement town-wide gift certificates at various times during the year. The 10 percent discount on gift certificates that is paid for through Partnership funds goes directly to the merchants. Sales of gift certificates in 2012 increased 40 percent over 2011, to the highest level ever.

OUR EFFORTS TO
PROMOTE HADDONFIELD
AND RETAIN BUSINESSES
HAVE PAID OFF WITH
AN OCCUPANCY RATE
OF OVER 90 PERCENT.

PfH also works to bring in visitors by increasing the number and size of our events. For example, Girls' Night Out!, once an annual event, has become so popular that we now hold the event three times a year—in March, June and October. Girls' Night Out! kicks off each fashion season.

Our shops and boutiques offer in-store events, discounts and other special promotions. Participating stores offer 20 percent discounts on either select merchandise or their entire store. The PfH works with each store to encourage participation and to promote the list of special offerings, through press releases and advertising. The PfH also sponsors a town-wide gift certificate giveaway drawing for those who pre-register on-line. Pre-registrants are added to a mailing list for future event notifications.

Haddonfield Information Center The center provides information for visitors and residents alike. One can view a listing of downtown stores and professional offices, restaurant menus, a



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To help attract even more visitors, the downtown hosts numerous festivals and events throughout the year, including the popular Haddonfield Crafts & Fine Art Festival.

calendar of Haddonfield events, as well as a borough map, and information on the town's organizations, schools, churches and their current activities.

Whether you're interested in volunteering for one of our town's service organizations, need a voter registration form, a registration application for your pet, or another recycling bucket, the Information Center staff can help.

Measure Results Our efforts to promote Haddonfield and retain businesses have paid off with an occupancy rate of over 90 percent, the highest of any downtown or shopping district in the Delaware Valley. In 2012, more than 100 businesses celebrated 15 or more years in Haddonfield, and several relocated their businesses within the town to larger locations or expanded their existing locations.

There's no limit to the ways an effective management organization, local businesses and government can work together to build a prosperous downtown. With more than 200 businesses calling downtown Haddonfield home, the additions and upgrades continue each year. ▲

To learn more about our efforts or to plan a visit, go to www.shophaddonfieldnj.com or www.haddonfieldnj.org/downtown.

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What I Learned in

MISSISSIPPI



By Matthew Doherty
Mayor, Belmar

Once upon a time disasters of the magnitude of superstorm Sandy happened in other places. Not here. Not in the most densely-populated region of the country.

Despite our focus on preparedness and some recent close calls, we generally considered ourselves to be a bit too far north to worry about the kind of catastrophic hurricanes that have affected the Southeast and Gulf states. Many of us in government today are too young to remember the 1962 Nor'easter or Hurricane Donna in 1960.

After Sandy ravaged Belmar on October 29, I reached out to Mayor Leo "Chipper" McDermott of Pass Christian, Mississippi to learn what I could from his storm recovery experience. Following Hurricane Katrina in August 2005, Belmar adopted this coastal Mississippi community.

Pass Christian is very similar to Belmar. It is a summer destination with roughly 5,500 year-round residents and a similar marina. While we primarily draw tourists from the New York and Philadelphia metropolitan areas, Pass Christian draws tourists from New Orleans and smaller cities in Mississippi and Alabama.

We saw ourselves in Pass Christian and in those chaotic days after Katrina, we asked our community to focus on helping them. We continued to send resources, volunteers and financial assistance for years after the storm. Never would I imagine, seven years later, that we would be in need of their assistance.

Pass Christian's Mayor and I exchanged emails and phone calls about the challenges Belmar faces. We discussed everything from working with the Federal Emergency Management Agency, to the emotional impact storms such as Katrina and Sandy have on the citizens of a community.

As helpful as these phone calls and emails are, I decided to travel to Pass Christian to see what recovery looks like. I wanted to talk to the town's civic leaders, residents and businesspeople. I sought a clear understanding as to what to expect for Belmar in the months and years ahead. And I asked for advice.

Over two days between Christmas and New Year's Day, I made the visit. Mayor McDermott, and Pass Christian's city attorney and engineer were generous with their time.

Documentation They explained to me what to expect in dealing with FEMA, a major concern given the amount of federal aid of money we are counting on to help us rebuild. McDermott advised me to keep a detailed paper trail on everything we did and be able to identify who at FEMA we spoke with in phone conversations that are dated and categorized. He also emphasized the need to maintain a formal record of all emails and meeting notes.

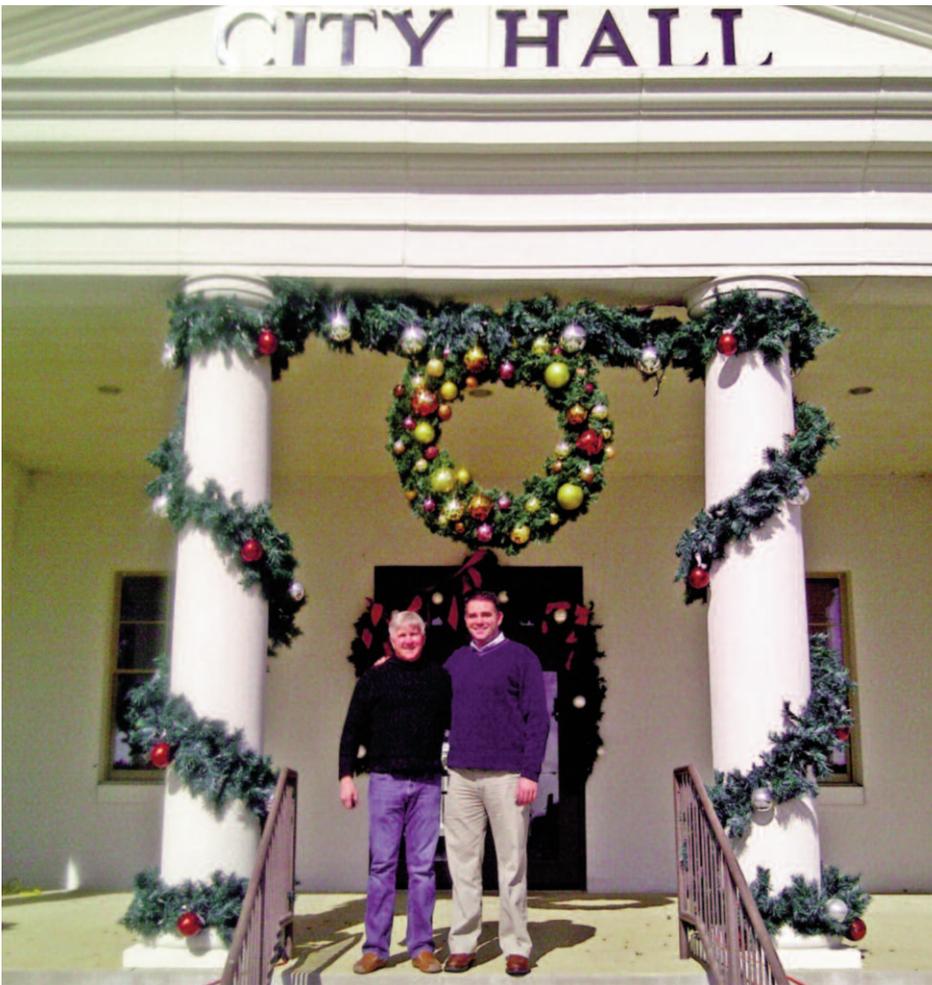
I learned that even after FEMA approves a reimbursement and their work appears finished, there is still the possibility of an audit by the Office of Inspector General (OIG). The OIG could look over the same paperwork and conclude that FEMA erred in funding a particular project, resulting in protracted legal battles.

Zoning Changes Since 75 percent of the housing stock in Pass Christian was obliterated and most of the town is now in a flood zone, the municipal government changed its zoning rules to meet new construction standards. Homes had to be built on stilts, allowing for no living space on the ground floor (only 400 square feet for storage). Once residents started to build to these new guidelines, the community found the stilts to be unattractive. So municipal planners now require some type of lattice work to make it look like one entire structure.

As a result of my visit, I have asked the Belmar Borough Council to introduce a change to our zoning in the next month to follow that same standard.

Be Decisive Above all, Mayor McDermott impressed on me how important it is to "listen and take in what your professionals and others say, and then make a decision. And do not deviate from that decision." He warned against the perils of over-analyzing and second-guessing. While decisions should not be rushed, decisions should not be delayed during the recovery and rebuilding process, he said.

McDermott pointed out that people want leadership in times of crisis. He said that the community will generally be supportive, as long as officials can demonstrate conviction for a course of action. It is also important that the leaders of the recovery can articulate why one particular way is better than another.



The Mayor of Pass Christian, Mississippi Chipper McDermott and Belmar Mayor Matt Doherty pose in front of Pass Christian City Hall during Doherty's visit to Mississippi over the holidays.

Partner with State Government The mayor also stressed the importance of having a positive working relationship with state government. He said then-Governor Haley Barbour was extremely helpful throughout their reconstruction process. Haley made several visits to Pass Christian in the initial days and weeks after the storm, and as the community observed milestones in its recovery effort.

For us in Belmar, Governor Chris Christie has been a comforting presence and a high-profile advocate of our efforts. He landed in the borough by helicopter the day after the storm, when much of the town was in ruins and inaccessible by land. Later, he held a town hall meeting on the shore's recovery in Belmar. He also attended the groundbreaking ceremony for our new boardwalk.

While he is a Republican and I am a Democrat, we are all first Americans and New Jerseyans. Political and ideological differences must be put aside

for the welfare of the people we have been elected to serve. Frankly, I respect the governor's leadership during this crisis. Certainly, it will take the work of Republicans, Democrats and independents to facilitate the recovery and reconstruction of Belmar.

While the mayor of Pass Christian and

his staff were very helpful, I also had the opportunity to speak with small business owners and residents who lived through Katrina. I wanted to hear what motivated them to stay and rebuild. I also asked about the psychological and sociological impact of the storm and its impact on local commerce.

I spoke with the owner of Shaggys, a bar restaurant at the marina, where McDermott and I had lunch. The establishment is located on pilings above the water. Since Katrina, not only did the owner rebuild, but he also has started a chain of his restaurant in other towns along the Gulf Coast.

Another business owner I spoke with was the proprietor of The Pass Christian Soap Company who first started the business online out of her home. It was Mayor McDermott who convinced her to open a retail store in one of the many new post-Katrina buildings in their downtown area.

While both business owners acknowledge there is always an inherent risk of devastation from future storms, there is a sense that there is a risk in all things and life must go on. Both are committed to the town they also call home.

Residents I spoke with talked about Katrina and its recovery with ease, as it has become part of the narrative of their life stories and struggles.

As we recover and rebuild in Belmar, we will be incorporating the narrative of Sandy into our own lives. My visit to Pass Christian provided valuable insight into what the months and years will be like as we rebuild Belmar. It has also served as a reminder to me that the human spirit endures. ▲

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It's Time to Re-examine the Property Tax

By Harry Berry, Resident, Stratford Borough
& John Gentless, Mayor, Stratford Borough



Isn't it time to level the playing field when it comes to home ownership and the real estate taxes which pay for the lion's share of local, school and county budgets? We believe that this can be done very easily by broadening the tax base rather than taxing homes. Our current system does not tax all citizens in an equitable way.

For example, why should a couple with a larger home pay more in taxes than a larger family with a smaller home? Surely the childless couple in the larger house is going to use fewer services than the larger family in the smaller one.

Houses should not be taxed! Why? It is unfair to discriminate against a homeowner because he/she owns a larger house. If a homeowner wants an addition, pool, deck, or other new amenity and adds it with pre-taxed dollars, why should he or she be penalized with increased taxes? If the citizen chose to purchase cars, boats or vacations with this money, they would not face a municipal tax increase. Of course, taxes would be paid on these items, but they're one time taxes not annual taxes.

Another inequity inherent in taxing properties results from the quirks and changes that take place in the housing market. Sales prices on homes fluctuate from month to month, if not daily! How do you know what a house is worth? In truth, you can't know--until it sells.

Those who are over 18, and not full-time students should fund community services equally. Do we not all use and benefit from police, fire, streets, sidewalks, schools, playgrounds, and other services and infrastructure equally? A personal tax or flat tax would broaden the local tax base and cost homeowners less. And this savings could be spent on goods and services which will support New Jersey's economy!

Such a system would also benefit senior citizens and those who have suffered a loss of income due to the current economic contraction. They may be able to avoid losing their homes if we find a way to broadened tax base! And people who want to improve their homes or add to their living space could do so without fear of a tax increase.

Every ten or 15 years, a town has a reevaluation to determine a price of a home. This procedure costs a town millions of dollars. Not having a real estate tax would eliminate this cost and save the tax payers of New Jersey millions of dollars. Remember, the sale price and assessment price for taxes are two different things. And the dif-

ference between the two prices shows how wrong this taxing is anyway. When the tax amount is calculated is there anything in the formula to determine the owner's ability to pay the new amount? This appears to be impossible within our current system.

Does a renter pay real estate taxes? No. Actually the complex/building owner pays these from the collection of rent and the tax cuts into the landlords' profit. By paying personally, the renter is more aware of the tax rate and more invested in the community. He or she becomes the one who pays for the schools, roads, and other municipal expenses. Adults living at home with their parents would also be included in this fair share payment system.

Another point to ponder is the homeowner's equity in his home. As the mortgage holds a good part of that property for many years, why does the homeowner pay all the property taxes? Shouldn't the mortgage company pay their fair share? If the mortgage company owns 75 percent of the house, why does the dweller pay it all? And don't they hold your money to pay your taxes sometimes longer than necessary? As we pay taxes year after year, aren't we actually rebuying our homes? This is discriminatory and wrong.

Commercial real estate taxes could remain the same as they are because they are the result of making a profit. These would include stores, offices selling goods or services or administrative offices overseeing the businesses.

New Jersey has become notorious for high property taxes. We need to change our system to a more fair and equitable one. Devising a new method of local taxation would make a good topic for an MBA thesis, if not a doctoral thesis. It's time to require all people to pay their fair share for public services. The old, aristocratic method of taxation of big home, little home no matter how many adults live there, no matter how many public school students live there should be New Jersey history.

We cannot continue to watch our businesses leave because property taxes leave less and less for the homeowner to spend. We cannot afford to watch our citizens move out of state to escape property taxes. And notice, no direct reference to senior citizens who get hurt a bit more than most others. Why not? Because New Jersey citizens of all age groups are subject to unfair real estate taxes. ▲

THE OLD, ARISTOCRATIC
METHOD OF TAXATION OF
BIG HOME, LITTLE HOME
NO MATTER HOW MANY
ADULTS LIVE THERE,
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Freedom Village Breaks Ground!



By Vanessa Sandom, Mayor
& Paul E. Pogorzelski,
Administrator/Engineer,
Hopewell Township (Mercer)

Hopewell Township in Mercer County recently celebrated its public/private partnership with Project Freedom in a groundbreaking ceremony for its newest community, Freedom Village.

Freedom Village is a 72-unit, fully accessible residential community on 22 acres in the southeast sector of the township. Current Committee Member and 2012 Mayor Michael Markulec praised the great work of Project Freedom and commended the Township Committee and staff for helping to bring this community to the township.

“This celebration is not just a groundbreaking of a building. It’s a celebration of a new community being welcomed to our township, and we very much look forward to the day when Freedom Village’s doors are opened to its residents,” said Mayor Markulec.

In 2007, Beazer Homes was busy constructing a new residential development on land adjacent to the future Project Freedom site. As it did so, Beazer Homes was approached by a variety of large scale commercial interests about purchasing the site because of its location near State Highway Route 31, Interstate 95, a newly constructed shopping center and a 1200+ unit residential community.

FREEDOM VILLAGE SHOWS THAT
EVEN IN TIMES OF STRONG
COMMERCIAL DEVELOPMENT
THE DEVELOPMENT COMMUNITY
IS WILLING TO WORK WITH
NON-PROFITS AND MUNICIPALITIES.



In rural Hopewell Township, there was no other site which had accessible routes to grocery stores and other retail shops, nearby open spaces and parks, public transportation and networks of sidewalks and trails that could provide a high quality of life for individuals with disabilities.

While Beazer moved forward with plans to sell this site to a large commercial developer, Hopewell Township had its eye on this site as well—but for entirely different reasons. All of the reasons that made this site desirable for commercial development also made the site uniquely desirable for residents with disabilities in Hopewell Township. In rural Hopewell Township, there was no other site which had accessible routes to grocery stores and other retail shops, nearby open spaces and parks, public transportation and networks of sidewalks and trails that could provide a high quality of life for individuals with disabilities.

Early in the 2000s, township officials had become aware of Project Freedom, a non-profit organization that develops and operates barrier-free housing that enables individuals with disabilities to live independently. In 2007 Hopewell Township reached out to Project Freedom to see if it might

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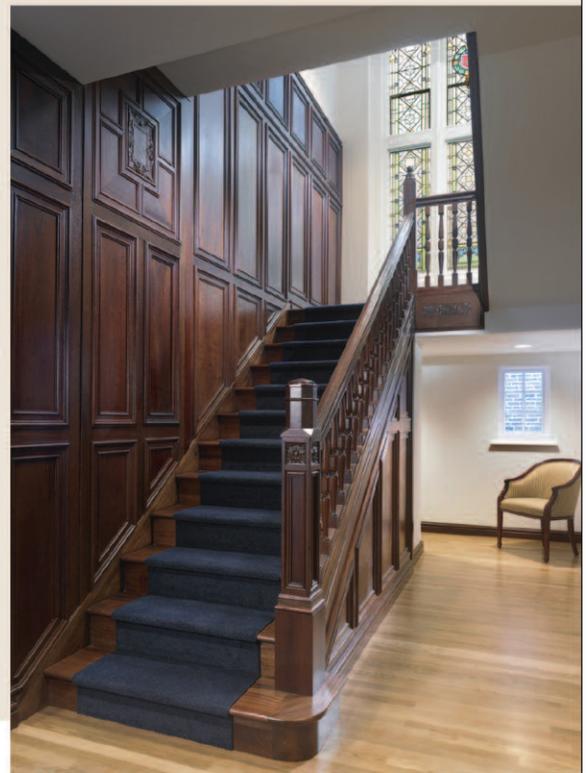


This three-story building accommodates solo professionals in need of as little as one office, to larger firms in mid-sized suites. All tenants may choose to take advantage of the building's common amenities including meeting rooms, kitchenette, and more.

The building's recent restoration incorporated state-of-the-art mechanical, electrical and communications systems. The building meets the standards of the American's with Disabilities Act (ADA).

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Work is currently underway to create Freedom Village, a 72-unit, fully accessible community on 22 acres in Hopewell Township (Mercer).

be interested in partnering to develop a new facility. Their answer was an unequivocal “yes.”

Following six months of negotiations with Beazer Homes, the different parties agreed to contract terms for Project Freedom to purchase the site. This was not an easy task—for either party. But it was a true testament that, even in times of strong commercial development, the development community is willing to work with non-profits and municipalities when all parties share a common goal and a desire to make

that goal a reality.

Unfortunately, affordable housing is often burdened with the stigma that it brings an undesirable element to a community. It is an unwarranted and unfortunate stigma, but one that can be overcome through good planning and execution.

According to current Mayor Vanessa Sandom, who was also Mayor in 2008, the township anticipated residents’ concerns with this development, and went out of its way to hold formal and informal meetings with

neighbors about the project early in the process. We knew that proactive educational efforts would help bring the community together in support of Freedom Village.

Representatives from Project Freedom attended many meetings with township residents and officials to explain their mission and operations. They agreed to take into account residents’ recommendations for the design of the Village so that it would fit into the neighborhood. This outreach effort was completed prior to preparation of design documents and prior to submission to the Planning Board.

In early 2010, Project Freedom received its planning board approvals. Over the next year project designs were perfected and permits received. Project Freedom’s last challenge, securing funding in a tough economic environment, took another year and a half. Applications for tax credits were carefully screened and in 2012 the announcement came that the project was funded. Freedom Village was born!

Hopewell Township gives thanks to the team of many different groups which helped bring this community to life. Today, Hopewell Township continues its efforts to create affordable living opportunities for all. We are proud to have worked with Project Freedom and look forward to welcoming its residents in the near future to our wonderful community. ▲

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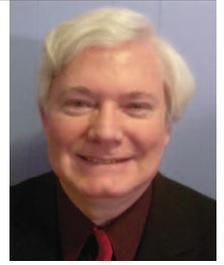
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Ten Rules for Dealing with the Media



By Joseph E. Ryan
Public Information Director,
City of Bayonne



After seventeen years in municipal government, I have learned from experience that there are rules that municipal officials should follow when dealing with the media.

1. Tell the Truth Always answer truthfully. Unless someone's life would be endangered by the truth, don't lie to the press. If you lie once, they never will believe you again.

2. Answer Media Questions Unless the issue is a confidential personnel matter, an issue for the lawyers, or the subject of negotiations, give a response. If this is the case, try to explain why you can't talk about something, at least not at the moment. Never say "no comment." It looks as though you have something bad to hide. "No comment" is a signal to the reader that you are evil or guilty of something.

3. The Medium Is the Message Before you deal with a reporter from a particular medium, try to remember the main way in which that medium conveys the story. In the print media, the radio, and the internet, words matter most. For these media, choose your words very carefully. On television, visuals matter most. For TV, try to think of something that would offer good images. You don't get a second chance to make a first impression. The negative words printed in a story never go away. The images videotaped for a TV news story cannot be erased from the viewer's mind. They will also end up on YouTube.

About the worst thing you can do is to slam a door in a reporter's face while the cameras are running. Door-slamming is a signal to the reader that you are guilty and have something bad to hide. This door-slamming activity is guaranteed to be shown repeatedly through multiple news cycles and on the internet. Unless you want to become an infamous figure for millions of TV viewers in New Jersey and surrounding states, don't ever slam the door in a reporter's face while the TV cameras are running. For TV, remember that dramatic is bad and boring is better. Fortunately, most municipal employees have no interest in becoming the evil stars of the nightly news.

4 Use the Internet Post your press releases on your municipal website and/or government access cable TV station. If your website can e-mail your statements directly to subscribers free of charge, do it. In that way, your message is out there to counter negative bloggers.

If you don't have electronic media available, get them. Offer free e-mail subscriptions to the announcements posted on the website, so that people can receive news directly from you. Use your cable provider's community bulletin board to issue emergency announcements to people who do not watch your municipal station.

If you follow the rules when dealing with the media, you will increase your chances for success. However, remember that we are often at the mercy of events, need a lot of luck, and must always learn from experience.

In carefully chosen situations, such as during natural disasters, you may need to use robo-calls to get your message directly to the public. Take advantage of such social media as Twitter and Facebook, and remember to think before you post.

5. Designate a Spokesperson

Municipalities need to have clearly designated spokespeople and a system for responding to media inquiries or referring them to the appropriate parties.

6. Learn the Deadline Always ask reporters what their deadlines are and then tell them you will call them back. In that way, you will know how much time you have to develop responses to their questions. Knowing how much time you have gives you the opportunity to consult with your municipal colleagues about an appropriate response to media inquiries.

7. Expect the Unexpected

The most likely unexpected thing to happen is that someone in municipal government will leak a story to the media. When this happens, use all of the above tips. Just remember that

you will have to use all of them quickly and suddenly.

It is not the reporter's fault that he or she has received leaked information. It's the fault of one of your colleagues who is either trying to look important or trying to advance a personal agenda. You have to understand that reporters receive leaks on a regular basis.

8. Respond Quickly to Errors

If you see something wrong and outrageous in the media, and you want to respond, do so quickly. Call the reporter or the editor responsible within 24 hours. Explain to him or her why the headline or story was wrong. Ask for a correction and/or demand a rapid right of reply in the paper, on the web, or on the next broadcast, depending on the medium in which the problem appeared.

9. Be Polite In an emergency, journalists will generally share an interest in getting your information out to the public. Stay cool. It's not attractive to get cranky with the media. Remember you will have to deal with these reporters again and must retain their good will.

10. Be Prepared Stay well-informed throughout a crisis. Do not become isolated. Make sure that the local cable TV company provides your office with a free cable hook-up, so that you can watch live coverage of the emergency. Be sure that your municipal building has a back-up generator. Also keep an eye on Internet-based news services. You need to know at least as much as your best-informed constituents.

Expect the next crisis to come sooner rather than later. Do not be lulled into a false sense of security. Managing emergencies is a crucial part of our responsibilities as public officials, as Hurricane Sandy reminded us.

Dealing with the media is a constant responsibility. The bad news is that there will always be negative headlines to overcome. The good news is that each day brings another news cycle and a chance for a new beginning.

If you follow the rules outlined above, you will increase your chances for success. You must remember, though, that there is never a guarantee of success. We are often at the mercy of events, need a lot of luck, and must always learn from experience. ▲

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Washington Watch

New Jersey's Hour of Need

By Chris Smith, Congressman,
Fourth District (Republican)



Congressman Chris Smith (Robbinsville, NJ) took to the floor of the House of Representatives several times appealing for other House members around the nation to support federal aid for victims of superstorm Sandy. This column is based on excerpts of the January 2013 Congressional Record.

When emergencies strike, large or small, Americans can always be counted on to assist and to support the victims.

At our core, we are a nation of good samaritans. After superstorm Sandy came ashore in New Jersey and devastated the region, first responders courageously rescued people trapped in homes and cars. They often had minimal regard for their own personal welfare, safety and well-being. Everyone rallied around the clock.

NOW THE BIG QUESTION IS THIS:
WILL THE FEDS HAVE OUR BACKS
AS WE STRIVE TO RECOVER?
I BELIEVE THAT WE WILL.

Governor Chris Christie, emergency management personnel, the National Guard, police and fire, elected officials, and the Monmouth County OEM director Sheriff Shaun Golden were absolutely tenacious and effective, and our local mayors were like NFL quarterbacks—running the plays, making calls day by day, hour by hour.

Faith-based organizations helped feed and clothe and shelter. Private volunteer organizations were on the scene in droves. Our neighbors to the north, west and south poured in to the state to help restore power and remove fallen trees. Words are inadequate to convey my—our—appreciation.

Within weeks, however, the emergency phase seamlessly matriculated into the recovery phase—the flip side of the same coin. Now the big question is this: will the feds have our backs as we strive to recover? It is an absolutely arduous process. I believe that we will.

Any delay in appropriating sufficient funds will likely stall a comprehensive and robust recovery. Sandy was the most destructive storm ever in our region and, arguably, the second or third most costly in America's history.

The Governor's office has estimated the damage in my state alone to be \$36.9 billion. Homes like this one—22,000 homes like this one—completely and totally destroyed. Another 324,000 homes damaged; 41,000 people can't



Congressman Chris Smith reviews damage with Past Mayor, Middletown Anthony Fiore and Committeeman Steve Massell.

return to those homes—they're still not fixed. Businesses also took it on the chin: 19,000 New Jersey businesses suffered damage of a quarter of a million dollars or more.

Three-quarters of New Jersey businesses were hurt by Sandy. When asked, they put the small business loss at \$8.3 billion. No wonder 100,000 storm-related unemployment claims have been filed. The Governor's office points out that public facilities and infrastructure sustained losses of some \$7 billion.

Boardwalks were snapped like toothpicks, beaches have eroded, and some have been radically reconfigured.



Chris prepares to observe damage from the air with Monmouth County OEM Director Sheriff Shaun Golden.

Significantly more funds are needed if New Jersey and our good friends in New York and other Sandy impacted areas are to recover. The Frelinghuysen amendment is absolutely crucial.

We are not crying wolf here, I say to my colleagues. There are huge gaps. People who have filed for insurance claims find insurance has covered only this much. How do they ever recover?

The same goes for the infrastructure in New Jersey. Every single day 860,000 people use New Jersey transit. That infrastructure has been demolished—locomotives, cars, tracks as well as stations.

Critical Army Corps projects need to be reconstructed and repaired, while new initiatives need to be funded. We need this money. And we need it now.

I strongly support Mr. Frelinghuysen's amendment. Gaps in homeowners insurance coverage and a growing realization that there will be major tax receipt losses from towns that have had their tax bases eviscerated by Sandy is further compounded in a state that's reeling from a body blow with no precedent.

All of this has led to crippling shortfalls. Towns have serious gaps in needed resources. They need our help. The \$33 billion Frelinghuysen amendment fills those gaps for people in need of housing assistance, public infrastructure destroyed or damaged by Sandy will get a huge boost, and economic revitalization will accelerate.

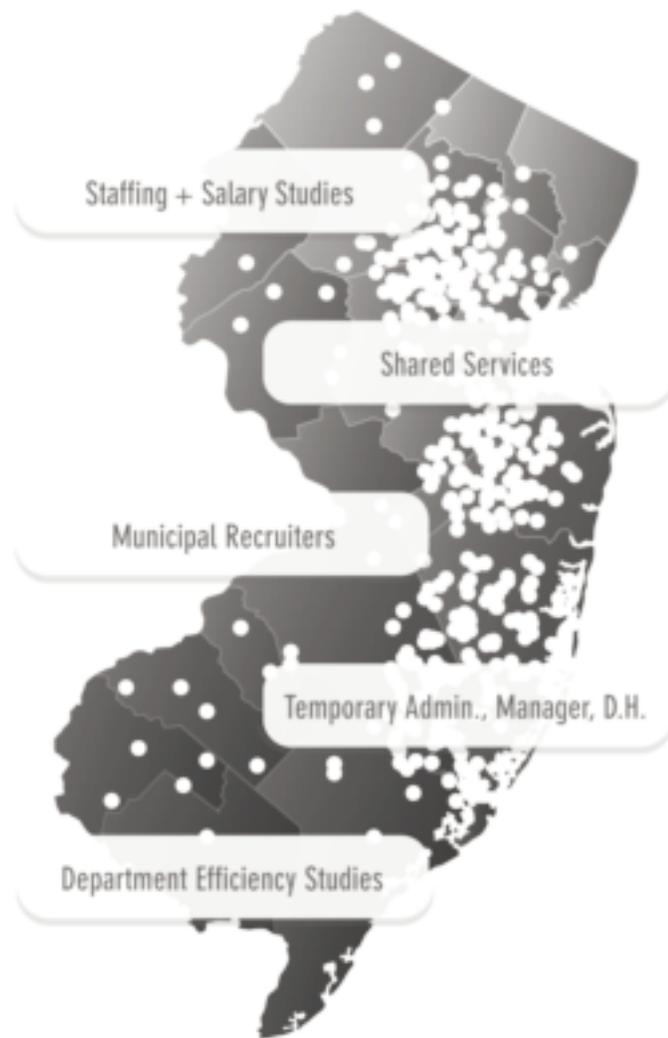
I've lost count, of the number of my constituents who either didn't have flood insurance for their homes or who had an inadequate amount of coverage. To compound their misery, many have upside-down mortgages, and they desperately need our help.

The Frelinghuysen amendment raises to \$16 billion from \$3.9 billion in the Rogers amendment, funds to aid in the relief of homeowners, buyouts, and home elevation. It will also provide very critical moneys for the Army Corps of Engineers. Where the Army Corps had projects in place, there was a mitigation of the amount of damage to infrastructure and to homes. We need this additional funding to protect homes, businesses so millions of people can get on with their lives. ▲

The Sandy "Disaster Relief Act of 2013" was signed into law by President Obama on January 29, 2013 (P.C.13-2).

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Local Agriculture Education

Paving the Way to Diverse Careers



By Douglas H. Fisher
New Jersey Secretary of Agriculture

The Garden State benefits from the participation of young people in 35 FFA chapters. One exists in nearly every county--in rural, suburban and urban areas. Formerly known as Future Farmers of America, FFA's current activities may no longer fit the most common perceptions of the organization.

While blue corduroy jackets still symbolize membership, those wearing the jackets no longer aspire to work exclusively on farms. Instead, FFA students are entering fields as diverse as science, teaching, business and government.

FFA promotes leadership, responsibility and respect and gives members the tools to become our country's future leaders in many fields of endeavor. The program is one aspect of a three-pronged approach to agricultural education.

All FFA members must be enrolled in an agricultural education program in their middle or high school. This classroom instruction includes laboratory settings where students learn applied science as it relates to agriculture.

In some schools, advanced programs focus on high-level science and mathematics, which cover the information



An FFA student volunteer displays a box of tomatoes that he harvested for New Jersey Farmers Against Hunger.



Students work on an exercise at a state FFA leadership event. Students develop interpersonal skills in teamwork, communication, human relations, and social interaction through their involvement in FFA.

needed to succeed in today's world. Fifteen schools currently teach Curriculum for Agricultural Science Edu-

cation (CASE) courses. This rigorous curriculum includes introductory, animal and plant system and animal and

plant biotechnology courses. These hands-on, inquiry-based classes are designed to prepare students to move on to post-secondary agricultural education programs, which will prepare them for careers in the agriculture, food and natural resources industries.

TO BE SUCCESSFUL
AGRICULTURAL
EDUCATION PROGRAMS
NEED THE SUPPORT OF
MUNICIPAL OFFICIALS.

New Jersey's agricultural education programs are gaining national acclaim. Recently, Robin McLean, an Agriscience teacher with the Northern Burlington County Regional School District, was named the Association for Career and Technical Education 2013 Teacher of the Year. The designa-

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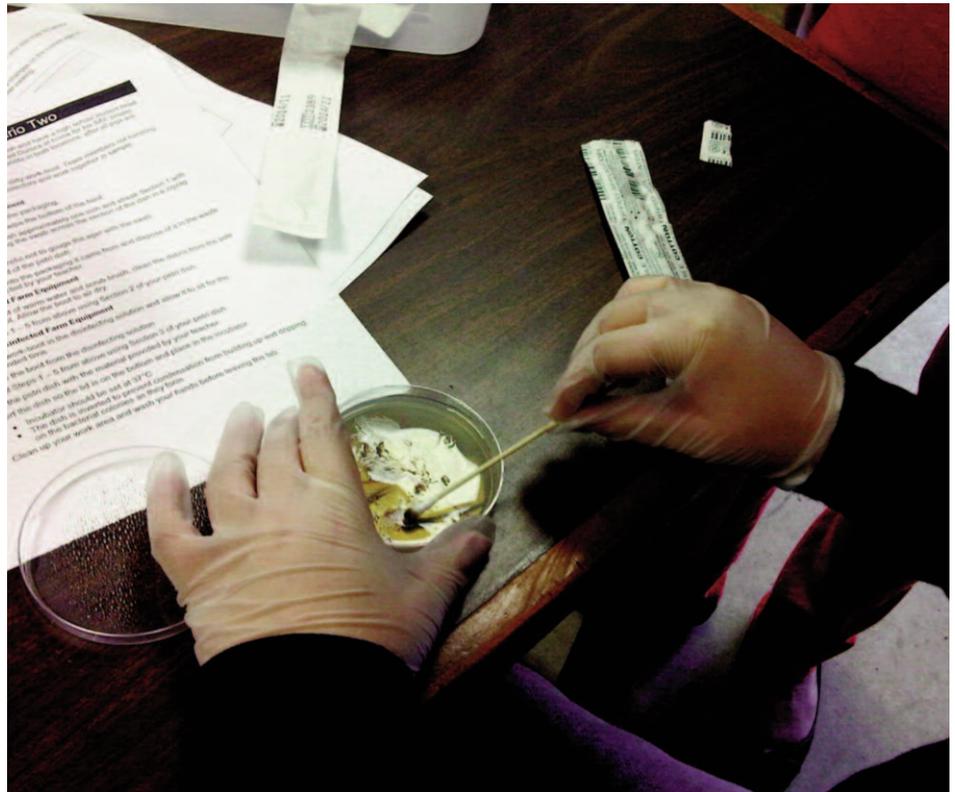
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tion recognizes educators who have made significant contributions toward innovative, unique and novel programs that improve and promote career and technical education. This is the first time a New Jersey agricultural education teacher has earned the award. McLean also serves as her school's FFA Advisor.

CONSIDER INVITING STUDENTS FROM YOUR LOCAL FFA CHAPTER TO TOWN MEETINGS OR ENLISTING THEIR HELP ON PROJECTS.

Each FFA member in the state is required to have a Supervised Agricultural Experience, which could be an internship, a research project or an entrepreneurial pursuit supervised by



A student works on a lab project on animal disease prevention. Through the Curriculum for Agricultural Science Education (CASE) students learn the science, business and technology of agriculture through hands-on, inquiry-based instruction.

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the agriculture teacher. Students work with a mentor to gain practical experience and personal guidance to discover their career path.

FFA is the leadership component of agricultural education. Every student enrolled in an agricultural education program in New Jersey is a member (currently 2,538 students in 17 counties participate). Many of these young people will never work on a traditional farm. Instead, they will enter related industries; such as conservation, environmental science, biology, business and food production.

THIS STUDY
HIGHLIGHTS JUST
HOW VITAL THESE
AGRICULTURAL
EDUCATION PROGRAMS
ARE TO STUDENTS
THROUGHOUT THE STATE.

The average age of a farmer in New Jersey is 57. With an aging workforce and increasing demand for locally grown products, there are many career opportunities in agriculture for young students to consider.

According to a report by the United States Department of Agriculture, the agricultural, food and renewable natural resources sectors of our country's economy will generate an estimated 54,400 annual job openings for individuals with baccalaureate or higher degrees in food, renewable energy and environmental specialties between 2010 and 2015. They expect 75 percent of those jobs to be in business and science occupations; 15 percent in agriculture and forestry production; and 11 percent in education, communication and governmental services. However, there may not be enough graduates trained to take these jobs, especially in business and science specialties.

This study highlights just how vital these agricultural education programs

are to students throughout the state. But, to be successful agricultural education programs need the support of municipal officials. Part of the training FFA members receive is advocacy—how to advocate for themselves and their cause. Every February, New Jersey celebrates FFA Week with a daylong program in Trenton, known as FFA Advocacy and Legislative Leadership Day. State legislators and agriculture leaders speak with the stu-

dents about the workings of government and what they can do to get more involved.

Municipal leaders can assist the FFA by inviting their local chapters to their meetings or enlisting their help on projects to improve their towns. ▲

To learn more about New Jersey Agricultural Education and/or FFA, visit www.state.nj.us/agriculture/ag_ed or call Nancy Trivette, Program Leader, at 609-984-3732.



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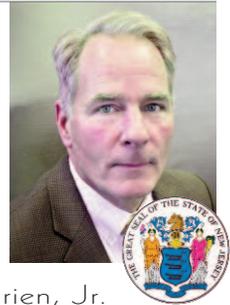
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Medical Marijuana in New Jersey

Answers to Frequently Asked Questions



By John H. O'Brien, Jr.
Director, New Jersey
Medicinal Marijuana Program

Now that the first Alternate Treatment Center is operating in Montclair, municipal officials may have questions about the program and the participation of patients and physicians. The Department's Medicinal Marijuana webpage (www.nj.gov/health/medicalmarijuana/index.shtml) contains a lot of information: including frequently asked questions, the list of diseases that qualify a New Jersey resident to participate; how patients, caregivers and physicians can apply; and a webinar for physicians. Here are a few frequently asked questions and answers.

What is the department doing to ensure the safety of my constituents? There are several ways in which the Department of Health's Medicinal Marijuana Program (MMP) addresses public safety. We have implemented a comprehensive background investigation process on the principals who are operating the Alternative Treatment Centers (ATCs). The personal history disclosure forms provide information that allows the MMP to examine finances, criminal histories, business structure and practices to ensure the ATCs are operated with the highest integrity.

We have implemented and strictly enforced security protocols. These protocols include visual monitoring through closed circuit cameras of all areas of the ATC operation. Additionally, the MMP mandates the installation of security alarm systems and adjoining response and testing protocols for the ATC.



There are several ways in which the Department of Health's Medicinal Marijuana Program (MMP) addresses public safety.



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The MMP ATC Monitoring teams work closely with the ATC management to ensure product accountability and adherence to regulatory requirements. These teams establish an on-site presence within the ATC. They also have the ability to monitor their activities remotely through closed circuit cameras and access to the ATC's internal inventory management systems for compliance oversight.

Will my office be kept abreast of important issues that arise within the ATC? Yes, the MMP Monitoring teams also work as liaisons among the department, the ATC and your local and county law enforcement agencies. With issues such as security alarm activations and other reportable events, the monitoring teams will, if requested, assist law enforcement with their investigations. The monitoring teams

can also provide government officials with status reports on the ATC operations, if requested.

WITH ISSUES SUCH AS SECURITY ALARM ACTIVATIONS AND OTHER REPORTABLE EVENTS, THE MEDICAL MARIJUANA PROGRAM MONITORING TEAMS WILL, IF REQUESTED, ASSIST LAW ENFORCEMENT WITH THEIR INVESTIGATIONS.

How are the rights of MMP participants ensured when encountering law enforcement? The Compassionate Use Medical Marijuana Act and its adjoining regulation provide protection to patients operating within the confines of the law. The MMP Customer Service Unit provides all newly registered patients and their caregivers with the MMP Best Practices information upon their registration.

This document was developed by the MMP, in conjunction with the Office of Attorney General (OAG), to assist patients in obtaining, transporting and using medicinal marijuana in adherence with the law. The OAG also promulgated the Attorney General Medical Marijuana Enforcement Guidelines For Police to educate the state's law enforcement community in the provisions of the Act. The MMP also implemented an MMP Identification card validation process that enables law enforcement to instantly check the validity and status of a patient and their caregiver. ▲

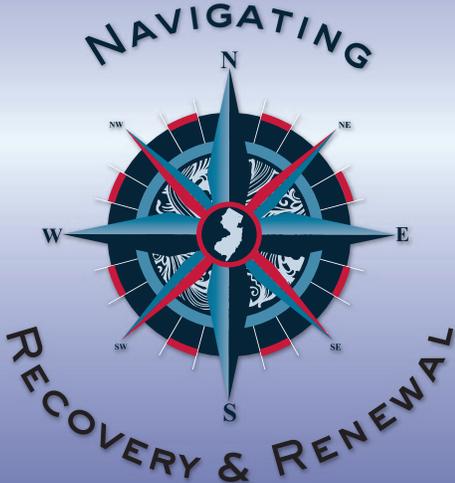
Mr. O'Brien a 26-year veteran and retired lieutenant of the New Jersey State Police, was appointed director of the program in December 2011.

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Under the Gold Dome

Understanding the Stalemate on Gun Control



By Darryl Isherwood

Dig down deep enough into the political topsoil, through the top layer of muck and mire that is hurled each day, past the rich loam where party platforms are nurtured and grown and down into the dark subsoil where only the most hearty of ideas grow and you will find the core beliefs of those on the American left and right.

You will find concepts such as government size and scope, which has caused near deadlock in Washington. You will find abortion, which is a litmus test for both candidates and judges. And you will find guns.

In the months since the Newtown massacre, when a coward with a weapon slaughtered 20 innocent children and six adults, the debate over guns and the true meaning of the Second Amendment has sprung up in banner form, taking center stage in nearly every political debate.

In New Jersey, legislators have introduced several gun control measures while Second Amendment advocates mobilize for rallies and campaigns to stave off an assault on their constitutional rights.

The problem—though not everyone sees it as such—is that like abortion, the issue is so polarizing that there is little hope of consensus. In fact, even having consensus as a goal is seen by some as weakness on the issue.

As Newtown has roiled the public consciousness each side has hardened their position with a no retreat, no surrender mentality that doesn't bode well for compromise.

Not long ago I noticed a barrage of Facebook postings from gun owners quoting Thomas Jefferson, Patrick Henry and others espousing guns as the only way to stave off a tyrannical takeover by the government.

I posed the question to the history buffs whether they believed our founding fathers were hoping for an armed overthrow of the government every four years or a peaceful transfer of power facilitated by a vote.

The response I got was indicative of the debate: My gun owning friends talked of a "rigged system" in which the common man had no hope of overthrow through the vote (not a bad point if you've looked at a map of either the state's legislative or congressional districts.)

In one exchange I asked a friend about his endgame. "Do you plan to start shooting when a law is passed restricting your right to own a gun."

His answer? "Let's just say I feel safer with my gun than with my vote."

The other side is equally entrenched. As a father my first thought after Newtown was why haven't we discussed

armed guards in our schools. After September 11, 2001 the federal government hired 6,000 armed air marshals to patrol domestic air carriers. There hasn't been a hijacking of a domestic carrier in the 11 plus years since.

I discussed that thought with friends days before the National Rifle Association proposed it as part of its own violence prevention platform.

After the NRA's announcement, I asked friends what they thought, the answers again informed.

"That's just the NRA trying to arm more people," said one close friend.

What was clear to me was that because the NRA proposed it, no self-respecting gun control advocate could accept it.

What has happened in the six weeks since the slaughter in Newtown is clear lines have been drawn. Assault weapons must go says one side. Out of my cold dead hands says the other.

The problem with the debate as framed—assault weapons ban versus the Second Amendment—is it sets up a straw man for both sides to knock down. I'm not saying gun laws don't need to be examined, or that the Bushmaster AR-15 in my neighbor's closet doesn't scare me just a little. What I'm saying is, gun control is far from the only conversation we need to have.

Having grown up around guns and having fired everything from a single shot bolt-action rifle to an old fully automatic M-16, I can attest to this: The coward in Newtown didn't need a semi-automatic rifle with a 30-shot magazine to do what he did. He had 10 minutes in a school full of defenseless people. He didn't need hundreds of rounds. In the end, he needed 26.

I don't have a public opinion on gun control and I won't for as long as I'm a journalist, but I do know that you can institute a full ban on assault rifles with nary a loophole and there will still be more than four million of them out on the street (not to mention more than 300 million total guns). And you still won't be able to guarantee there won't be another Newtown.

Until all sides take a step back and realize the debate should include much more than the weapon of choice—school security and mental health are perhaps the two most glaring examples—we'd best buckle up for a long and likely never ending ride. ▲

Darryl Isherwood is the editor of PolitickerNJ, and its sister site State Street Wire. He has over a decade of experience as a reporter and has covered politics and government for news outlets in four states.



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Success Requires Thoughtful Planning



By Charles Latini
President, American Planning
Association, New Jersey Chapter;
Principal, LGH Planning, LLC

Successful businesses plan. All the world's great cities and communities plan. Families plan. We plan for vacation, we plan to send our children to college, we plan for retirement, to upgrade our homes, for our careers; for our future.

Not too many of us would argue that planning is essential—particularly for those who hope to achieve a high degree of success. So while planning requires time and money, it cannot be neglected at any level.

Too often taking the time to carefully consider land use planning and zoning is seen as an extravagance. I would argue that planning is the key to ensuring that the places we govern will ultimately achieve success.

An examination of the current state of affairs in New Jersey reveals the threats and challenges before us. Government is large, partisan and its services are at times redundant. Municipalities face over-regulation from the state and pressure from taxpayers and Trenton to limit property taxes.

Local leaders too often engage in a "ratables chase" that experts say is an unsustainable model for economic growth.

With our climate challenging us to think differently about our future, will we continue with business as usual and get pounded by the next version of Sandy or Floyd, or Irene?

DEVELOPMENT WITHOUT THOUGHTFUL
PLANNING HAS BEEN NEW JERSEY'S
BIGGEST UNTOLD THREAT BECAUSE IT
HAS STRETCHED OUR RESOURCES BEYOND
THEIR ABILITY TO SERVE US.



So, what can we do locally to "set the table" to make Jersey truly strong?

Or will we take the time to ask the tough questions as we rebuild. Making the right choices today will allow our economy to thrive and be more resilient to future threats.

Setting the storm aside for a moment, some solutions to the challenges before us have been to explore shared services, make large budget cuts, defer capital investment, and lay-off personnel. Some solutions have also centered on techniques such as commercial rezoning to add to the tax bases while trying to minimize perceived tax liabilities. Each of these strategies presents difficult choices, some of which cannot be deferred, yet all are an important part of the local decision-making process. Further still, the decisions we make today will impact the quality of life and marketability of our communities for years to come.

So the question becomes, "how do we find the time and resources to invest in planning, amidst all the issues we have to confront daily?" A wise person once wondered "Why is it that we never have time to do it right, but yet almost always have the time we need to fix it?"

Impatience is perhaps our biggest threat to success.

If we find value in taking the time to do it right the first time, some of the questions we might ask ourselves include the following.

- How can we take advantage of our resources (from neighboring communities, counties and the state) and work together so that we can leverage them for our economic and social benefit?
- How do we encourage economic growth and create jobs that can be sustained?
- How can we live with the environment so that it can do what it needs to do as a system while we go about creating quality places to live, work and play?

The answer quite simply is through comprehensive community planning and its associated educational and solution-based processes. It involves housing, transportation, and environmental issues working together to create quality places by placing all the facts in front of us so we can make the best decisions possible.

Some of the most successful communities in this state are the most proactive from a planning perspective. Some places are urban, some are rural, some are in-between. Places such as South Orange, Haddonfield, Chesterfield, Princeton, and Morristown, to name a few, all have had great success maintaining, revitalizing, growing, and conserving.

Land use planning and its associated zoning and design ordinances are

important protections against the changes that come with new service delivery systems, demographic changes, cultural demands, environmental changes, and the push for alternative energy solutions. The challenge is to look beyond our municipal boundaries to leverage regional strengths while at the same time supporting our local residents. The politics of planning can be a powerful weapon of positive growth and constituency building.

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The old adage; think globally act locally, has never been more relevant than it is today. We need to think big, partner with adjacent communities, counties and states to make a better community for our own constituents.

We cannot just compete; we have to leverage our collective strengths. Not every place is the same, nor should it be. Planning can be challenging, but it is essential to solving the issues before us.

The Governor spoke about the need to rebuild, and we not only agree, we stand ready to be part of the solutions to get us there, but better than before. It is clear, however, that growth without forethought is not the most prudent approach—in fact it can leave in its wake issues more difficult to solve than those we faced earlier. Our thirst for growth, tax relief and job creation almost always leaves behind critical components of the New Jersey economy. Development without thoughtful planning has been New Jersey's biggest untold threat because it has stretched our resources beyond their ability to serve us properly.

All development has costs and benefits that are difficult to quantify. Whether road widening, sewer and

water capacity, environmental degradation, or a fragmented, insular and unhealthy society, a more comprehensive planning approach is the opportunity before us. Decisions about where to locate business and industry should not be made in a vacuum of tax breaks.

**WE CANNOT JUST
COMPETE; WE HAVE
TO LEVERAGE OUR
COLLECTIVE STRENGTHS.**

Businesses give more consideration to the quality of the location than to the tax incentives we are willing to provide. If we plan locally with an eye to our state and region at-large, the state will prosper in ways we have yet to imagine. We will create more resilient communities and a stronger economy that protects and enhances our way of life. Jersey Strong!

So, what can we do locally to "set the table" to make Jersey truly strong? How can we improve quality of life by working across our boundaries? How

can we incorporate regenerative design techniques (tools that allow our environment to prosper and work for us rather than merely viewed as an impediment to growth)?

These are the types of questions that should be discussed across the table at our planning meetings.

Community development is not easy. It is complex work whose investment can be bolstered through the assistance of your dedicated volunteers on municipal planning and zoning boards augmented by their licensed professionals. In order to get where you want to go however, chance is not an approach. Instead, careful regional planning is what New Jersey's people deserve. ▲

The American Planning Association—New Jersey Chapter (APA-NJ) is an independent, not-for-profit professional planning organization that provides leadership in the development of vital communities by advocating excellence in community planning, promoting citizen empowerment, and providing the tools and support necessary to meet the challenges of growth and change. Through its educational and advocacy initiatives, APA-NJ advances the art and science of good planning—physical, economic and social—to create communities that offer better and more equitable choices for how people work and live.

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Mayors Are Making Wellness a Priority



By Melissa A. Kostinas
Director, Mayors Wellness Campaign

Many of the towns damaged by Superstorm Sandy were Mayors Wellness Campaign (MWC) participating towns. Our thoughts are with those who suffered as a result of this devastating event. The Mayors Wellness Campaign stands ready to do anything it can to help our partners.

It's encouraging that many of the affected towns have continued to pursue their wellness goals, despite the storm damage. I had the pleasure of attending many events across the state with the mayors and their local Wellness Committees over the past couple of months. Below is an update of some of the events I was witness to this fall. Many new MWC programs have really made an effort to bring community members together to enjoy healthy activities. I am so proud of the work that our mayors are doing to promote healthier lifestyles.

Mt. Arlington MWC Hosts 5k Run for Fallen Officer The Mount Arlington Mayors Wellness Campaign and Mayor Arthur Ondish held the first Officer Joe Wargo Memorial 5K October 6 to benefit the local DARE program. The 198 runners raised over \$8,000 for the Mount Arlington DARE program. The day was a great success, and Mt. Arlington plans to make the 5K a yearly event.

Maplewood Hosts Wellness Fair Maplewood Loves Wellness, Maplewood's local MWC, hosted a Wellness Fair

October 13 at the town's Memorial Park. The event, sponsored in cooperation with Barnabas Health and the local YMCA, included a free Zumba class and healthy "Chair Yoga" instructions for the workplace. Participants also enjoyed salsa made with ingredients grown in the community garden, which is located near the council building.

LOCAL MAYORS WELLNESS
CAMPAIGNS PROMOTE COMMUNITY
WELLBEING AND REDUCE THE
INCIDENCE OF CHRONIC DISEASES.

Red Bank Holds 'Kick Start Walk' Mayor Pasquale Menna of Red Bank and his Mayors Wellness Team partnered with their local YMCA to host a one mile 'Kick Start Walk' around the marina on October 20. Over 100 people came out to celebrate the launch of the town's Mayors Wellness Campaign. In honor of the event, the lawn at Riverside Gardens was decorated with the MWC logo.



Red Bank Mayor Pasquale Menna and Councilman Michael DuPont kick off a walk. Red Bank's Mayors Wellness Team partnered with the local YMCA to host a one mile 'Kick Start Walk' on October 20 around the town's marina area.

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Lincoln Park Hosts 5k On November 3, in the wake of Superstorm Sandy, Lincoln Park held its Sixth Annual Beavertown 5k Fall Classic Run/Walk, even though much of the town lacked electricity. Mayor David Runfeldt and the local Mayors Wellness team thought it was important, because for many citizens the Fall Classic is the highlight of the year. Lincoln Park had a wonderful turn out of committed runners and walkers, despite the adversity residents were facing.

Tenaflly Hosts Its First Wellness Event Mayor Peter Rustin and Tenaflly's Mayors Wellness Campaign leader Carl Trop hosted a Wellness Fair November 19, the first ever for Tenaflly's Mayors Wellness Campaign.

Los Angeles based fitness expert and author of "Breaking the Chains of Obesity, 107 Tools," Jennifer Zerling was the keynote speaker. Her power point presentation was designed to inspire people to eat more healthy foods and set time aside for exercise. In addition, representatives from local fitness and nutrition companies hosted information tables.



Runners prepare to start a 5k race in Mount Arlington Township.

Cherry Hill Launches First South Jersey 'Girls on the Run' Program The Cherry Hill Mayors Wellness Campaign, in partnership with the Betty and Milton Katz Jewish Community Center,

launched a new running program for girls in their community this fall.

'Girls on the Run' is an international, nonprofit organization that encourages girls to build physical fitness, healthy



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self-esteem and respect for their peers by running together. The first of its kind in South Jersey, the 12-weeks program culminated in a statewide 'Girls on the Run' 5k in Somerset.

Fifteen girls from the Cherry Hill program went on to compete in the Somerset 5k race on November 18. The Cherry Hill MWC and Mayor Chuck Cahn plan to make the program a regular part of their wellness efforts.

Plan to Get Involved It's rewarding as Mayors Wellness Campaign Director to see so many towns working to promote wellness. The activities and information provided through local Mayors Wellness Campaigns promote community wellbeing and reduce the incidence of chronic diseases.

If your community is not yet involved in the Mayors Wellness Campaign, visit www.mayorswellnesscampaign.org to learn more or to sign the Wellness



On November 3rd, Lincoln Park held its 6th Annual Beavertown 5K Fall Classic Run/Walk, despite most of the town not having power due to Hurricane Sandy.

Pledge. Our site also includes information on how to form a committee or plan an event.

The Mayors Wellness Campaign (www.mayorswellnesscampaign.org) is an initiative of the New Jersey Health Care Quality Institute (www.NJHCQI.org) in partnership with the New Jersey State League of Municipalities (www.njslom.org).

Its mission is to equip mayors and other key leaders with the tools to develop and implement active-living initiatives in their communities. The MWC seeks to improve health and reduce the skyrocketing health care costs that come with obesity. Currently, more than half of New Jersey's 565 municipalities are participating in the campaign. Major funding for the Mayors Wellness Campaign is provided by The Walmart Foundation. ▲



The lawn at Riverside Gardens in Red Bank was decorated with the MWC logo.



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Join the Mayors Wellness Campaign.

To find out how YOUR town can join over half of NJ's mayors who have made good health a priority through the Mayors Wellness Campaign, go to www.mayorswellnesscampaign.org and sign the pledge.

The Mayors Wellness Campaign is a program of the New Jersey Health Care Quality Institute in partnership with the New Jersey State League of Municipalities. There is no charge to join.

Major funding for the Mayors Wellness Campaign is provided by The Walmart Foundation. For more information, call 609-303-0373 or contact Melissa Kostinas at mkostinas@njhcqi.org

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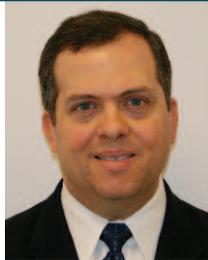


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Legislative Update



By NJLM Senior Legislative Analysts
Lori Buckelew, Michael F. Cerra, Jon R. Moran,
and NJLM Staff Attorney Matthew Weng, Esq.

RED LIGHT CAMERA RULE CHANGE SHOULD BE DELAYED

The League of Municipalities opposes A-3285 and A-3575. These bills would lengthen amber light times at intersections equipped with a red light camera, set a penalty for failing to stop before making a right on red at one of those intersections, and implement a delay for red light camera violations.

Red-light cameras can be an economical and effective tool to protect motorists, pedestrians, bicyclists and passengers. The 2008 Act, which established a five-year red light camera pilot program, allowed the Department of Transportation to set careful guidelines based on the experience of other states and on respected national models. The guidelines regarding "yellow light intervals" were determined by use of nationally recognized engineering standards and the Manual for Uniform Traffic Control Devices for Streets and Highways.

According to DOT's November, 2012 report, "the data from the two sites having two full years of operation shows a reduction in all types of crashes, however, the data are still too limited to draw any definitive conclusions about the pilot program at this time. The department therefore recommends continued data collection and monitoring of the RLR (Red Light Running) program intersections."

We agree with that recommendation. The pilot program should be allowed to run its full five-year course. Now is not the time to alter pilot program standards. As municipalities continue to streamline operations in an effort to control property taxes, public safety operations costs face strict scrutiny. After a successful pilot study, the red light camera program can save lives, prevent injuries, limit property damage and reduce local costs.

The League, therefore, opposes A-3285 and A-3575, which have been referred to the Assembly Transportation, Public Works and Independent Authorities Committee. Companion bills, S-2277 and S-2401, await action in the Senate Transportation Committee.—JRM

LEAGUE SUPPORTS PRESERVATION FUNDING At the League's Annual Business meeting, League Resolution 2012-4 was unanimously approved. This resolution,

sponsored by Mount Arlington Mayor and League Immediate Past President Art Ondish and Clinton Town Mayor Janice Kovach expresses support for "...Sustainable State Funding for Preservation and Stewardship of Open Space, Park, Farmland and Historic Sites in New Jersey" was unanimously approved.

New Jersey has a long, successful and laudable history of preserving open space, parks and farmland. The New Jersey Green Acres program has helped to preserve over 650,000 acres of land and supported more than 1,100 park development projects over the past 50 years, and the State Agricultural Development Committee has preserved 200,000 acres of farmland over the past 30 years. Municipalities have been key partners and direct beneficiaries of these valuable state preservation programs.

As successful as the state's preservation efforts have been, much work remains undone. With the funding from the 2009 bond referendum now fully allocated, the League calls on the Legislature and the Administration to establish a long-term, sustained and dedicated funding source to assure that future generations benefit from the natural resources of the Garden State.

As this is written, the Senate Environment and Energy Committee is considering three different bills to address the funding issue. Each takes a slightly different approach. S-813 would implement a water user fee/tax to fund open space and farmland preservation. S-2529, the "Preserve New Jersey Act of 2013" would implement a constitutional dedication of sales tax revenue for open space, including flood prone areas, farmland, and historic preservation purposes. And S-2530, the "Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2013," would authorize a bond referendum for \$400 million.

To date, the League has not taken a position on these bills but has expressed support to the Committee for a permanent, sustained funding solution for open space, farmland and historic preservation. We will, of course, keep you advised of developments on this issue.—MFC

OPEN PUBLIC MEETINGS ACT BILL Senator Weinberg has recently introduced S-2511, which amends the Open Public Meetings Act. It appears that S-2511 was introduced to replace S-1451, which was held by the state Senate in December.

S-2511 contains many of the same provisions found in SCS S-1451, such as the continued exemption of the Legislature from the provisions. However, there are some notable changes as follows:

Subcommittees:

- Definition of subcommittees has been changed. The new definition is now "any subordinate committee of a public body, except the Legislature, regardless of label, that is formally created by that body, comprised of two or more members, but less than a quorum, of the public body, and recognized by the public body as a subcommittee thereof."
- Removes requirement that subcommittees must prepare minutes and replaces it with the requirement that the subcommittees prepare a report of its meetings that must include number of meetings, names of members of the committee and a concise statement of the matters discussed. The public body must prepare a schedule of when the reports must be filed; however, every subcommittee must file at least one report with the public body. A subcommittee report is available for public access in the same manner as minutes of a meeting of the public body.
- The public body must determine if a subcommittee meeting is open to the public. If the meeting is open to the public, adequate notice must be provided.
- Includes a statement that "...other requirements applicable to meetings of public bodies shall not apply to meetings of subcommittees."

Minutes:

- Minutes must be made available to the public as soon as possible but no later than 60 days or the second meeting of the public body after the meeting for which the minutes were prepared, whichever is later.
- If a member of the public body, other the Legislature, becomes aware that the meeting is in violation of Open

Public Meetings Act the presiding member must ensure that minutes of that meeting shall be made.

- Each public body, other than the Legislature, shall keep comprehensive minutes of all its meetings.

Public Comment:

- Removes the ability of the public body to determine a reasonable overall length of time for public comment. However, such comment period may be limited solely to items listed on the agenda so long as an

additional public comment period is set aside at the meeting at which time a member of the public may discuss any issue he or she feels may be of concern to and within the authority of the public body.

- Each speaker is permitted at least 3 minutes during public comment. The public body may limit the amount of time a member of the public can speak in excess of 3 minutes but cannot limit the overall length of time for the public comment period.

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Agenda:

- If an item is to be added to the agenda after adequate notice has been provided, 2/3 of the members present must vote in the affirmative to add the item. In addition, a statement must be included in the minutes explaining the reason for adding the item to the agenda, why the item did not appear on the agenda and why delaying consideration of the item is not in the public interest. The Legislature may add an item to the agenda at any time.

Fines/Violations:

- If an individual is found in violation of the Open Public Meetings Act they must pay the fine from their personal funds.
- Under no circumstances shall public funds be used to pay a fine or reimburse a person who has paid, or will pay, a fine for violation of the Open Public Meetings Act.

Miscellaneous Changes:

- Removes NJ Network Foundation for the definition of "Public Body"
- Adds the following statement to the section regarding websites "For the

purposes of P.L. 1975, c. 231 (c. 10:4-6 et seq.), the internet site to which the information is submitted shall be deemed established by each submitting public body."

S-2511 was introduced on January 14 and moved to second reading in Senate without any committee hearings. While we appreciate Senator Weinberg's efforts, we must continue to oppose these amendments to the Open Public Meeting Act. The changes proposed in S-2511 will not only be a cost driver for local and state government but make government less effective. In addition, in the interest of transparency and openness, we urge the Legislature to remove the various exceptions in the Open Public Meetings Law that apply to the Legislature. The rules that the legislation makes applicable to other governmental bodies should apply equally to all governmental levels and officials.

Assemblyman Johnson has introduced the Assembly companion, A-3713, which waits consideration by the Assembly State Government Committee.—LB

LEAGUE SUPPORTS REQUIRING CERTAIN PERSONAL INFORMATION TO BE REDACTED The League supports A3318, introduced by Assemblyman Charles Mainor. We believe this legislation represents a common sense protection for accident victims who may be concerned about privacy, unwanted solicitation, or identity theft. We did suggest a small amendment to the bill, however, that we believe would make it more effective in those protections. This bill allows unlisted phone numbers to be redacted. We believe, in these circumstances, that all phone numbers should be redacted.—MW

WORKERS COMPENSATION FOR PUBLIC SAFETY WORKERS The League opposes A1196, which concerns workers' compensation for public safety workers, introduced by Assemblywoman Linda Stender.

Specifically, this bill would create a rebuttable presumption that if, in the course of their employment, a public safety worker is exposed to a carcinogen, pathogen, or psychological trauma, that the resulting injury, disability, chronic or corollary illness

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or death is compensable under workers' compensation.

Clearly, as a people we must take care of our first responders. They are the first line of defense for our citizens in the face of industrial accidents, environmental incidents, terrorist attacks, and much more.

However, we must balance our responsibility to our public safety workers with our responsibility to the taxpaying public at large. Creating rebuttable presumptions such as this bill does will increase costs for municipalities, and those costs will be passed on to taxpayers.

If a public safety worker is injured in any way due to their employment, they should have every opportunity to claim workers compensation benefits and to show that their injury occurred during their official duties. Unfortunately, if such a rebuttable presumption is put into law, there may be numerous employees with preexisting, non-work related injuries who may attempt to claim workers compensation benefits. The cost of defeating a presumption, as well as the fact that some will likely slip through, will increase costs for all taxpayers.—**MW**

EXTENDING INTEREST ARBITRATION DEADLINES Assemblymen Mainor, O'Scanlon and Singleton have introduced A-3730, which extends certain time limitations in police and fire contract arbitration proceedings. The Interest Arbitration Reform Law, P.L. 2010, c. 105, marked a dramatic change to the arbitration process and has provided some help to municipalities in their struggle to control the never-ending rise in public safety personnel costs.

The reforms, which took effect on January 1, 2011, cap arbitration awards on base salaries to no more than 2 percent, provide for random selections of arbitrators, expedite the determination of awards, require the arbitrator to provide a written report detailing the weight accorded to each of the statutory requirements and expedite the appeal process.

A-3730 would change certain deadlines. The deadline for the decision of arbitrator in contractual impasse between a public employer and police or fire department would increase to 90 days from 45 days. The deadline for an aggrieved party to appeal an award would increase to 14 days from the date of receiving the award from

7 days. And the deadline for the Commission to render their decision in an appeal would increase to 90 days from 30 days.

The League strongly supports the changes proposed under A-3730. They are common sense changes that still provide a short time frame for the arbitration process but provide a little more flexibility for all parties to work within the time frame.

A-3730 waits consideration by the Assembly Law and Public Safety Committee.—**LB**

"TEXTING WHILE DRIVING" BILL DIVERTS FINE PROCEEDS TO STATE

When first introduced, the League recognized the benefits of A-1080, which would increase fines for multiple offenses of talking on a hand-held wireless telephone or texting a message with a hand-held wireless electronic communication device while driving.

At a hearing in June, the Senate Law and Public Safety Committee amended the companion bill (S-69) to include a provision that requires the



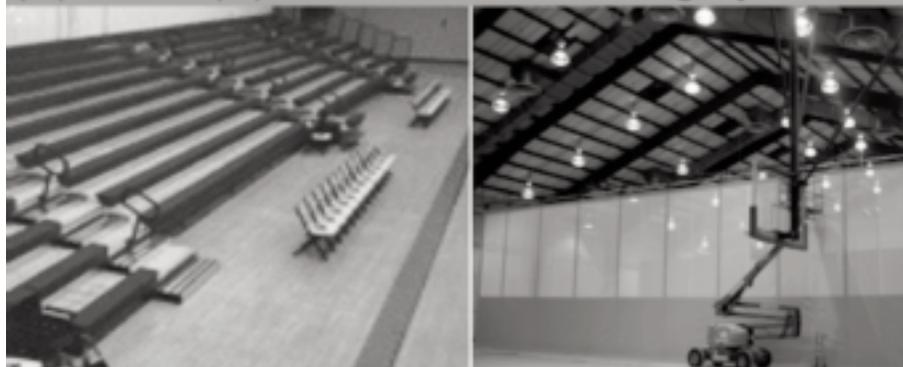
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finer imposed on violators to be sent to the State Treasurer to be used for the public education program to inform motorists of the dangers of texting and driving. On December 13, in the Assembly Law and Public Safety Committee, A-1080 was amended to conform to S-69.

Pursuant to that amendment, while local enforcement agencies will experience an increase in expenditures, since the bill will require a mandatory court appearance by the officer who cites a violation, the municipality will also see a decrease in revenues, as the fines would be redirected to the state.

Respectfully, we cannot support that change. The most effective deterrent to texting while driving could be an officer, sitting in a black and white patrol car, parked by the side of the road. The diversion of municipal funding to close gaps in state budgets, coupled with the economic downturn and the arbitrary 2 percent cap on the local tax levy, have forced municipalities into painful budgetary decisions. Too often, they have led to hiring freezes and even lay-offs of uniformed public safe-

ty personnel. Returning a reasonable percentage of the increased fine revenue to the municipality might help to limit further reductions in force.

Last month, the bills were amended by the Assembly to address our concerns.—JRM

LIQUOR LICENSES FOR HISTORIC HOTELS The League supports A-3198, sponsored by Assemblywoman Donna Simon, which would permit the issuance of a liquor license to the operator of a historic hotel/motel provided it has a minimum of 24 sleeping rooms, regardless of the number of such licenses already issued in the municipality. Hotels/motels constructed prior to January 1, 1880 and included in the New Jersey Register of Historic Places and in the National Register of Historic Places would qualify.

Under current law, municipalities may issue a plenary retail consumption or seasonal retail consumption license for every 3,000 residents and one plenary retail distribution license for every 7,500 residents. Further, a municipality may issue an alcoholic beverage license to the operator of a hotel with 100 or

more sleeping rooms, without regard to these population requirements. Thus, A-3198 merely reduces the current threshold from 100 to 24, under very specific circumstances.

While this bill is intended to address one particular situation, it can benefit other historic districts and “Main Streets” across the state. This type of economic development can help municipalities stabilize their tax bases and attract additional economic activity.

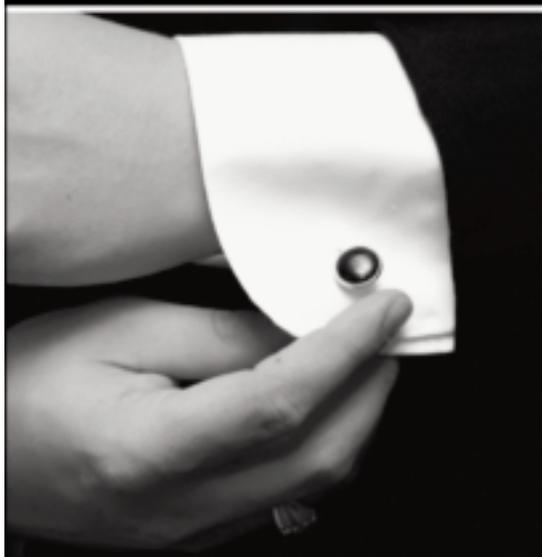
A-3198 is assigned to the Assembly Law and Public Safety Committee.—MFC

QUALIFICATIONS FOR A SHARED EMERGENCY MANAGEMENT COORDINATOR

The League of Municipalities supports A-2473/S-1536, which would allow mayors to appoint municipal emergency management coordinators from among residents of municipalities subject to a shared services agreement.

The bill is needed to correct the statutes governing the appointment of an Emergency Management Coordinator, when two or more municipalities join together for that service. It will eliminate any confusion regarding the appointment and might, thereby,

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encourage more municipalities to share the services of coordinators.

We salute the sponsors for their attention to the need for this clarification. We support A-2473/S-1536, which await final action in the Assembly.—JRM

STANDARDS FOR MUNICIPAL CONDITIONAL DISCHARGE PROGRAM

The League of Municipalities supports A-3598, which would authorize a conditional discharge program in municipal court similar to existing supervised treatment programs for pre-trial intervention and conditional discharge.

We commend the sponsor for drafting a bill that would provide meaningful and necessary alternatives to traditional criminal justice adjudication, in appropriate cases. While ensuring the payment of appropriate restitution, the bill allows the defendant to apply for a waiver of the conditional discharge program application fee by reason of poverty. The court may also permit the defendant to pay the conditional dismissal fee and other assessments in installments or order other alternatives. The court has several options available if it finds that a person does not have the ability to pay a penalty in full or has failed to pay a previously imposed penalty. The court may reduce, suspend, or modify the installment plan; order that credit be given against the amount owed for each day of confinement if the court finds that the person has served jail time for the default; revoke any unpaid portion of the penalty; order the person to perform community service in lieu of payment of the penalty; or impose any other alternative permitted by law.

We believe that penalties and appropriate fees, applied to only those who can afford them, and the other available alternatives serve two important purposes. First, they impress on the defendant greater respect for the law, the seriousness of the offense and the value of a clean criminal record. Second, they provide compensation to the municipality, which can be used to offset some of the costs of local services, otherwise borne by law-abiding citizens.

Accordingly, we support A-3598. This bill has been released by the Assembly Judiciary Committee and awaits a hearing in the Appropriations Committee.—JRM

BILL PERMITS CONTRACT WITH ANIMAL FOSTER CARE FACILITY The League of Municipalities supports S-934, which permits municipalities which have not established a public pound for the keeping of stray dogs, cats or other domestic pets to contract with an animal foster care service maintained by any humane society or other similar association, not organized for pecuniary profit, for that purpose.

Currently, municipalities may only contract for such services with a pound maintained by any humane society or other similar association, not organized for pecuniary profit, which shall have continuously maintained the pound for at least 1 year. The bill permits municipalities to contract with either a pound or a pet foster care organization, or both organizations simultaneously.

This is an appropriate option that should be available to assist in the handling and care of strays. Such animal foster care organizations provide excellent service and wonderful pets in other states. We commend the sponsor for his leadership.

The League supports S-934. The bill awaits action in the Senate Community and Urban Affairs Committee.—JRM

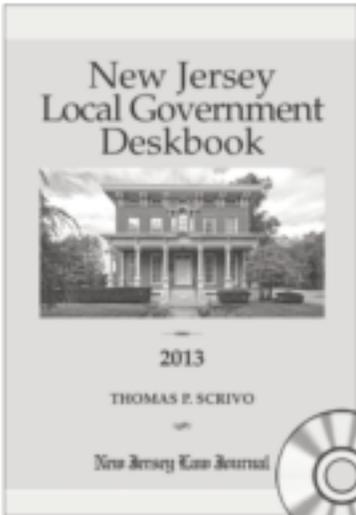
BILL ALLOWS VETERANS DESIGNATION ON DRIVER'S LICENSE The New Jersey League of Municipalities strongly supports the Assembly Committee Substitute for A-691 and A-2030. Having passed the Assembly, 76-0, the bill has been referred to the Senate Budget and Appropriations Committee.

This bill requires the Chief Administrator of the New Jersey Motor Vehicle Commission, upon the submission of satisfactory proof, to designate on an individual's driver's license or identification card that the individual is an honorably discharged veteran of the United States Armed Forces. The purpose of the bill is to provide individuals who are honorably discharged from the active military service of the United States with a convenient way to show proof of their veteran status.

We salute the sponsors for advancing this legislation and we encourage favorable action.—JRM ▲

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Shared Services

Do Taxpayers Expect Too Much?



By Gregory C. Fehrenbach
Coordinator, League Interlocal
Cooperation and Management Advisory
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These opinions came from the Somerset County Partnership's experience encouraging sharing of services and national research on shared services. Would taxpayers actually believe that a savings as high as \$250 in the first year of a sharing agreement, which will diminish over time, could be sufficient to give up their own service? To save more money, would they be interested in consolidating with a neighboring municipality? Branchburg Administrator Gregory Bonin, a long-time participant in the Somerset Partnership's sharing efforts noted in testimony before the committee that "Shared services are crucial to defraying taxes, not to solve them."

ALTHOUGH EXTOLLING THE SAVINGS POSSIBLE THROUGH SHARED SERVICES MIGHT MAKE A GOOD SOUND BITE FOR STATE OFFICEHOLDERS, THEIR HYPERBOLE RAISES FALSE EXPECTATIONS.

Are statewide office holders expecting and promising excessive savings from shared services? Since the tax levy caps starting in 2007 and the special legislative sessions of 2006 there has been much made of the ways in which municipalities might relieve municipal property tax payers of their perceived excess property tax burden through the sharing of services among municipalities.

Several speakers in August 2006 informed the Joint Legislative Committee on Shared Services and Governmental Consolidation that the extent to which sharing services might save taxpayers' monies, while important, was not really significant. Their testimony, that was true then and even truer today, referenced the average portion of a property tax bill that is within the control and responsibility of a municipality to be about 25 percent.

On an average property tax bill of \$10,000, this meant that the base bill we were dealing with was about \$2,500. Based on a couple of decades of experience, recent research work and studies, the speakers opined that one might expect to see savings of about 10 percent if significant services, such as police and fire, were shared.

Interlocal Services, or shared services as they are called today, have been used by local government officials to lower the cost of services since the 1970s, at least, and probably have been used earlier. This is not a new concept for dealing with local government management issues. It has always been and will continue to be dependent on the idiosyncrasies of the participating municipalities. Sometimes shared services produce sufficient savings and sometimes they don't.

While after 40 years of studies and attempts to consolidate, the Princetons have finally decided to do so; this does not seem to be the mind set of residents and leaders of other municipalities who have recently explored this option. From a public policy perspective, we must recognize that

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The TEC 2013 Keynote Address will be presented by the Port Authority of New York and New Jersey Department of Technology Services. The speaker will be addressing the challenges of managing sophisticated technical solutions to difficult operations problems throughout a diverse organization.

Last year there were 125 attendees, 13 educational forums and 35 vendors to network with. Four contact hours of IT CEUs have been applied for with the Division of Local Government Services!

NJ-GMIS is an association of New Jersey Government technology leaders. We provide organizational structure, networking and activities to enhance coordination amongst state, county, local government and public school agencies. NJ-GMIS also provides a forum for the exchange of ideas, information and techniques, as well as enhancing members' knowledge of hardware, software, communication, security, policy and other developments as they relate to government technology activities.



New Jersey is composed of many municipalities because the residents of those municipalities want it that way. As a democratic political system, they have the right to want inefficiency in the structure of their government. They like the individual character of their borough or their township. Many do not wish to be incorporated with their neighbors. Why this is the case is not clearly evident to many of us, but this is reality.

While courting the idea of requiring consolidation in 2006, the Legislature came to the conclusion that forcing municipalities to consolidate was both impractical and unrealistic. They opted for the Local Unit Alignment, Reorganization and Consolidation (LUARC) Commission to encourage consolidation and sharing of services. The Uniform Shared Services and Local Option Consolidation Law was also passed to reduce the hurdles to sharing and consolidating.

Today we are in a more difficult financial condition. What do we need to do?

First, we must change our expectations for savings through shared services. Expectations of tax payers must be realistic. We must educate them accordingly. Although extolling the savings possible through shared services might make a good sound bite for state officeholders, their hyperbole raises false expectations.

Second we must make these statewide office holders understand that residents demand and expect services. Many municipal services have been reduced or eliminated just to stabilize or lessen property tax increases. The public, listening to this hyperbole, seeks cuts in their property taxes, not reduced increases.

SOMETIMES SHARED
SERVICES PRODUCE
SUFFICIENT SAVINGS AND
SOMETIMES THEY DON'T.

Third, most of us as local government managers accept that there is constantly a need to improve efficiency in the management of any organization. We are familiar with the need to discarding the unproductive activities of an organization to focus resources on the more productive or innovative activities. This concept is called "creative destruction" by economists.

While sharing of services not a panacea for the current concern about the cost of government, it must continue to be an ingredient in the

overall pursuit of more cost-effective government. So where do we look for sharing opportunities in the future? The following are some suggestions.

Towns should consider regionalized local public health services and shared or joint municipal courts. Both areas of consolidation tend to be popular with the public and there are a number of opportunities still untapped.

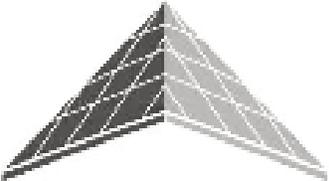
Leaders also need to accept the reality of shared service outcomes. When it appears that the "other partner" in a shared service partnership will save more money, the negotiations should not break down. Instead, each side should negotiate for the best possible allocation of savings and then move ahead to save something for taxpayers and residents.

Also, keep in mind that ironing out the problems in a shared service can take time. Be sure to allow enough time in the sharing agreement, so the parties must stay "married" for a sufficient time to manage the inevitable problems that will arise in the new relationship. I recommend at least three to five years.

Finally, if the savings are not what were expected, analyze the conditions to determine why this happened. Can it be fixed or modified? Do not attempt to reject the sharing agreement because it failed to meet expectations. Modify the operations to move closer to the objective.

Another way to save money on services is to work with another level of government to provide services on a more regional scale. For example, more counties should consider offering their municipalities fleet maintenance services, as Somerset County does. In addition, the counties could offer road paving services, as Middlesex County does. Ocean and Sussex counties' county-wide library systems are models that many other municipalities might consider.

While you consider the savings available through consolidation, also recognize that "bigger is not always better." Studies at Syracuse University have shown that there is an optimum size for a school district. Those smaller and those larger than the optimum size experience inefficiencies which grow as the district gets smaller and larger. The same concept probably holds true for municipalities as well. ▲



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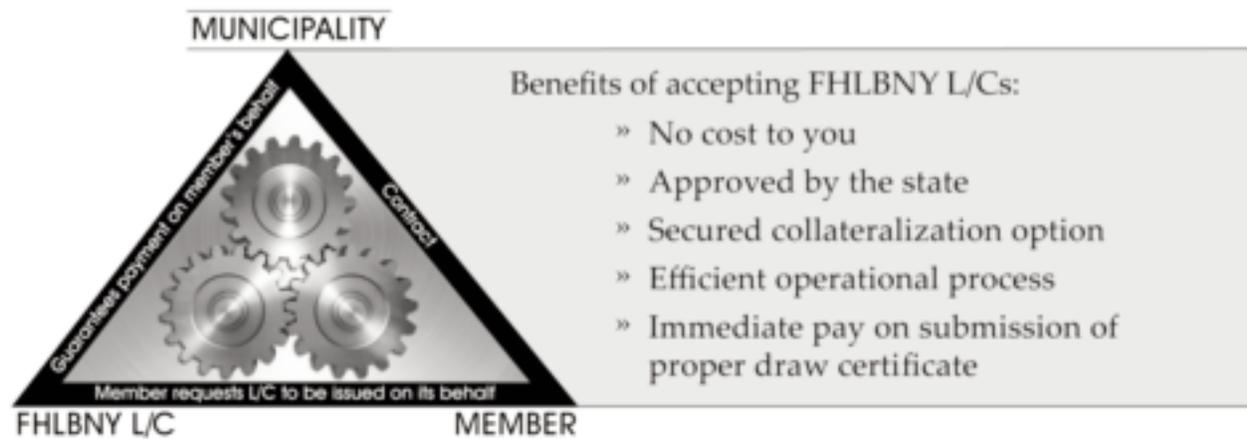
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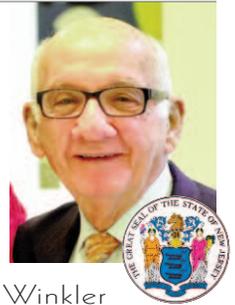


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It Takes a Team

Understanding Your Role in Breaking the Cycle of Hate



By Paul B. Winkler
Executive Director,
New Jersey Commission on
Holocaust Education

The issue of bullying, bias and prejudice among our children, in our communities and in the public and private workplace must be taken seriously. By working together, we can reduce the incidence of this very potent form of evil.

Intolerance and its violent expression affect all segments of our lives. It poisons the learning environment in many schools. Everyone, including the teachers, victims, bullies and those who stand by or speak up are discouraged by the negativity this behavior encourages. Too many of our students respond by becoming underachievers, skipping school and ultimately dropping out. Some even turn to drugs or suicide. Teachers burn out and move on to more positive workplaces.

In our towns and cities, the result of prejudice is disorder, criminality and chaos. The cost of policing soars, people move out and communities disintegrate.

In the workplace, biased practices and behavior result in lost productivity, absenteeism and even verbal and physical assaults.

Sadly, our failure to address the problem leads to the transfer of prejudice and violence to each successive generation. Agreeing that we must reduce bias, prejudice and intolerance is the first step.

Even as the last of the Holocaust survivors approach extreme old age, the belief system that that enabled the Holocaust is alive and well. Why does it continue? The New Jersey Commission on Holocaust Education believes the key to ending prejudice and hate lie in education.

Bullying and related issues of bias, prejudice and intolerance are usually based on differences such as race, color, religion or national origin, but they may be social issues, such as wealth, clothing, or housing. Prejudice may also be based on the desire for the power of one individual or group over another. Signs of prejudice include:



Most prejudice is based on the unwillingness or inability to know, understand or appreciate others.

- references to ethnic stereotypes;
- bias-oriented graffiti;
- ethnic jokes;
- fights or harassment between ethnic groups;
- ostracism;
- name calling and mockery relating to ethnic origin;
- reluctance of minorities to volunteer for group projects and activities; and,
- segregated interactions in formal or informal social settings.

JUST AS IT IS ATTITUDES
THAT CAUSE THE
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EDUCATION AND
PERSONAL ACTION THAT
WILL SOLVE THEM.

These issues when taken to a higher degree and combined scapegoating lead to atrocities: such as the Holocaust and other genocides, past and present, throughout the world. Ideologies of supremacy no doubt played a role in convincing terrorists to attack America on 9/11. These examples are the extreme, but prejudice plays a leading role in the violence that plagues mankind at all levels.

The "Triangle of Hate" and hate speech in general are examples of how supposedly simple statements may lead to isolation and eventually to the ultimate violence, genocide.

Why and how this escalation occurs is unknown. What can be done is the crucial question. Think about two people in a physical fight and how hard it is to stop. The task is to stop the incident before it happens, not after the



Paul Winkler makes a presentation on the Holocaust during Kidsfest at the Kidsbridge Museum at College of New Jersey in Ewing.

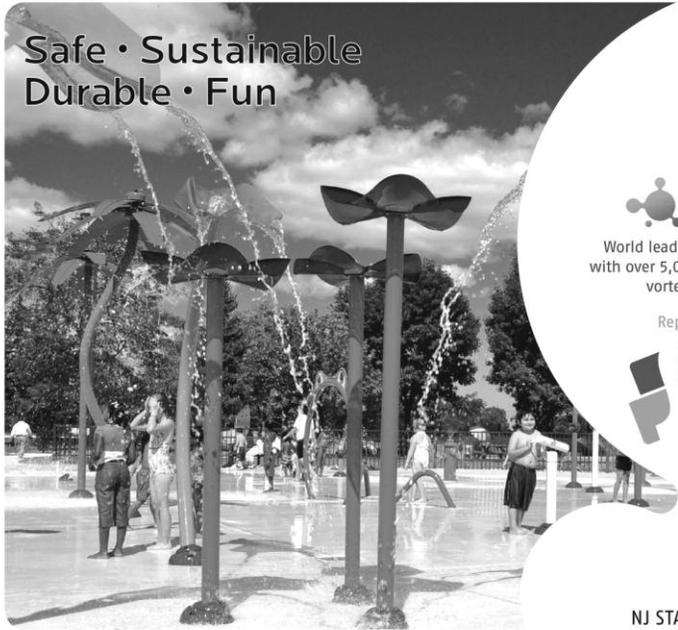
fact. As mentioned earlier, if all agree that bias must be stopped, we have taken a first big step, but there is much more to do.

Most prejudice is based on the unwillingness or inability to know, understand or appreciate others. Therefore, it is critical to set up and carry out pro-

grams that are geared to the idea of learning about all people in the workplace, school or community. The following story I believe demonstrates the need for this to occur.

Tim and David upon entering kindergarten on the first day begin to play with the trucks in the classroom. They

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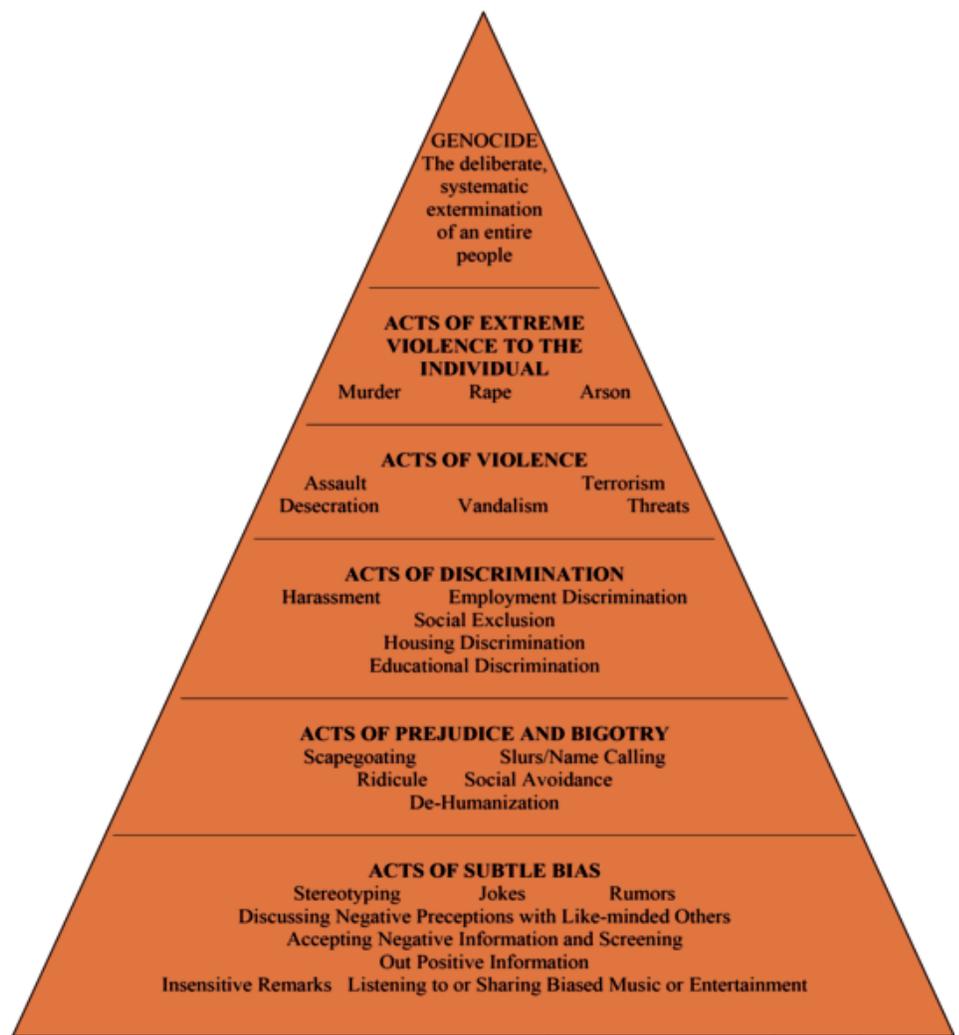
play together with the trucks whenever they get the chance. After months of the parents hearing the names of Tim and David, a play date is arranged and the mothers meet. The boys learn that they are of different races. Before, David and Tim never saw color, they only saw trucks.

By third grade, though, they are not playing with trucks and they hardly play or hang out together at all. By 5th grade they are sitting at separate tables in the cafeteria and by high school they sit in different sections at the basketball games. At graduation, Tim and David nod to each other with that remembrance of how much they liked each other.

This story demonstrates that prejudice is learned and therefore, acceptance, appreciation and respect can also be learned.

Prejudice is not inherited. Instead, it is learned: first from parents and then from an ever-widening circle of people and institutions. One of the pioneer scholars of racial prejudice, Gordon W. Allport, found that people learn bigotry in two basic ways: by adopting the prejudice of their parents and other family members and from the cultural environment, or by being raised in such a way that they acquire hatreds that sooner or later focus on minority groups.

This learning stage takes place between the ages of about seven and



TRIANGLE OF HATE

eleven and is characterized by the child's rejection of those who are the objects of the parents' prejudices.

In this stage, Allport and other researchers found, the child tends to go overboard. If blacks are the hated group, the child blindly condemns all blacks and sees in them no good qualities, no redeeming features. The prejudiced child, by around the fifth grade, has mastered the proper bigoted phrases, even if he or she still hasn't quite given up a fairly democratic style of behavior toward the hated group.

He or she may make bigoted remarks while still playing with children from the group she or he is talking against. It takes a few more years for the child to move from just parroting slurs to adopting a prejudiced system of action and belief.

Typically at this stage the child, now a teenager, no longer claims that all people of the hated group have no

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good features and is willing to concede them some good attributes. But unfortunately, the behavior of the prejudiced young person begins to harden into the familiar pattern of adult bigotry, which is most likely shared by his or her family.

**PREJUDICE IS NOT
INHERITED. INSTEAD,
IT IS LEARNED: FIRST
FROM PARENTS AND
THEN FROM AN
EVER-WIDENING CIRCLE OF
PEOPLE AND INSTITUTIONS.**

The only good news is that it takes the entire period of childhood and much of adolescence to learn prejudice. This provides a window of opportunity to break the chain through education.

Beyond education, another way to make people more tolerant is to encourage "upstander" behavior. An upstander is a person who stands up for other people. When someone speaks out against an ethnic joke or demeaning gossip, the "triangle of hate" is broken. Expressions of prejudice can be short circuited before they escalate and become entrenched. At this point in the cycle, an upstander does not need to risk his or her life, as those who oppose full blown genocides sometimes must.

Commit yourself and your children to never letting an ethnic slur or joke pass without a remark. To remain silent sends the message that you are in agreement with such behavior or attitudes. Distinguish between categorical thinking and stereotyping. For example, "redheads" is a category, but "redheads have fiery tempers" is a stereotype.

These measures demonstrate that acts of bias are not accepted and that schools, communities and workplaces are safe environments both physically and socially.

The following story from the book "Teammates," by Peter Golenbock, is a good example how important it is to be an upstander. It tells the story of

how Jackie Robinson broke the color barrier in professional baseball. Day after day, despite horrible language and acts of prejudice even by his teammates, Jackie Robinson withstood the insults and played ball. One day, when the prejudice reached a high level, Robinson's teammate Peeewe Reese (a caucasian) put his arm around Jackie's shoulder and they walked off the field together. That single act helped to break the cycle of bias and prejudice. Jackie spoke often of the courage and

kindness of Peeewe. And Reese told his family how good he felt the day he helped another.

This brings us full cycle. Because, just as it is attitudes that cause the problems in our schools, communities and workplaces, it is our commitment to changing those attitudes through education and personal action that will solve them. Please encourage those in your community to stand against bias, prejudice and intolerance wherever and whenever they exist. ▲

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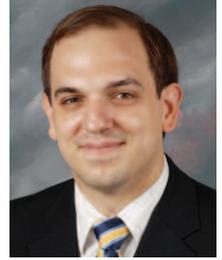
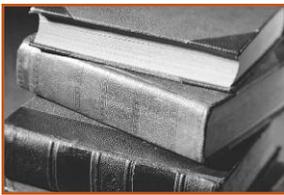
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Incomplete Bids and Employee Discipline in Civil Service Towns

By Matthew Weng, Esq.
NJLM Staff Attorney

Q We recently prepared a bid package for work that needed to be done in town. The lowest bid was by a company that we trust and that we know does good work. However, the bid they submitted was not entirely complete. I know that minor irregularities can be waived (and we included language to that effect in the specifications), but what does that mean? Do we have to award the bid to the next lowest bidder?

A In general, towns accepting bids have very little leeway to waive anything other than a minor irregularity. A minor irregularity is one that, if waived, would not give one bidder an advantage over another. Courts have been very strict in limiting the ability to waive errors and omissions; in fact, "strict compliance is required, and a municipality generally is without discretion to accept a defective bid." *Meadowbrook Carting Co. v. Borough of Island Heights*, 138 N.J. 307, (1994).

In Meadowbrook, the low bidder failed to include three documents: the consent of surety, certificate of insurance, and an ownership disclosure statement. The Supreme Court set out two standards that should guide municipalities in deciding whether or not to waive a defect:

1. Whether the effect of the waiver would be to deprive the municipality of its assurance that the contract will be entered into, performed and guaranteed according to specification requirements;
2. Whether it is of such a nature that its waiver would adversely affect competitive bidding by placing the bidder in a position of advantage over other bidders or by otherwise undermining the necessary common standard of competition.

The Supreme Court was most concerned about the failure to include the consent of surety. Despite the fact that it may cause increased costs for local contracting units, they determined that this is not a curable defect and the bid, even if lowest, must be rejected.

From a practical standpoint, however, attempting to cure even a minor defect or irregularity will, in many cases, involve litigation with other bidders who believe they are now at a disadvantage. In most cases, the most prudent course is to reject all bids and re-advertise the bid.

Q We are a civil service town. I'd like to know what the restrictions and processes are for disciplining an employee.

A The Civil Service Law does provide some protections to employees facing "major discipline." In general, the

law defines major discipline as termination, demotion, or a suspension of more than five working days. In general, anything less than this is considered minor discipline and the Civil Service Laws do not normally apply.

Under Civil Service regulations, major discipline is only available for the following reasons:

1. incompetency, inefficiency or failure to perform duties;
2. insubordination;
3. inability to perform duties;
4. chronic or excessive absenteeism or lateness;
5. conviction of a crime;
6. conduct unbecoming a public employee;
7. neglect of duty;
8. misuse of public property, including motor vehicles;
9. discrimination that affects equal employment opportunity (as defined in N.J.A.C. 4A:7-1.1), including sexual harassment;
10. violation of federal regulations concerning drug and alcohol use by and testing of employees who perform functions related to the operation of commercial motor vehicles, and State and local policies issued thereunder;
11. violation of New Jersey residency requirements as set forth in P.L. 2011, c. 70; and,
12. other sufficient cause.

"Other sufficient cause" has in the past included abuse of an institutional client, a history of persistent minor offenses taken cumulatively, and a threat of assault against a coworker.

Prior to any major discipline, the employee must be serviced with a Preliminary Notice of Disciplinary Action, which must include the nature of the charges, any facts supporting those accusations, and the specific penalty the town seeks to impose. With limited exceptions, the employee must also receive a hearing before receiving any major discipline if they request it.

The hearing is held before the appointing authority or its representative. The employee may be represented by an attorney and cannot be cross examined unless they choose to testify. The appointing authority has 20 days to issue their decision, which may then be appealed to the Civil Service Commission. ▲

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The ADA, FMLA and Workers Comp.

A Careful Approach Can Control Costs



By John H. Geaney, Esq.
Capehart Scatchard, P.A.

Workers' compensation laws, the Americans with Disabilities Act (ADA) and the Family and Medical Leave Act (FMLA) are often interrelated. Considering each law as a separate legal silo is generally a mistake.

The workers' compensation system involves the provision of three benefits: medical, temporary disability (wage replacement) and permanent disability (partial or total). Job protection is not provided under workers' compensation laws. On the other hand, job protection and return-to-work issues are central to the FMLA and ADA.

All three areas of law are undergoing changes, and this article highlights some of trends public employers are encountering.

Workers Comp. Trends Workers' compensation costs are rising sharply in New Jersey because medical costs are outpacing increases in indemnity benefits. While private and public employees are paying a larger share of their health care, workers' compensation coverage has become particularly attractive because the employer pays all medical costs.

Surgery in New Jersey is compensated much higher in workers' compensation than in any other reimbursement system. Currently, medical costs account for about 60 percent of every workers' compensation dollar. With no workers' compensation fee schedule, still higher medical costs are inevitable.



Treating doctors need to ask about prior chiropractic care, prior car accidents, prior MRIs and secondary employment in order to determine if the condition is work related or preexisting.

In this environment, public employers must be more vigilant about investigating workers' compensation claims. The following paragraphs highlight some basic steps public employers should consider.

WORKERS' COMPENSATION COVERAGE HAS BECOME PARTICULARLY ATTRACTIVE BECAUSE THE EMPLOYER PAYS ALL MEDICAL COSTS.

Work with third party administrators and carriers in selecting qualified treating doctors who understand the importance of taking a past medical history. Treating doctors need to ask about prior chiropractic care, prior car accidents, prior MRIs and secondary employment in order to determine if the condition is work related or pre-existing. Doctors also need to understand the mechanism of injury and the specific job duties in order for the municipality to make an informed decision on whether to accept or deny a claim. For example, if a physician is asked whether a clerical worker has work-related carpal tunnel syndrome, the physician must know the frequency of repetitive work, the specific job duties as well as non-work activities.

Require complete, handwritten accounts. Employee accident forms should be used with employees describing in their own handwriting how the injury happened, whether the employee had prior treatment or non-work accidents in the past, second job information and outside hobbies and recreational activities.

Consider surveillance. When appropriate, surveillance should be considered to verify the alleged restrictions and limitations of the claimant. The New Jersey Workers' Compensation Act has its own built-in fraud statute at N.J.S.A. 34:15-57.4. In *Dubrel v. Maple Crest Auto Group*, No. A-3321-10T3 (App. Div. January 30, 2012), the Appellate Division affirmed the dismissal of a case for fraud where the claimant testified he could no longer ride or

train horses because of his work injury. Investigation proved he was still extremely active in both activities, contrary to his testimony in court.

In *Jackson v. Twp. of Montclair*, No. A-2212-11T2 (App. Div. July 5, 2012), the Appellate Division affirmed the dismissal of a claim where the employee misled various doctors about not having any prior leg injuries. It turned out that the torn knee condition originally thought to be from the workers' compensation accident had been diagnosed on an MRI one year earlier from a car accident for which there was an active civil litigation. The Judge of Compensation not only dismissed the case for fraud but ordered the claimant to pay back \$17,000 to the township.

Put in place a light duty program. Strong light duty programs remain critical to cost savings. If an employee refuses an offer of light duty, the employer has a right to terminate wage loss benefits. Because many public employers pay full salary under workers' compensation, light duty is particularly important in the public sector.

Recent FMLA Cases Almost every lengthy absence under workers' compensation is an FMLA event. To receive temporary disability benefits in workers' compensation, one must be absent more than seven days, but a serious health condition under the FMLA only requires incapacity of more

than three days.

The FMLA provides job protection for a period of 12 weeks. Absences under the FMLA cannot be held against an employee in terms of an attendance policy. Employers have a right to run workers' compensation absences concurrent with the FMLA, subject to provisions in the collective bargaining agreement. This makes good sense but if it has not been the past policy of the municipality, it will likely require negotiation.

Adopting effective sick leave policies is crucial because sick leave policies can be enforced on employees who are out on FMLA. In *Callison v. City of Philadelphia*, 430 F.3d 117, (3d Cir. 2005), the plaintiff was suspended after he was found not to be home while out on FMLA leave. The Third Circuit upheld a city policy that required employees on sick leave (including FMLA) to notify their supervisor when leaving home or returning home. Investigators would sometimes make sick leave visits to the home of employees on leave. The Court dismissed plaintiff's FMLA suit and held that the FMLA does not trump the terms of a sick leave policy.

In *Pellegrino v. Communication Workers of America*, AFL-CIO, 2012 U.S. App. LEXIS 7902 (3d. Cir. 2012), the Third Circuit held that an employer could terminate an employee who took a week to travel to Cancun, Mexico with-

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out permission during her FMLA leave. The employer argued that the travel to Mexico was contrary to the sick leave policy which required employees on sick leave to notify the employer if they were leaving the area.

Public employers must provide training to supervisors about the FMLA because supervisors can be sued personally for violations of the FMLA. *Haybarger v. Lawrence County Adult Probation and Parole*, 667 F.3d 408 (3d. Cir. 2012).

Recent ADA Developments The 2009 ADA Amendments Act (ADAAA) was passed to expand coverage and prevent employers from winning ADA cases by arguing that the employee does not have a covered disability. One way the ADAAA expands coverage is by adding a new category of protection for those with substantial limitations of "major bodily functions," which are defined to include neurological or musculoskeletal systems well as other bodily systems. Most workers' compensation claims involve musculoskeletal injuries.

The return-to-work stage is where ADA issues most often arise. Under New Jersey workers' compensation law, employers can terminate medical and temporary disability benefits at maximal medical improvement. The return-to-work issue is often not addressed until after the point of maximal medical improvement. Injured employees whose compensation benefits have been terminated often request certain accommodations in order to return to work. Even if an employee has a covered disability, an employee must still show that he or she can perform the essential job functions with or without reasonable accommodation.

Some workers who suffer serious work injuries cannot safely return to work without posing a direct threat of harm to themselves or others. Public employers can use functional capacity examinations (FCEs) to help decide whether the employee can safely perform the essential job functions. FCEs provide objective and scientific evidence correlating the abilities of the

worker with the requirements of the job. Using knowledgeable physicians for fitness evaluations is essential.

Employers should not make unilateral decisions to terminate employees following a period of disability. The EEOC emphasizes the need for an interactive dialogue, exploring all possible accommodations such as reassignment to a vacant job for which the employee may be qualified and the employer has a need. Additional leave for a defined period may also be considered a reasonable accommodation.

During the interactive dialogue, the potential for a disability pension may be raised. When an injured public employee obtains an accidental disability pension, there is a dollar-for-dollar offset against workers' compensation benefits. There may also be a compensation offset against an ordinary disability pension.

In the coming years, public entities will likely see an increase in ADA and FMLA issues arising from workers' compensation, but well-trained employers can manage these laws effectively. ▲



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How Recent Legislation Will Affect Wireless Approvals



By Jonathan E. Drill, Esq.
Stickel, Koenig, Sullivan & Drill

It makes good sense for telecommunication companies to place as many antennas as possible on existing towers, where it is technically and economically feasible. This reduces the need to build new towers. It helps the tower owners to maximize their assets by adding as many tenants as possible. This process, called collocation, is encouraged by the FCC.

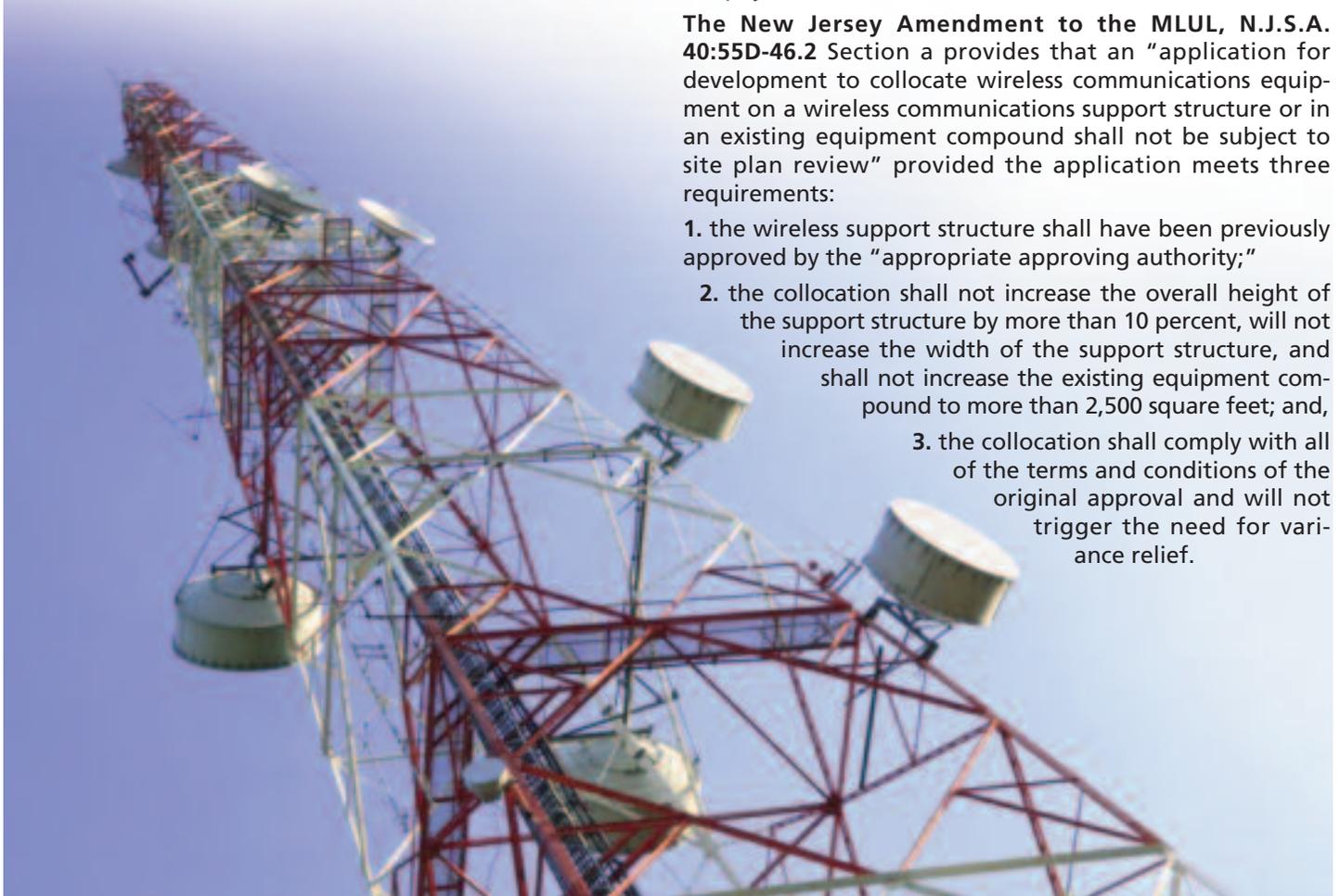
With this in mind, two recent enactments, one state and one federal, regarding collocation of wireless communications equipment on existing structures and modifications to existing towers warrant attention by municipal zoning and construction officials and land use boards.

The first, New Jersey P.L.2011, c.199, codified at N.J.S.A. 40:55D-46.2 (signed into law on January 17, 2012), amends the Municipal Land Use Law (MLUL) to exempt from site plan review certain types of applications to collocate wireless communications equipment on an existing support structure or in an existing equipment compound.

The second, P.L. 112-96 s. 6409, codified at 47 U.S.C. 1455 (signed into law on February 22, 2012) prohibits state and local governments from denying a request by an "eligible facility" to modify an existing wireless tower or base station, provided the modification does not "substantially change" the physical dimensions of such tower or base station.

The New Jersey Amendment to the MLUL, N.J.S.A. 40:55D-46.2 Section a provides that an "application for development to collocate wireless communications equipment on a wireless communications support structure or in an existing equipment compound shall not be subject to site plan review" provided the application meets three requirements:

1. the wireless support structure shall have been previously approved by the "appropriate approving authority;"
2. the collocation shall not increase the overall height of the support structure by more than 10 percent, will not increase the width of the support structure, and shall not increase the existing equipment compound to more than 2,500 square feet; and,
3. the collocation shall comply with all of the terms and conditions of the original approval and will not trigger the need for variance relief.



Two recent enactments, one state and one federal, regarding collocation of wireless communications equipment on existing structures and modifications to existing towers warrant attention by municipal zoning and construction officials and land use boards.

This new provision raises a fundamental question: who determines in the first instance whether the application is exempt from site plan review—the local land use board or the construction or zoning official? Industry attorneys have argued that these applications can be dealt with entirely administratively. I disagree and believe that it is the land use board that should determine whether the applicant has satisfied the three requirements so as to qualify for a site plan review exemption.

**IT IS NOT FOR
THE ZONING OR
CONSTRUCTION OFFICIAL
TO DETERMINE WHETHER
THE COLLOCATION
APPLICATION SHOULD
BE EXEMPTED FROM SITE
PLAN REVIEW; IT IS UP TO
THE LAND USE BOARD.**

N.J.S.A. 40:55D-46.2a states that an “application for development” to collocate wireless communications equipment is exempt from site plan review if the above-listed requirements are satisfied. The MLUL defines the term “application for development” as meaning “the application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance or direction of the issuance of a permit pursuant to [N.J.S.A. 40:55D-34 or N.J.S.A. 40:55D-36].” Therefore, “application for development” to collocate as used in N.J.S.A. 40:55D-46.2a means an application to the land use board for site plan approval – or exemption therefrom – to allow the collocation, not an application to the construction official or zoning officer for a zoning or construction permit. It is not for the zoning or construction official to determine whether the collocation application should be

exempted from site plan review; it is up to the land use board.

Further support for this argument lies in the statutory requirements themselves. Although the first two requirements are objective and involve no analysis, the third requirement – that “the proposed collocation (a) shall comply with the final approval of the wireless communications support structure and all conditions attached thereto, and (b) shall not create a condition for which variance relief would be

required under [the MLUL] or any other applicable law, rule or regulation” – is more ambiguous and requires fact-finding and analysis.

The following scenario illustrates this ambiguity. An applicant obtains site plan approval to construct a 112-foot high monopole and equipment compound. The use is prohibited in the zone, so the applicant also obtains a “d(1)” use variance. The monopole exceeds the maximum permitted height by more than 10 feet or 10 percent



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(see, N.J.S.A. 40:55D-70(6)), so the applicant also obtains a "d(6)" height variance. The board allows only one carrier on the monopole or in the equipment compound, and prohibits further increases to the tower's height. A carrier now submits a collocation application pursuant to N.J.S.A. 40:55D-46.2, for which it will need to increase the height of the tower by 11 feet. The proposal to add a second carrier to the tower, even though allowed pursuant to N.J.S.A. 40:55D-46.2, violates the terms of the d(1) variance; the proposal to increase the height of the tower, although within the 10 percent limitation set forth in N.J.S.A. 40:55D-46.2, triggers the need for another "d(6)" height variance because it raises the height of the tower by more than 10 feet. Pursuant to the terms of N.J.S.A. 40:55D-46.2, then, the proposed collocation would not be exempt from site plan review and approval. The analysis leading to this conclusion, however, is one that should be undertaken by the land use board, not the construction or zoning official.

Section 6409 of the Middle Class Relief and Job Creation Act of 2012, 47 U.S.C. 1455 This law provides that a "State or local government may not deny, and shall approve, any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base

station." An "eligible facilities request" is defined under the Act as any request for modification that involves "(A) collocation of new transmission equipment; (B) removal of transmission equipment; or (C) replacement of transmission equipment." The Act does not define "substantial change."

Industry attorneys have argued that "substantial change" should be defined in accordance with a 2001 agreement that the Federal Communications Commission (FCC) entered into with the National Conference of State Historic Preservation Officers and the Advisory Council on Historic Preservation governing the collocation of wireless antennas on sites listed or eligible for listing in the National Register of Historic Places, commonly referred to as the "Historic Places Collocation Agreement". The Agreement does not actually define "substantial change." Rather, it addresses "substantial increases" in the size of communication towers, which it defines as "mounting of a proposed antenna on the tower [that] would increase the existing height of the tower by more than 10 percent" or "mounting of the proposed antenna [that] would involve adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater."

In my opinion, the Historic Places Collocation Agreement should not be used to define "substantial change." The agreement does not deal with the subject matter of 47 U.S.C. 1455; it only addresses collocation on towers located within 1,000 feet of sites listed or eligible for listing on the National Register. Moreover, it is only an agreement among three federal entities; it is not FCC rule or regulation. Although the FCC recently published a Public Notice on January 25, 2013 which states that "substantial change" should be defined in accordance with the Historic Places Collocation Agreement, this does not change my opinion because the Public Notice is not a FCC rule or regulation.

Some attorneys have argued that 47 U.S.C. 1455 preempts the discretionary review process conducted by a land use board and subjects "eligible facility requests" only to a non-discretionary administrative review process conducted by the municipal zoning or construction official. I disagree. The "substantial change" standard contained in 47 U.S.C. 1455 is subjective and calls for a case-by-case analysis to determine when a proposal involving a change in the physical dimensions of a support tower must be approved. Moreover, nothing in the statute indicates any intention to preempt local land use board review. To the contrary, the statute states that a modification request must be approved if it does not substantially change the physical dimensions of the tower or base station.

How can the request be evaluated for substantial changes without a discretionary review? The very fact that the "substantial change" standard is a subjective standard calls for discretionary review by the land use board, not ministerial review by the construction official or zoning officer.

I submit that both applications pursuant to N.J.S.A. 40:55D-46.2 and applications pursuant to 47 U.S.C. 1455 properly belong before the land use board that is charged with reviewing development applications, and not the construction official or zoning officer. In my opinion, a zoning or construction official faced with such an application should decline to issue permits and should instead refer the application to the appropriate board. ▲

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Why the Pension Crisis in New Jersey Will Not Be Fixed



By Edward J. McManimon, III
League Associate Counsel;
McManimon & Scotland, LLC

Government pensions are basically like social security. So long as the amount in the system from previous contributions, current contributions and investments is greater than the annual withdrawal for the retirees, then it remains solvent and is a reliable source of income for those for whom it is intended.

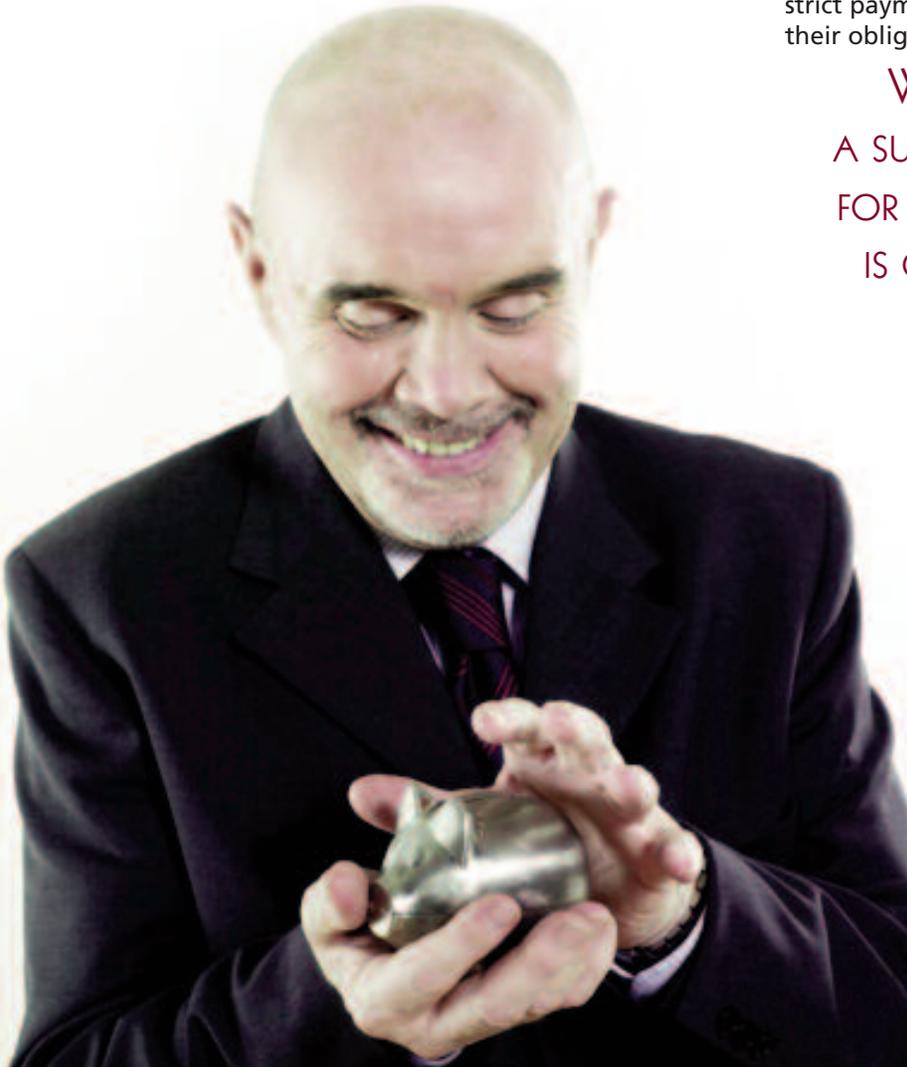
For years now the view has been that the state and local government pension systems are significantly underfunded and may become insolvent as soon as within the next five to 10 years. Certainly it seems to be a serious drain on the state Treasury as the state struggled to meet even a modicum of its obligations. Meanwhile the state has imposed strict payment obligations on the local governments to pay their obligations to such funds in full.

WHILE THE SYSTEM BEGS FOR A SUBSTANTIVE CHANGE, THE PUSH FOR STATE LEADERS TO CONSIDER IT IS OFFSET BY THE BENEFIT OF THE CURRENT CASH FLOW.

Pension fund payments have been a drain on the treasuries of most local governments. At least on the surface, it appears that these government pension systems need a serious fix. Rhode Island recently revised its pension system by switching a portion of its obligations for current and future employees from a defined benefits pension obligation to a 401(k) system. The move dramatically reduced its actuarial obligation to the system and created a more sustainable, affordable system for the future. Rhode Island is now in the process of providing similar changes to the pension systems of its 39 municipalities.

Such a program provides employees with a retirement plan that is similar to that of most private companies. Virtually every private company came to this conclusion and made similar changes years ago. Few private pension systems still exist. The simple reason is that they are too expensive.

So I figured somebody in New Jersey would be seriously considering what Rhode Island is doing for a start. (Increasing employee contributions is not a real solution.) It seems like an obvious solution, considering the significant underfunding by the state and the ever increasing obligations of a defined benefits



A changeover to 401(k) type system for public employees would certainly fix the long term problem, but it would also remove the annual "contributions" from employees as well as contributions from the state and local governments to the pension systems. This change would significantly affect the cash flow to the state from investments and highlight the significant and rising deficit from underfunding the pension system.

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Amount in Millions					
State:			Local:		
2006	\$1,450.80	\$164.4	2006	\$678.1	\$353.8
2007	\$1,778.6	\$1,023.2	2007	\$842.5	\$605.6
2008	\$2,089.8	\$1,046.1	2008	\$1,089.1	\$993.4
2009	\$2,230.7	\$106.3	2009	\$1,168.7	\$1,043.9
2010	\$2,518.8	\$0.0	2010	\$1,281.1	\$1,281.1
2011	\$3,060.5	\$0.0	2011	\$1,611.3	\$1,611.3
2012	\$3,388.7	\$484.2	2012	\$1,736.9	\$1,736.9
Subtotal	\$16,517.9	\$2,824.2	Subtotal	\$8,407.7	\$7,626.0

system. At least that is what I thought until I read a recent article prepared by Lou Neely, the long time Chief Financial Officer for East Brunswick Township, for the New Jersey Tax Collectors and Treasurers. The article raised the issue of whether the New Jersey public employee pension "crisis" had any chance of being resolved. What that article and a subsequent conversation with him left me asking was whether there was any incentive for the state to even consider fixing the current system.

Why is the obvious solution not even being considered? To understand it, see the chart prepared by Lou Neely on the current status of the state and local pension systems for the past seven years. As of June 30, 2011, the overall value of the assets was \$74.7 billion. More recently it was down to about \$67 billion. Approximately 62 percent of that value is attributable to local government employees and 38 percent to state employees. I have not verified these amounts or the percentages and they are presented for perspective only. However, they reflect a state workforce of 95,000 employees and a local government workforce of 214,000 employees.

The chart shows is that the recommended actuarial contribution over the seven year period was \$24,925,600,000 while the actual contribution for both state and local systems was only \$10,450,200,000. Even more obvious is that most of this shortfall is at the state level.

Neely also notes, however, that there is some good news financially for property taxpayers in that more than 29,000 state and local employees have retired in the last 22 months. These retirements have resulted in a smaller work force and lower payrolls.

What Neely's article does not point out, but was made clear in a conversation with him, is that the current cash flow from the investment of the overall pot of money when combined with the reduction in the workforce results in the amount of funds currently available being sufficient to keep the system solvent for now with a solvent projection forward. This is in spite of the numbers and the rising and unsus-

tainable deficit. (The current system has enjoyed recent investment returns in excess of 18 percent which is divided between the State and Local Funds.)

This income and new staffing level, of course, masks the real long term problems and allows the state to continue deferring further consideration of real solutions. Obviously, these levels of investment returns are not sustainable and could just as easily go the other way in future years. Those investing such funds with these results should be complimented, but with caution if the expectations are that it will continue indefinitely and serve as a substitute for prudent decision making. The current returns remove the pressure to actually fix the system or adopt a full or partial 401(k) system.

A changeover to 401(k) type system for all or some portion of the system (like Rhode Island's) would certainly fix the long term problem, but it would also remove the annual "contributions" from employees as well as contributions from the state and local governments to the pension systems. Instead, those amounts would go to a separate 401(k) type trustee. This change would significantly affect the cash flow to the state from investments and highlight the significant and rising deficit from its underfunding.

So, while the system begs for a substantive change, the push for state leaders to consider it is offset by the benefit of the current cash flow. The situation has temporarily masked the long term problem. When that consideration is coupled with the obvious desire of the public employees and unions to keep the current system, it seems quite clear that no change is imminent. ▲



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League Provides Hurricane Recovery Information and Advocacy

The League has arranged several special meetings to assist municipalities in the aftermath of Super Storm Sandy. In addition the League staff, Executive board members and officers and leaders of the affected communities have been working together to advocate for hurricane assistance and to share key information.

Throughout the month of November, the League worked with state and federal agencies to produce 20 updates on the key recovery information for you, your residents and your local businesses. A new page on the NJLM website is dedicated to Sandy updates (www.njslom.org/hurricane-sandy.html).

On November 28 NJLM held its first seminar on Sandy response. The meeting featured presentations by representatives from FEMA, the Army Corps of Engineers, the New Jersey Office of Emergency Management and the federal Small Business Administration. Experts also discussed pressing issues such as property assessment and collection issues and municipal insurance matters.

In early December, when President Obama asked Congress to pass a supplemental Sandy relief funding bill, NJLM President and Mayor of East Windsor Township Janice S. Mironov and NJLM First Vice President and Mayor of Stone Harbor Suzanne Walters wrote to House Speaker John Boehner and Senate Majority Leader Harry Reid. Their letter explained the needs of New Jersey municipalities and asked for swift action on the supplemental funding.



NJLM President and Mayor of East Windsor Township Janice S. Mironov speaks during a meeting with representatives of JCP&L and the Board of Public Utilities on January 3 in Eatontown. Also pictured (l to r) are Donald Lynch, President JCP&L and Mary Beth Brenner, Chief of Staff, New Jersey Board of Public Utilities.

The League also made the New Jersey congressional delegation members aware of the importance of the bill. The League plans to continue to advocate for action on recovery assistance.



NJLM Past President and Mayor of Hope Township and the Chair of NJLM's Emergency Management Task Force Timothy C. McDonough addresses a meeting of local elected and appointed officials with representatives of JCP&L on January 3 in Morristown.



Verona Mayor and the Vice Chair of NJLM's Emergency Management Task Force, Frank J. Sapienza and Everton Scott, Senior Regional Public Affairs Manager, PSE&G sit in the first row at the meeting held with PSEG on January 22 in Woodbridge.

Members of the League's Legislative team are also following S-2206/A-3255, the "Reliability, Preparedness and Storm Response Act," which was introduced in response to the storm. This legislation would require public utilities to file certain information concerning emergency preparedness with the Board of Public Utilities and increase penalties. We are also reviewing and monitoring other bills introduced regarding accountability by the utilities.

On January 3, NJLM hosted the first of several meetings with New Jersey energy utilities. Mayors of municipalities in the Jersey Central Power and Light Co. service area had two oppor-

THROUGHOUT THE
MONTH OF NOVEMBER,
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WITH STATE AND FEDERAL
AGENCIES TO PRODUCE
20 UPDATES ON THE KEY
RECOVERY INFORMATION
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tunities to meet JCP&L executives and with representatives of the Board of Public Utilities and the State Police. A meeting on January 22 gave mayors in PSE&G areas the same opportunity.

On January 23, NJLM held the second of its two Sandy recovery seminars at the Conference Center at Mercer in West Windsor. That seminar included presentations on utility response to the storm, environmental matters, public procurement, ratable loss and legal issues.

We will continue our efforts to assist in addressing the needs and comments of our Mayors, and will continue to keep you apprised of progress and opportunities. ▲



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21st Annual Mayors' Legislative Day a Success

On February 6 over 150 mayors from all around New Jersey gathered for the League's 21st Annual Mayors' Legislative Day. The meeting opened with League President Janice S. Mironov, Mayor of East Windsor Township, asking key Christie Administration leaders to outline their priorities for the coming year.

Department of Community Affairs (DCA) Commissioner Richard Constable talked about new resources that the DCA has made available to help meet the needs of municipalities and of individuals impacted by Hurricane Sandy.

The Department of Environmental Protection (DEP) Chief Advisor to the Commissioner Ray Camtor discussed the department's response to the Super Storm, including efforts to assist municipalities that were devastated.

Department of Transportation (DOT) Commissioner Jim Simpson discussed the availability of Local Aid for roads, bridges and for planning and developing pedestrian and biking alternatives.

Board of Public Utilities (BPU) Commissioner Joseph L. Fiordaliso talked about the need to hold utilities accountable for unacceptable maintenance and timely repair of equipment, conduits and rights of way, and of the need to modernize utility operations.

This was followed by a taping of NJTV's "On the Record," hosted by award winning State House reporter Michael Aron. The opening panel included League President Janice Mironov, Assembly Speaker Sheila Oliver, Senate President Steve Sweeney, Assembly Republican Leader Jon Bramnick, Assembly Budget Committee Chair, Assemblyman Vincent Prieto, State Senate Budget and Appropriations Committee Chair Senator Paul Sarlo, and Assemblyman Scott Rumana.



Paul Stauder, Senior Vice President for Domestic Business Management, Covanta Energy Corporation, accepts the NJLM Educational Foundation's 2012 Outstanding Corporate Citizen award on behalf of Covanta Energy Corporation from NJLM President Janice S. Mironov.

At the conclusion of the videotaping, the panel was joined by League First Vice President, Mayor Suzanne Walters of Stone Harbor, Fanwood Mayor Colleen Mahr and League Board Member and Irvington Mayor Wayne Smith.

One topic that generated enthusiastic support from State Legislators and Mayors alike was the need to end the state's diversion of Energy Tax funding. Legislators stated their agreement that the Energy Receipts do belong in local coffers and their hope to begin to address the problem this year.



The day included a taping of NJTV's "On the Record," hosted by award winning State House reporter Michael Aron. The panel included (l to r) League First Vice President and Mayor of Stone Harbor Suzanne Walters; State Senate Budget and Appropriations Committee Chair Senator Paul Sarlo; Assembly Speaker Sheila Oliver; Assemblyman Scott Rumana; Irvington Mayor and NJLM Executive Board Member Wayne Smith; Fanwood Mayor Colleen Mahr; Senate President Steve Sweeney; League President and East Windsor Township Mayor Janice S. Mironov; "On the Record" reporter Michael Aron; Assembly Budget Committee Chair Assemblyman Vincent Prieto; and Assembly Republican Leader Jon Bramnick.

Legislators also discussed the need to renew limits on arbitration awards, before they expire in 2014. Also discussed were (1) the need to eliminate impediments to shared services, particularly civil service mandates; (2) the imposition of penalties on municipalities that do not share services; (3) the impact of school taxes on citizens and businesses; (4) the need for strict limits on unused sick leave

payouts; and the (5) impact of the 2 percent cap.

Lieutenant Governor Kim Guadagno detailed her economic redevelopment initiatives and discussed issues related to the Hurricane Sandy recovery. With unprecedented openness, the Lieutenant Governor shared her cell phone number and invited local officials to contact her at any time on matters of mutual concern. ▲

Thirteenth Annual Elected Officials Hall of Fame Recognizing Decades of Leadership



Members of the 2012 Elected Officials Hall of Fame pose with League President Janice S. Mironov following their induction on February 6, 2013.

To recognize the many municipal governing body members who have selflessly served their communities for 20 years or more, the League created the Elected Officials Hall of Fame.

This year's recipients were inducted into the Elected Officials Hall of Fame during the League's Annual Mayors Legislative Day in Trenton on February 6, 2013. League President Janice S. Mironov, the Mayor of East Windsor Township, was pleased to recognize these individuals for

their tremendous commitments of time and energy: "These elected officials are to be commended for their willingness to give of their time and energy for the public good. They have provided essential leadership to their communities through good times and bad, often with little recognition."

League Executive Director Bill Dressel marveled at the experience of the Hall of Fame inductees. "It's an honor to share the stage with you—in this room we probably have a total of over a thousand years of experience in local elected office. The wisdom and personal sacrifice that represents is an inspiration to everyone who serves in local government."

Members of this year's Hall of Fame, along with those of previous years,

form a backbone of experience and commitment that is essential to the League's lobbying efforts.

The Elected Officials' Hall of Fame is reserved for those governing body members, active and retired, who have served 20 years in elected municipal office. The list of officials inducted this year is below. To view the full list, visit the League's web site at www.NJSLOM.org. To nominate an official, contact League Assistant Executive Director Michael Darcy at 609-695-3481, ext. 116.

Members of the 2012 Elected Officials Hall of Fame

Mayor Peter C. Elco, Absecon City
 Mayor Paul H. Tomasko, Alpine Borough
 Councilman George M. Warr, Barnegat Light Borough
 Alderman Paul Nevadomski, Boonton Town
 Mayor John Sanford, Branchburg Twp.
 Committeeman Cosmo Laurella, Deerfield Twp.
 Alderman James A. Visioli, Dover Town
 Mayor J. Christian Bollwage, Elizabeth City
 Councilperson Sharon Shutzer, Freehold Borough
 Councilwoman Leslie G. Hamilton, Hardyston Twp.
 Deputy Mayor George H. Beatty, Hope Twp.
 Councilman Douglas E. Witte, Sr., Lake Como Borough

Councilman Elmo Mengucci, Lopatcong Twp.
 Mayor Michael Fressola, Manchester Twp.
 Mayor Joseph E. Wolk, Mount Ephraim Borough
 Councilwoman Barbara Shafer, Neptune City
 Mayor Harry L. Wynat, Jr., Phillipsburg Town
 Councilman at Large Salvatore Mione, Rahway City
 Councilwoman at Large Nancy Saliga, Rahway City
 Mayor Fred A. Henry, South Amboy City
 Committeeman C. Edman Budd, Southampton Twp.
 Committeeman Charles M. Gross, Stillwater Twp.
 Committeeman Michael A. Kovacs, Washington Twp. (Warren)
 Mayor Shing-Fu Hsueh, West Windsor Twp. ▲



Former Farmingdale Mayor and Active Legislative Committeemember Schauer Will Be Missed

Edward A. Schauer, MD, 87, a former mayor of Farmingdale, passed away peacefully on January 26, 2013 in Wall.

Dr. Edward Schauer served on the Farmingdale Borough Council from 1991 until November 1996 when, upon the passing of Mayor Marguerite (Peg) Cusson, he was chosen by his fellow Council members to serve as Mayor. He was then elected to fill her unexpired term. He won election for a second term and served as Mayor until 2003.

Dr. Ed, as he was affectionately known, proudly served as Grand Marshal in Farmingdale's Memorial Day Parade and sang the National Anthem to kick off the parade for many years.

Dr. Schauer played an active role on the League's Legislative Committee. According to League Executive Director Bill Dressel, "His opinions on legislative matters were highly

respected. We could count on Ed to understand both the local and statewide implications of a wide range of issues."

He was also a "fixture" at the discussions of the League's Resolutions Committee and at the Annual Business Meeting. "I don't think he missed a single meeting during his tenure. He would carefully study the language of each resolution and provide excellent suggestions," recalled Dressel.

Dr. Schauer was also a commissioner for the Manasquan River Regional Sewer Authority until February of 2012.

Dr. Schauer received a BA from Colgate University and an MD from Jefferson Medical College in Philadelphia, PA. He served in the US Navy, stationed in Japan during the Korean War.

He practiced medicine for over 50 years as part of the Schauer Family Medical Group. Dr. Schauer was a devoted member of many medical organizations, most notably serving as the 194th President of the Medical Society of New Jersey. Dr. Schauer was instrumental in forming the Family Practice Dept. at Jersey Shore University Medical Center, where he served as Director & Chief of Staff (1981-1984). ▲





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By Taran B. Samhammer
Bureau Services & Research Coordinator,
Bureau of Municipal Information

Collingswood's bike share program attempts to reduce pollution and traffic congestion by allowing people to borrow bikes for a small fee. The program operates like a lending library: residents may borrow a bike and then return it when done using it. The cost to participate is \$25 per year. The program aims to reduce reliance on cars, reduce the borough's carbon footprint and make it easier for residents to reach public transportation and local destinations. Rather than buying new bikes for the program, the borough used donated or repurposes bikes that were sitting unclaimed at the police station. All bikes are painted bright green so that they are easily identified as part of the program.



The Monmouth Vicinage in **Monmouth County** recently held a program to celebrate National Adoption Day, a national event that seeks to encourage permanent, loving homes for foster children. The goal of the program was to increase awareness of adoption, as well as to honor adoptive families. During the event, 22 adoptions were finalized for children ranging in age from two months to 13 years.



This past January, **Island Beach State Park** initiated a dune replenishment pilot program that uses discarded Christmas trees as dune fencing. People were asked to donate trees to the beach, located in **Berkeley Township**. The trees will be laid on their sides, placed end to end and secured in place. However, while such tree rows can serve as a sufficient fence, the Department of Environmental Protection warns that inappropriate placing of trees may become a fire hazard or hinder future dune development.



Jersey City's fourth Operation Lifesaver Gun Buyback was held in January. The program operates under the belief that the city will be safer if there are fewer guns on the street and in households. Residents were able to turn in rifles for \$100 and handguns and automatic weapons for \$150, no questions asked. The program, which is funded without taxpayer dollars, has collected over 1,000 guns.



Funds awarded through the Recycling Enhancement Act (REA), administered by the Department of Environmental Protection, were distributed recently to boost recycling throughout the state, help municipalities purchase better containers, educate residents and support a dedicated recycling staff. The program is funded by a \$3 per ton surcharge on trash disposed at solid waste facilities. Municipalities that received the highest awards in 2012 were **Newark, Jersey City, Paterson, Clifton, Toms River, North Bergen, South Brunswick, Cherry Hill, Monroe (Middlesex) and Hamilton (Mercer)**. Municipalities receive 60 percent

of the money generated in this fund. The balance goes to county solid waste management, household hazardous waste collection programs, county and state promotional efforts and recycling research.



Residents and commercial property owners in **Readington** must now complete a Construction Records Clearance (CRC) before the sale of a structure. A change of occupancy in the property is denied until a review of prior construction permits has been performed. The review is to be paid for by the property owner. The fee to obtain a CRC is \$70 to process within one to five days, and \$40 for processing within six to 12 days. Certificates are valid for six months and must be renewed for each occupancy change. Transfer of titles between a husband and wife, civil union partners or parent and child is exempt. Transfers that are performed to provide a release for a debt are also exempt.



Carteret hosted its annual "Angel Tree" in December to provide area children in need with new clothing, coats and toys during the holiday season. Residents and businesses were able to choose a recipient based on gender and age. The program is hosted by the borough's Charity Trust Fund, a nonprofit organization established in 2003 to provide a monetary resource for its residents for improving education, athletics and health.



Date Lines

- March 6** . . Budget Updates; Conference Center at Mercer, West Windsor
- March 13** . . Update on Pensions, Retirement, Health Benefits and Services; Robert Meyner Reception Center, Holmdel
- March 15** . . Women in Municipal Government Day; Princeton Marriott, Plainsboro
- March 20** . . Disciplinary Actions in the Public Sector; Robert Meyner Reception Center, Holmdel
- March 22** . . Crisis Communications—Techniques for Communicating with Constituents, the Media and Service Providers; Conference Center at Mercer, West Windsor
- April 5** . . . Ethics and Preventing Sexual Harassment; Burlington Township Municipal Center, Burlington Twp.

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