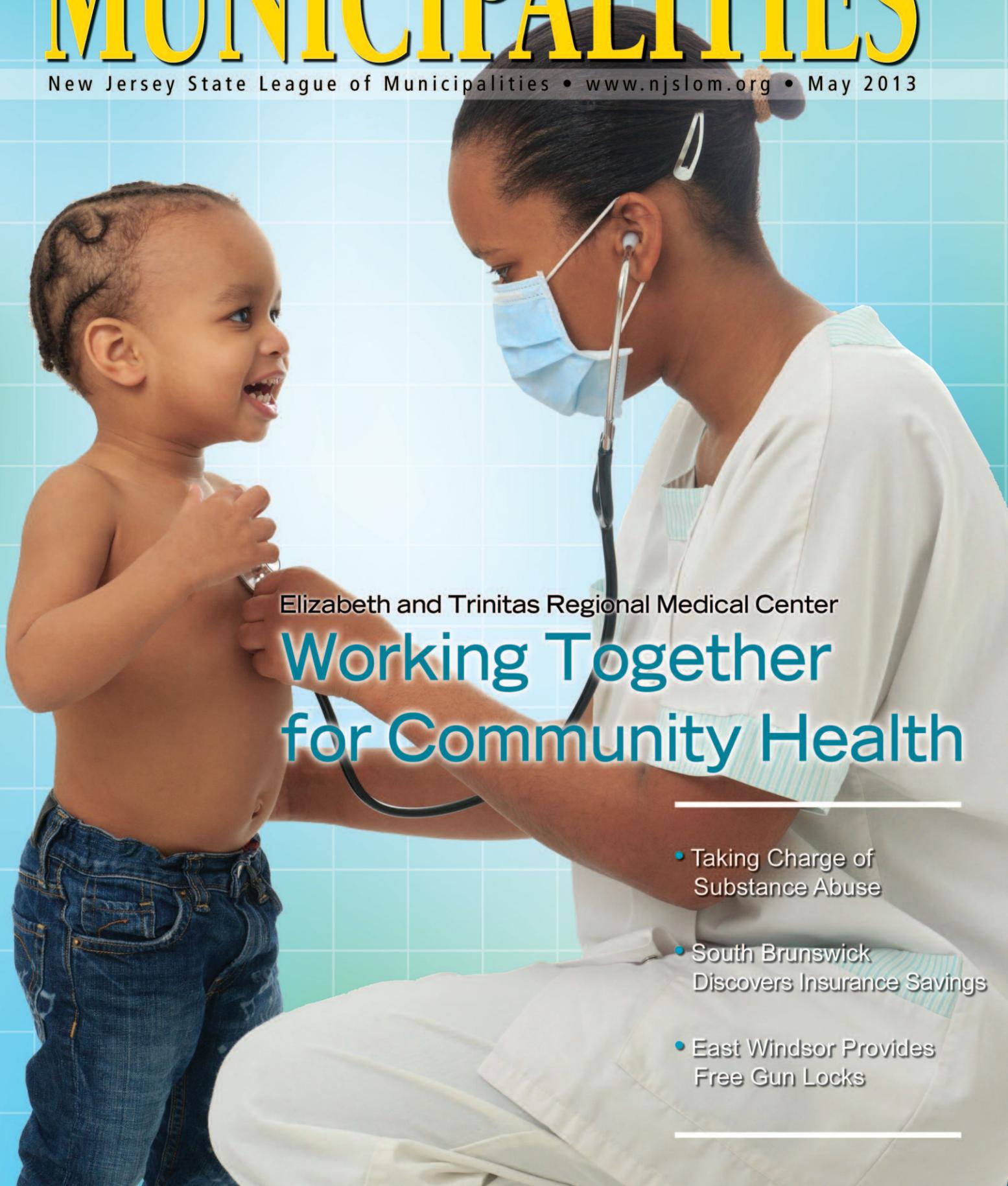


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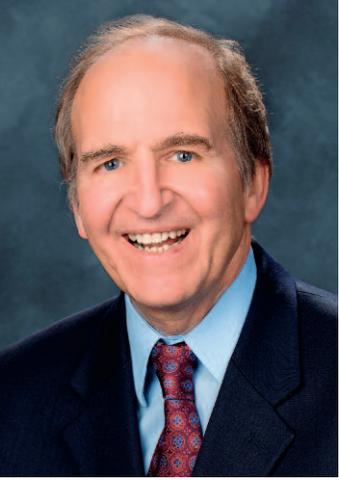
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FROM 222 WEST STATE STREET
BILL DRESSEL, LEAGUE EXECUTIVE DIRECTOR

NJLM ADVOCATES FAIRNESS

The League of Municipalities top legislative priority is the return of Energy Receipts property tax relief funding to local taxpayers. Our advocacy on this issue, spearheaded by League President Janice S. Mironov, Mayor of East Windsor Township, has led to unprecedented progress. Legislators on both sides of the political aisle now agree that this money does not belong in the state budget. This year, we hope to see the Legislature and Governor take the next step and include additional funding in the annual Appropriations Act. On this, and on other important issues in Trenton, your voice has been heard.

[WE ENCOURAGE YOU
TO ADD YOUR VOICE TO
THE DEBATE ON THESE
TWO CRITICAL ISSUES.]

We're also reaching out beyond Trenton to advocate for New Jersey's municipalities. Many issues under consideration in our nation's capital have the potential to affect our members. One current challenge is a common deficit reduction 'solution' that could threaten property taxpayers: proposals to limit or eliminate Federal Income Tax Exemption for the interest earned on municipal bonds. President Mironov has written to every member of New Jersey's federal delegation, in both Houses of Congress, to oppose such a change.

By eliminating or severely limiting the exemption, the federal government could receive more income tax from bondholders. However, the change would significantly increase the cost to local governments. If the exemption is removed or limited, local governments will need to offer higher rates of return, resulting in greater expenses to build or rebuild roads, bridges, schools, libraries, water and sewer facilities, fire stations and fund other key projects. These projects are essential, if local governments are to meet the needs of families and businesses. In order to pay higher interest rates, New Jersey municipalities will be forced to either raise property taxes to cover the increased interest or forego needed investments.

If Congress and the President were to remove this common sense way to keep taxes lower—while producing work for local businesses, jobs for our citizens, and improving critical infrastructure—the costs of these projects will increase and property taxes will rise.

We encourage you to add your voice to the debate on these two critical issues. By supporting the return of the Energy Receipts and a continued federal exemption for municipal bond interest, you will be speaking out for the fair treatment of local government—and the citizens we represent. ▲

NEW JERSEY MUNICIPALITIES



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Lacey Presents...
A R.E.D. Night Out
Raising & Educating a Drug Free Community



PREVENTING SUBSTANCE ABUSE



THE NEW BACKDOOR BUILDER'S REMEDY



The City of Elizabeth works closely with Trinitas Regional Medical Center to improve access to healthcare for city residents.

Elizabeth & Trinitas Regional Medical Center Working Together for Community Health



Due to economic to social conditions, many cities face challenges connecting their citizens with needed medical treatments. In order to address these concerns, health care institutions must work closely with the public sector. By promoting outreach efforts and wellness programs throughout neighborhoods, government leaders can encourage preventative screenings and enable residents to lead healthier lives.

By J. Christian Bollwage
Mayor, City of Elizabeth;
NJLM Past President
& Gary S. Horan, President
and Chief Executive Officer,
Trinitas Regional Medical Center

Improving the health of our citizens also requires attention to the training of emergency responders. The city's Emergency Medical Services are often the initial care providers on scene. Therefore, Trinitas Regional Medical Center has partnered with the City of Elizabeth to create an instruction center. It provides a place where these personnel can hone their skills and learn about advances in care.

The \$5.3 million Trinitas Center of Regional Education (CORE) is a state-of-the-art building that provides assembly space for community events, classrooms for health education, and a location for paramedic and emergency medical technician (EMT) training. Funded entirely by individual, corporate and foundation donations, the site will also be home to the offices of the Trinitas Health Foundation, the Elizabethtown Healthcare Foundation, Medical Center's Mobile Intensive Care Unit and ambulance services.

Trinitas Regional Medical Center is one of the largest employers in Union County. In addition to increasing knowledge and enhancing the abilities of municipal and medical field employees, CORE services are also available to members of the community. Professionals, who may be entering the workforce for the first time or looking to increase their marketability, are also encouraged to use the CORE to reinforce training and build their knowledge. Trinitas CORE center also provides programs that explore chronic health issues, safety and disease prevention for individuals and corporations throughout the region.

The education and training offered through the CORE are not the only joint initiatives of the city and Trinitas. Comprehensive services are also offered for the treatment of diabetes, renal disease and asthma. The City of Elizabeth's Health and Human Services Department works in conjunction with Trinitas Regional Medical Center on the Workman's Compensation Program, Sexually Transmitted Disease (STD) screenings and care.

We also collaborate on the Women, Infants and Children (WIC) initiative. The municipality refers residents to the WIC program and the hospital operates baby clinics for participants. In conjunction with the Child Health Conferences, children from two months to seven years receive physician examinations, growth measurements and nutritional services free of charge. These services help to keep the city's youngest residents healthy and strong.

With the third largest Nursing School in the country, Trinitas is also increasing the number of trained nurses in Elizabeth. The school has received two Centers of Excellence designations from the National League of Nursing. It continues to thrive—131 graduates earned diplomas in 2012.

Having access to the latest technology and life-saving equipment is vital. Recognizing the difference this can make, the Elizabethtown Healthcare Foundation provided a \$10,000 grant to Trinitas that will enable 350 Infant CPR Anytime kits to be distributed to parents of newborns in Elizabeth.

TRINITAS CORE CENTER PROVIDES
PROGRAMS THAT EXPLORE
CHRONIC HEALTH ISSUES,
SAFETY AND DISEASE PREVENTION
FOR INDIVIDUALS AND CORPORATIONS
THROUGHOUT THE REGION.

From referrals and updates to ongoing follow-up actions, communication is key. Local government departments coordinate preventative information and public health efforts with Trinitas. We've worked together to prevent the spread of communicable diseases, including during the recent flu epidemic. This past season brought aggressive strains of the virus, which impacted residents of all ages. Free flu vaccinations, administered by the Department of Health and Human Services, were available to residents at City Hall. The initiative made it possible for many residents to protect themselves from developing a severe case of the virus.



Elizabeth Mayor J. Christian Bollwage (center) cuts the ribbon dedicating the \$5.3 million Center of Regional Education (CORE) building at Trinitas Regional Medical Center, as (left to right), Mortimer Gershman, Trustee, Trinitas Health & Regional Medical Center, and Chairman, Elizabethtown Healthcare Foundation; Brad Harrington, New Jersey Department of Community Affairs; David A. Fletcher, President, Elizabethtown Healthcare Foundation; Sister Maureen Shaughnessy, Chairperson, Trinitas Health & Regional Medical Center; William Best, Senior Vice President, PNC Bank; Gary S. Horan, FACHE, President & Chief Executive Officer of Trinitas Regional Medical Center; Victor M. Richel, Vice Chairman, Trinitas Health & Regional Medical Center and Trustee, Elizabethtown Healthcare Foundation; Marsha Atkind, Executive Director, Healthcare Foundation of New Jersey; Nadine Brechner, Chief Development Officer, Trinitas Regional Medical Center; Thomas Vincz, Director, Horizon Blue Cross/Blue Shield, and Thomas Kachelriess, Treasurer, Trinitas Health & Regional Medical Center and Trustee, Trinitas Health Foundation look on.



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#15-C Item #12

Full-size cab/chassis, one (1) ton, super duty, V-8 engine, 13,000 lb. GVW, dual rear wheel, 4-wheel drive, new, unused 2013 model or newer (gas engine or diesel engine) - Vehicle to include dump body for 2.5 - 3.5 yard model, body & hoist combination for 13,000 lb. GVW chassis or greater

Year/Make: Ford F350
Model: RT-23 FORD
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#15-C Item #14

Cab/chassis and dump body, 40,780 GVW, new, unused 2013 model or newer - Vehicle to include stainless steel dump body, 10 foot, 6-8 yard dump, body & hoist combination for 40,780 GVW chassis

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Representatives from the city and Trinitas sit on the boards of the respective organization's committees. Executives of the two organizations meet often to discuss activities, new ventures and operations. Maintaining true community partnerships requires sharing progress, identifying areas of potential concern and exploring visions for the future.

In the face of a bad economy and in light of possible sequestration cuts, which may reduce or eliminate some health related funding, many people are short of money. Non-urgent health and wellness care is often skipped when families are living paycheck to paycheck.

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PUBLIC HEALTH

EFFORTS WITH TRINITAS.

Minor symptoms are often ignored, because of the potential costs associated with going to the doctor. Unfortunately, these situations can escalate or be indicators of more serious conditions. In order to catch disease early, low income residents rely on programs provided by local governments and health care institutions.

Placing the needs of its residents first, the City of Elizabeth continues to work with Trinitas Regional Medical Center to improve access to health-care. Municipalities and hospitals are both service providers and therefore maintaining positive relationships increases their ability to support the needs of the community. Working alone would not produce nearly the benefits to the public that working together can provide. ▲



Nurses celebrate their graduation from the Trinitas School of Nursing, Class of January 2013. The largest class in the school's 124-year history, 96 students, graduated during ceremonies held at Union County College. The College and Trinitas jointly operate the program, one of the largest nursing schools in the United States.



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East Windsor Provides Free Gun Locks



By Janice S. Mironov, Mayor,
East Windsor Township;
NJLM President
& James Monahan, Chief of
Police, East Windsor Township

During the month of March, East Windsor Township joined with Project ChildSafe in distributing free gun safety locks to resident gun owners. For our township, this is a pro-active initiative, geared to promote and provide improved gun safety. These locks, if properly used by lawful gun owners, can help prevent accidental deaths or injuries in the home, as well as deaths and injuries caused by the intentional misuse of guns.

The cable style gun locking devices distributed through this program are easy to use and effective at rendering weapons safe. The locks meet the American Society for Testing and Materials (ASTM) current testing protocol standard (F2369-04) and require that many types of firearms be unloaded before the cable lock is installed, providing an extra level of safety.

Researchers have found that millions of children live in homes with easily accessible guns. A 2000 study of firearm



Pictured (left to right) displaying guns and gun safety locks are Sergeant Eric Lion; East Windsor Township Mayor and NJLM President Janice S. Mironov; Chief of Police James Monahan; and Lieutenant Harry Marshall.



The use of gun locks is a no-brainer. It is an inexpensive way to prevent unnecessary tragedies.

storage patterns in US homes found that “of the homes with children and firearms, 55 percent were reported to have 1 or more firearms in an unlocked place,” and 43 percent reported keeping guns without a trigger lock in an unlocked place. A 2005 study on adult firearm storage practices in US homes found that over 1.69 million children and youth under age 18 are living in homes with loaded and unlocked firearms (Law Center to Prevent Gun Violence, 2013).

The presence of unlocked guns in the home increases the risk of both accidental gun injuries and intentional shootings. A recent study found that more than 75 percent of the guns used in youth suicide attempts and unintentional injuries were stored in the residence of the victim, a relative, or a friend. At least two studies have found that the risk of suicide increases in homes where guns are kept loaded and/or unlocked.

We believe that the use of gun locks is a no-brainer. It is an inexpensive way to prevent unnecessary tragedies. We hope that programs such as this will remind and educate lawful gun

owners about their important responsibility to handle firearms safely and to store them in a secure manner.

In New Jersey, the importance of safely storing firearms is highlighted in statute under the Keepsafe Program (N.J.S. 2C: 58-17). Under the statute, “...a person who purchases a firearm from a retail dealer licensed under the provisions of N.J.S. 2C: 58-2 shall be eligible for a \$5 instant rebate when a compatible trigger locking

device is purchased along with that firearm.” The program was established with the intention of promoting and encouraging safe firearms storage practices.

THE PRESENCE OF UNLOCKED GUNS IN THE HOME INCREASES THE RISK OF BOTH ACCIDENTAL GUN INJURIES AND INTENTIONAL SHOOTINGS.

East Windsor Township’s Gun Safety Lock Program goes one step further and provides gun safety locks free of charge. The program includes a public awareness campaign informing residents of the availability of the free gun safety locks. East Windsor Township uses press releases and our popular E-News information communications, as well as the Mayor’s Spotlight, East Windsor cable television, and the township website to get the word out.

To receive gun locks, residents simply call the East Windsor Township Police Department and make arrangements to pick them up. Officers are also

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available to review the current New Jersey Statute as it pertains to legal requirements of firearms storage (N.J.S. 2C:58-15).

The majority of states have laws designed to prevent children from accessing firearms but laws vary from state to state. New Jersey's law is among the more restrictive ones, imposing criminal liability when a

minor gains access to a negligently stored firearm. Some of the less restrictive states merely prohibit persons from directly providing a firearm to a minor. There is a wide range of laws that fall somewhere between these extremes, including laws that impose criminal liability for negligently stored firearms, but only where the child uses the firearm and causes death or serious

injury. Weaker laws impose liability only in the event of reckless, knowing or intentional conduct by the adult.

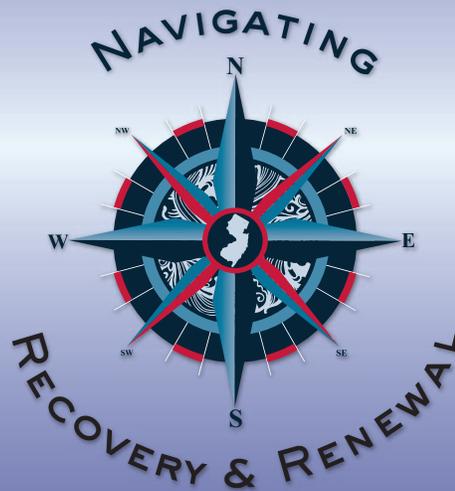
In October 2000, the US Secret Service published a study of 37 school shootings in 26 states. That study found that in more than 65 percent of the cases, the attacker got the gun from his or her own home or that of a relative.

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GUN SAFETY
LOCK PROGRAM
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SAFETY LOCKS
FREE OF CHARGE.

East Windsor Township sponsors its gun safety program in partnership with Project ChildSafe. Project ChildSafe is a nationwide program that promotes safe firearms handling and storage practices among all firearms owners through the distribution of key safety education messages and free firearm safety kits that include the gun safety locks. Project ChildSafe was developed by the National Shooting Sports Foundation (NSSF), the trade association for the firearms and ammunition industry. Originally, Project ChildSafe was a component of "Project Safe Neighborhoods," a federal gun violence-prevention initiative, and was supported by grants from the US Department of Justice with additional funding from NSSF. Today, due to federal budget constraints, Project ChildSafe is sponsored solely by the firearms industry through NSSF.

While East Windsor Township has selected the month of March to promote its Gun Safety Lock program, free gun locks can be distributed throughout the year as supplies last and when opportunities to promote safe gun storage become available. ▲



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Taking Charge of Substance Abuse



By David E. Most
Mayor, Lacey Township

On February 27, the Lacey Township Substance Abuse Task Force hosted a “RED Night Out” to raise awareness about the dangers of substance abuse. Approximately 800 parents, grandparents, educators, students and community members attended the dinner meeting, many of whom were dressed in red.

The evening’s featured speakers were Steve Willis, a father and lawyer, whose son has been battling addiction, and Police Captain David Paprota. Emotions ran high as Mr. Willis’ story brought home the anguish a parent

endures with a child struggling with addiction. Captain Paprota, a Task Force member, forced the audience to face just how prevalent substance abuse is in Lacey Township. There were audible gasps heard in the room as the Captain revealed the stats for 2012: 43 overdoses, which resulted in eight deaths.

He emphasized that Lacey Township was not any different than other suburban towns in New Jersey. Also surprising to the audience was the revelation that many kids who begin to experiment with prescription drugs are forced to resort to heroin because it’s cheaper and more readily available.



Pictured at the “RED Night Out” program, which seeks to raise awareness about the dangers of substance abuse are (top) Lacey Township Police Captain David Paprota, Lacey Township Mayor Dave Most, Tom Faulkner, Jean Tymczynsyn, Terry Chapman, Dr. Sandra Brower, Heather Scanlon, Jeff Brewer, Linda Applegate and (front) James Wioland, and Donna McAvoy. Approximately 800 people attended the dinner meeting held February 27 in the Lacey Township High School Auditorium.

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The evening was opened by messages from Task Force members Reverend Linda Applegate and myself. At the event, I described my encounter with a resident who was posting a notice about the drug awareness program at one of the larger businesses in town. He told me that he had just lost his daughter to a drug overdose and thanked me for spearheading this awareness effort.

On "RED Night Out" I asked participants to imagine what such parents are going through. I asked, "Do you think they are thinking about a second chance? Are they trying to replay it over again? Their sons and daughters are with God and the second chance they are talking about is not for their children, it is for your children."

I also told the large audience that I have known far too many people in the community who have lost daughters and sons, brothers and sisters, mothers and fathers to substance abuse. I also reminded everyone that addiction is a brain disease.

The program concluded with a panel discussion. Superintendent of Schools and Task Force member Dr. Sandra Brower joined Steve Willis and Captain Paprota in answering questions submitted by the audience. Time did not allow for all the questions to be answered that evening, however they were forwarded to the appropriate respondent and the answers are being compiled and placed on the school's website. The impact of this program will have a lasting effect as residents will be able to view the entire program through the school's website.

RED Night Out was the culmination of many years of attempts by the Municipal Alliance and partnering groups to educate the community about substance abuse in Lacey Township. Frankly, the results of our previous efforts have been mixed.

Establishing the Task Force Frustrated by the lack of attendance at previous drug awareness events, Alliance Coordinator Heather Scanlon saw the need to involve the township leadership in the effort. She invited members of the religious community, school district, Municipal Alliance, Police Department, pharmacists, parent/teacher groups, governing body members, the Chamber of Commerce, & recreation department staff to participate. This multi-disciplinary task force began meeting in 2012. They began to prepare a mission statement and set goals on what they wanted to accomplish.

The mission was simple—to promote awareness and prevent substance abuse through education. The first goal was to establish a Prescription Drug Drop Box in the community, where people could safely dispose of unused and/or expired prescription drugs.

The mission was simple—to promote awareness and prevent substance abuse through education. The first goal was to establish a Prescription Drug Drop Box in the community, where people could safely dispose of unused and/or expired prescription drugs.

THERE WERE AUDIBLE
GASPS HEARD IN
THE ROOM AS THE
CAPTAIN REVEALED
THE STATS FOR 2012:
43 OVERDOSES,
WHICH RESULTED IN
EIGHT DEATHS.

Over 70 percent of the prescription drugs people abuse are received through friends and family in some manner. Ours is one of only three Prescription Drop Boxes in Ocean County. Thanks to the efforts of the Task Force and the Attorney General's Office, people now have access to proper disposal 24 hours a day, 7 days a week.

The Substance Abuse Task Force worked to make Lacey Township a candidate for the Drop Box. The Police Department carefully wrote new policy to manage the disposal process. The success of this initiative showed many of the people in the community that the Lacey Township Task Force was going to make positive change in the community.

The Drop Box was a tangible item, but the Task Force recognized the need to do more. They began to discuss ways to educate the public and raise awareness of how substance abuse is affecting the community. Task Force member Reverend Linda Applegate organized what would be the first dinner symposium at the Lacey

United Methodist Church, called Children & Youth Prescription Drug Use: The Unscripted Reality, co-sponsored by Meridian Health.

This education session allowed the medical professionals to understand the growing trends in drug abuse and educate physicians with the most up to date information about the impact it has in our communities. This event was only the first step in raising awareness in the community. The next step was to host a dinner symposium for parents and grandparents, which would eventually be called "RED Night Out" with RED being an acronym for Reaching and Educating a Drug-Free Community.

The Task Force realized early in the planning process for "RED Night Out" that it was critical to be innovative in its approach to promoting the event. In the past parents were reluctant to attend any type of program that has drug or substance abuse in its title, the perception being "Not My Kid." The decision was made to offer extra credit to students whose parents attended the program as an incentive.

The task force decided to use red ribbons as a marketing tool. Red ribbons and posters were delivered to businesses in town. Business owners were pleasantly surprised at the request to display the red ribbons since they are so accustomed to being asked for their support through monetary donations. They seemed relieved that something was being done about the substance abuse problem and that they were being included.

Also, local establishments that had digital marquis signs were asked to post messages promoting and/or supporting RED Night Out. Magnetic red ribbons were placed on all the school busses, red ribbon lapel pins were distributed to residents and silicone wristbands were delivered to each and every student in the Lacey Township School District with the simple message: "The Best Me is Drug Free."

While "RED Night Out" did seem to unify the community, it is clear that the Task Force still has much work ahead. The Task Force recognizes that this is only the beginning in its mission of educating the residents about the epidemic threatening the health of our community. It is their hope that some day one can truly say Lacey is drug-free. ▲

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Life After an Unprecedented Disaster



By Stephen C. Acropolis
Mayor, Brick Township

A common denominator in the wake of Hurricane Sandy is that no person alive had ever dealt with a disaster of this magnitude here in New Jersey. No policy makers, no first responders and certainly no homeowners.

Police and emergency responders performed admirably because they have trained for the worst case scenario. As we transition from recovery to rebuilding, the learning curve for the rest of us presents an additional hurdle to restoring our communities. That is why it is critical that our federal representatives and Federal Emergency Management Agency (FEMA) officials, who have dealt

with natural disasters and their aftermaths, provide clear guidance while also understanding that we know our communities best.

Information Fair The kind of cooperative effort that is needed to recuperate was on display in Brick Township back in January. Township officials worked in concert with FEMA and the Small Business Administration (SBA) to hold a Sandy Information Fair. We met with nearly 2,000 storm affected residents over the course of several hours on a Saturday morning. General information was shared on an hourly basis, followed by breakout sessions, where homeowners could ask their individual questions.



Rt. 35 in Brick Township was rendered impassible by Hurricane Sandy.



Township officials worked in concert with FEMA and the Small Business Administration (SBA) to hold a Sandy Information Fair in January.

According to FEMA, the event was the first of its kind and highly successful. Similar events have since been held in other communities throughout the region. In addition, the town-

ship and FEMA worked together to document the event for residents who were unable to attend. A video of the event is available on the Brick Township YouTube site,

www.youtube.com/user/bricktwpnj. It has been viewed nearly 500 times by people throughout the United States.

THIS STORM COULD POTENTIALLY DESTROY THE VERY FABRIC OF COMMUNITIES LIKE BRICK TOWNSHIP AND SO MANY OTHER JEWELS OF OUR BELOVED SHORE.

However, unfortunately, this example of different levels of government working together to communicate accurate information and provide guidance has been the exception, rather than the rule, in the six months since Sandy.

Flood Zone Designations There has been much discussion, at the Information Fair and in general, about the

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FEMA flood zone designations, as noted on the Advisory Base Flood Elevation Mapping (ABFE). The Township of Brick's objection to the flood zone designations are in line with FEMA's acknowledgement that a proper wave analysis (used to delineate velocity flood zones (V Zones)) was not completed prior to the release of advisory base flood mapping. As a result, we anticipate and expect changes on the Preliminary Maps which are due out in September. The residents and elected officials in the Township of Brick are resolute that the completed flood studies will result in a much narrower, more realistic, velocity zone.

Additionally, the Township of Brick would request that FEMA consider the preventative value of the anticipated Manasquan Inlet to Barnegat Inlet New Jersey Shore Protection Project, which is being strongly pursued as I write this article, when developing the Preliminary Flood Elevation Mapping. The project will result in the significant likelihood of reduced damages from low frequency/high intensity storm events and the interrelated wave velocity.

The reason that these factors must be considered and the zone designations must be more pragmatic goes beyond

IT IS CRITICAL THAT OUR
FEDERAL REPRESENTATIVES
AND FEDERAL EMERGENCY
MANAGEMENT AGENCY
(FEMA) OFFICIALS,
PROVIDE CLEAR
GUIDANCE, WHILE ALSO
UNDERSTANDING THAT
WE KNOW OUR
COMMUNITIES BEST.

the impending impact on individual homeowners of the cost of elevating their homes and/or maintaining flood insurance. Our town is already comput-

ing the massive loss of ratable base that has resulted from the immediate devastation. If residents are obligated to pay tens of thousands of dollars for insurance or hundreds of thousands of dollars to elevate or rebuild their homes, many may inevitably and regrettably choose to leave. We may even lose some residents whose properties were unaffected by flood waters.

How much of an exodus can this or any community incur, and what will be left behind? While the intention of these flood zones may be good, there is a great likelihood that if not done properly, they will contribute to the deterioration of the very communities they aim to protect.

Means Testing for Aid Another concern as I write this article is the potential for Sandy rebuilding aid, in the form of grants, to be means tested. In other words, residents whose income is above a certain threshold may not be eligible for financial support, regardless of the damage they may have suffered. I think these funds should be provided to any resident whose home is determined to be substantially damaged. That means for

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those for whom the cost to make all necessary repairs will meet or exceed 50 percent of the market rate value of the structure. Sandy did not target based on income. Placing arbitrary thresholds on who should receive aid will only guarantee that residents in Brick and other towns will not receive the help they need and deserve.

Now that I have clearly stated my concerns, I must also applaud the effort that has been put forth as we work to recover and move toward rebuilding. I'm thankful for neighbors helping neighbors, volunteers coming to lend a hand, civic and business organizations rallying their members. Local officials have set aside partisanship to accomplish great things. And finally, I'm thankful to our Governor, whose no nonsense style is exactly what we need in the face of such adversity. We are fortunate that Governor Chris Christie is leading our state when so much is at stake.

The worst storm in the modern history of New Jersey, Sandy has already changed the landscape in our state. If we do not proceed deliberately and holistically with real support



Brick Township Mayor Stephen C. Acropolis and New Jersey Assembly Speaker Sheila Oliver discuss the damage and recovery efforts on the barrier island.

from our federal government, the consequences will be dire. This storm could potentially destroy the very

fabric of communities like Brick Township and so many other jewels of our beloved shore. ▲

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Biomedical Innovation is Crucial for New Jersey's Economy

By Janice S. Mironov
Mayor, East Windsor Township;
NJLM President



Superstorm Sandy was a devastating blow to New Jersey, but it also brought out the best in us. Think of the Newark nurse who delivered a baby in a car just a day after the storm,¹ or the Jersey Shore lifeguards who helped dozens evacuate from their homes in Brick Township.² Through the tragedy we saw glimmers of what makes this state great.

As we rebuild, it is important to understand that the stronger and more resilient our state's economy, the more quickly we will be able to bounce back from adversity. Right now, this state's biomedical industry is a shining example of an investment paying good dividends to New Jersey's workers, investors and taxpayers. Recognizing this reality, the League has created the Mayors Committee on Life Sciences, in partnership with We Work for Health New Jersey.

Across the United States, the biopharmaceutical sector has become one of our most dynamic and innovative industries. In 2008, the last year for which data are available, biopharmaceutical companies invested over \$9 billion and directly or indirectly supported almost 200,000 jobs in New Jersey alone.³ These jobs range from the scientists who are engineering breakthrough drugs to the managers, administrative staff, and information technology professionals who support our labs and manufacturing facilities.

These jobs extend well beyond the walls of research and development campuses and manufacturing facilities. Biopharmaceutical companies rely on deep supply chains that extend benefits throughout the community. To give just one example, in 2011 the biopharmaceutical sector paid over \$8.1 billion to local vendors and suppliers in New Jersey alone.⁴ That money supports local jobs and workers in industries from construction to restaurants to education.

Even more important is investment, and both the public and private sectors see New Jersey as an attractive place to invest for the long term. More than one out of every six biopharmaceutical investment dollars in the United States comes to New Jersey.⁵ In 2008, the National Institutes of Health invested over \$250 million in our state, and venture capitalists put in some \$281 million more.

This reflects the fact that New Jersey is ahead of many other states in developing a high-skilled, high-tech economy. According to the National Science Foundation, over 15 percent of New Jersey's workforce is employed by high-tech establishments, compared to a national average of 11.5 percent.⁶ The biopharmaceutical sector is leading much of this high-tech growth and investment.

In addition to the economic benefits, these are investments that will have a real impact on the length and quality of people's lives. In 2010, over 1800 clinical trials were conducted in New Jersey, including 72 related to HIV/AIDS treatment and 866 involving cancers.⁷ In fact, New Jersey is home to an impressive one out of nine drug trials conducted in the United States,⁸ in search of cures and treatment for some of our worst health scourges from heart disease to diabetes.

New Jerseyans can be proud of this track record. Thomas Edison's inventions of the light bulb and motion picture are indelibly associated with New Jersey. Imagine what it would mean for the future of the state if the cure for cancer came out of a New Jersey biopharmaceutical lab.

It would be hard to overstate the importance of the fruits of biopharmaceutical investments. For instance, within three years of the introduction of antiretroviral therapies, AIDS deaths were reduced by 70 percent. Cancer death rates have been cut in half through improved treatments. And New Jersey biopharmaceutical pioneers like National Medal of Technology winner Sidney Pestka, whose biopharmaceutical contributions include critical work on hepatitis, multiple sclerosis, and cancer, have made many of these discoveries.⁹

Accordingly, as federal lawmakers and regulators address financial and budgetary challenges, including those to the health care system, we urge them to do so cautiously and thoughtfully, with an eye to the impact on our state's vital biopharmaceutical industry. Federal actions that negatively affect the industry will not only stifle innovation, but will also have economic consequences at the state and local level.

New Jersey is blessed with an educated workforce, world-class research universities, and some of the hardest working citizens in America. By supporting over 200,000 jobs here and making billions of dollars of long-term investments in research into breakthrough treatments, the biopharmaceutical industry of New Jersey has become a bulwark of our state's economy and a symbol of our state's ability to rebuild for the future. ▲

End Notes:

1. www.nj.com/news/index.ssf/2012/11/hurricane_sandy_heroes_in_a_ca.html
2. www.nj.com/news/index.ssf/2012/11/hurricane_sandy_heroes_lifegua.html
3. Archstone Consulting report.
4. Client spreadsheet, cell C438.
5. Archstone Consulting report.
6. Ibid.
7. Archstone Consulting report.
8. Ibid (author's calculation).
9. web.mit.edu/invent/a-winners/a-pestka.html

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Recover, restore, and rebuild after Hurricane Sandy. Visit NJCleanEnergy.com/SANDY to learn about enhanced incentives for school districts, government buildings and homeowners.



South Brunswick Shops for Health Coverage



By Frank Gambatese, Mayor & Joseph Monzo, Municipal Finance Officer; South Brunswick

The Township of South Brunswick recently switched its employee and retiree health insurance carrier from the State Health Benefits Program (SHBP) to Horizon Blue Cross and Blue Shield. Over the first 12 months of coverage, we expect to save approximately \$800,000. In addition, our local board of education made the same switch and is expected to save \$1,000,000. That is \$1.8 million dollars of savings to the South Brunswick taxpayers. This translates to nearly 5 cents on the tax rate. This is real savings.

This decision was not made lightly or done in a vacuum. Every year we "shop" our health coverage in order to find the best rates for both the township and the employees. For us this process starts with our experience. Under the

current conditions in order to obtain our experience for the preceding year we must pay the SHBP \$2,000. (There is legislation pending that would provide this service at no cost to the taxpayers.)

South Brunswick uses our joint insurance fund risk manager as the agent who takes our experience to the health care provider market to ascertain quotes for the premium coverage based on our employee population.

In 2013 the SHBP announced average increases in the premiums for local governments to be 9.2 percent. In 2012 it was 10.3 percent, and in 2011 the increase was 16.7 percent. Although the increases have been declining, they are still problematic for the municipal budget, employee contributions notwithstanding.

The thing that finally turned private coverage to our favor was the increasingly positive experience of the employee population. In 2010, our experience was 92 percent. That means that for every dollar of premium we were paying, the claims were paying out 92 cents. In 2011 that figure dropped to 84 percent and in 2012 it dropped again to 74 percent. Meanwhile the SHBP average is 83 percent. Simply stated the experience of our employees as a whole was better than the members of the SHBP. It is for this reason alone that a private provider was able to offer us better premiums than the SHBP.

Union Issues Because Horizon is the SHBP administrator they were able to offer to us the same or better coverage. This was important to our seven unions and retiree population, many of whom receive medical coverage paid for by the township. As long as you can prove equal to or better coverage, you can switch providers. However, having the buy-in of the unions goes a long way towards maintaining good employee relations.



Every year South Brunswick "shops" for health coverage in order to find the best rates for both the township and the employees.

The first step we took was to engage the union representatives and representatives of the the new health care provider to discuss the plans being offered. Secondly, we offered the union leaders time to go to their respective memberships with details of the plan documents and return to administration with any questions and concerns. Once the unions were satisfied that we were not "pulling a fast one," they all signed a document stating that they had no objections to the switch from SHBP to a private health care provider.

THE HEALTH INSURANCE
CHANGE WILL SAVE
\$ 1.8 MILLION DOLLARS
FOR SOUTH BRUNSWICK
TAXPAYERS.

Implementation The old saying is that the devil is in the details and that is certainly the case when it comes to making a change as widespread and pervasive as changing health care providers.

For a town with an employee/retiree population of 350 it took about four weeks to complete the entire process to our satisfaction. Based on our experience, the following are some of the steps that must be taken.

- Each and every employee/retiree must fill out paperwork to select their new coverage in time to get new insurance cards generated.
- Each employee must be educated on the differences between the old plans and the new ones. South Brunswick held a series of nine 60-minute sessions with the new provider representatives and the employees.
- Be prepared to deal with employees who are not familiar with the health care issues and who have genuine concerns about the medical choices that they make.
- Each selection for the employee, spouse and children has to be entered into a database that will generate the new population of those covered.
- Spouses who were previously both eligible to be covered by SHBP but were ineligible for a waiver (under the current legislation) are now

eligible for the waiver, if the town permits this. The costs of the additional waivers are a budgeted expense in addition to the savings from the switch in providers.

- The calculation of the employee contribution must now also include any premiums for dental coverage. Under current legislation SHBP towns only used medical and prescription to do this calculation. This will buffer some of the pass through

savings to the employee.

- Speak to your payroll company if they do the employee contribution calculation for you. The plans and rates will have to be changed.

Overall, the extra effort on behalf of staff to accomplish the change in carriers is worth the real dollar savings to the residents and the employees. Do your homework each and every year because the costs for health care are real and they are here to stay. ▲

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Roselle's Fire Safety Efforts Lower Homeowner Insurance Rates



By Jamel C. Holley
Mayor, Roselle Borough



In these challenging times, when municipal governments are struggling to reduce costs while maintaining quality services, Roselle remains committed to investing in its infrastructure. We still manage to fund an aggressive road and bridge upgrade program—leveraging grants wherever possible—while promptly responding to residents' concerns.

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ROSELLE IS BETTER
EQUIPPED TO RESPOND
TO AND COMBAT FIRES
THAN AT ANY TIME
IN RECENT HISTORY.

Such vigilance has paid enormous dividends in our service to Roselle residents. The amount of emergency repair has steadily decreased in the borough just in the past year, as we are focused on ensuring our infrastructure is modern, adequate and well-maintained.

In one area, our commitment may actually save our residents money on their homeowner's insurance. Roselle recently underwent a lengthy independent insurance assessment. After months of reviews and questions, the

Following the insurance assessment, we were informed the borough now has a classification of a "3," upgraded from our former classification of a "4."



Roselle's success on the Public Protection Classification Summary Report is due to Roselle Fire Chief Paul Mucha and his department. Pictured with a fire truck are (l to r) Roselle Fire Chief Paul Mucha, Roselle Mayor Jamel C. Holley and Roselle Battalion Chief Jeffrey Breden.

results revealed that the borough is better equipped to respond to and combat fires than at any time in recent history.

And because of that well-earned rating, I am urging residents to reach out to their insurance companies to request a review of their premiums. I am confident this new rating will prove to insurance companies that Roselle has the necessary infrastructure and staffing to swiftly fight fires, reducing risk while improving safety for all.

I am also urging my fellow municipal officials to pay special attention to this audit—the "Public Protection Classification Summary Report"—which is produced through the Insurance Services Office, Inc. in Marlton. These audits, performed approximately every 10 years in all 565 municipalities in New Jersey, provide an unbiased assessment of how each municipality is equipped to fight fires.

These assessments are incredibly focused and driven by hard data. For example, it includes a test of local water pressure to assess the effectiveness of each fire hydrant in town. Our

fire department was also required to report on the age of each fire engine and provide specific details about all of our fire fighting tools. In addition, assessors looked at the age and capabilities of our emergency communications system to ensure it takes advantage of all the latest wireless technologies.

Following the insurance assessment, we were informed the borough now has a classification of a "3," upgraded from our former classification of a "4." Homeowner insurance companies will now look at this new grade in compiling rates—something our residents will be pleased to know.

Roselle is committed to providing mutual aid to our neighboring communities. Our firefighters are always among the first to respond to emergencies in Clark, Roselle Park, Elizabeth, Cranford and wherever else we are called.

Having high-grade fire apparatuses, coupled with veteran firefighters undergoing consistent training, is a regional benefit Roselle is proud to provide. Our relationship with neighboring fire departments also benefits

Roselle residents. We can rely on our friends and neighbors when an emergency arises.

Our success on the Public Protection Classification Summary Report is due to Roselle Fire Chief Paul Mucha and his department. Born and raised in the borough, Chief Mucha said the town's ability to fight fires is stronger than it has ever been in his 25 years with the department. He indicated the insurance assessment drilled down on every operation of his department. It was a trying experience at times, as the inspectors were extremely diligent. But, in the end, Chief Mucha told me he is proud of the outcome, as well as the firefighters he leads.

"This analysis is done on a regular basis for every municipality in 48 of the 50 states," Mucha explains. "We take it very seriously in Roselle, where fire safety is my business. I salute Mayor Holley and the Borough Council for their support and making sure that our equipment and systems are continually updated—evident in this latest assessment."

I also must salute my colleagues on the Borough Council, who recognize the enormous importance of public safety and investing in the infrastructure necessary to keep Roselle strong. One of the reasons new residents purchase a home in our suburban community is because of the level of commitment to public safety. And, now, they will be further rewarded through lower homeowners' insurance premiums.

Please allow me to extend an offer to my fellow mayors in New Jersey to visit Roselle and meet with Fire Chief Mucha and me. I believe our infrastructure is a model for the state and can be emulated by other communities that are interested in improving their safety rating.

Through this magazine, and other communication vehicles of the New Jersey League of Municipalities, we are able to share best practices on ways to benefit our constituents. I have learned plenty on these pages—and much of what has been shared has been implemented in Roselle over the past year. I also am eager to share programs that work in Roselle, as we collectively navigate through this challenging time to best administer municipal government in New Jersey. ▲

Businesses Play a Vital Role in Revitalizing Urban Neighborhoods



By Richard E. Constable, III
Commissioner, Department
of Community Affairs

In the City of Trenton's Old Trenton neighborhood, revitalization efforts are underway and leading to a rebirth of the community. Homes are getting energy upgrades.

Local residents are learning how to rehabilitate vacant homes. Income-eligible families are moving into those rehabbed homes. In addition, community resources, such as Roberto Clemente Park and the YMCA of Trenton, are receiving much needed improvements.

Behind the revival is one of the New Jersey Department of Community Affairs' quiet success stories: the Neighborhood Revitalization Tax Credit (NRTC) program.

For more than 11 years, the NRTC program has planted seeds for neighborhood change in New Jersey's urban areas. The results are community development projects in various stages of bloom. The program, administered by the DCA's Division of Housing and Community Resources, is one of the best public-private partnerships in the state. It's been a win-win for all involved.

The program works by providing community-based non-profit groups, which have created DCA-approved neighborhood revitalization plans, with corporate funding

FOR EVERY DOLLAR IN
NRTC INVESTMENT,
\$7.30 IN ADDITIONAL RESOURCES
HAS BEEN LEVERAGED.

for the projects and activities included in their plans. The companies that contribute to the program get a 100 percent tax credit against various New Jersey state taxes for investing in the revitalization of low-and moderate-income neighborhoods in eligible municipalities. At the same time



Neighborhood Revitalization Tax Credit funding has had a positive impact on some of New Jersey's most vulnerable residents: including seniors, the working poor, and children living in poverty.



The Park Boulevard properties in Camden were acquired as vacant and dilapidated properties by Parkside Business & Community in Partnership, a community-based, non-profit organization. With the help of Neighborhood Revitalization Tax Credit (NRTC) funding, these properties were completely rebuilt and have been sold to eligible families.

non-profit groups with a proven track record of helping their communities get much needed dollars; and residents get a better neighborhood. The DCA oversees the process.

Isles Initiatives in Old Trenton In the case of Old Trenton neighborhood, the DCA directed \$1 million in NRTC funding in May 2008 to Isles, Inc., a self-help, urban green development organization in Trenton. Isles, Inc.'s mission is to foster self-reliant families and healthy, sustainable communities. Isles used the money to bring to the neighborhood the Healthy Homes initiative, which provides indoor environmental and energy upgrades for housing units. The money also enabled Isles, Inc. to fund a trainer for its YouthBuild Program, which teaches local residents how to rehabilitate vacant houses and then sells the homes to qualified families once they're renovated. Isles also established a local business known as Isles E4 (Energy, Environment, Equity and Employment) that is focused on energy efficiency work for homes, and improved Roberto Clemente Park and the YMCA of Trenton's gym and locker room.

Earlier this year, the DCA approved a second \$985,000 grant for Isles to use in the Old Trenton neighborhood. A major portion of the grant is going toward redeveloping Stockton Street Apart-

ments, a 26-unit, scattered-site affordable housing project of mostly vacant homes. Other activities include providing social services case management to neighborhood residents; summer camp

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slots for 15 neighborhood children; and other community outreach.

NRTC's Efforts in 13 Municipalities

The City of Trenton's Old Trenton Neighborhood is just one community to benefit from the NRTC program. Others include the Valley neighborhood in Orange, Camden's Parkside neighborhood, the City of Elizabeth's Elizabethport section, and the Lincoln Park neighborhood of Newark. Indeed, the NRTC program currently funds 24 approved neighborhood revitalization plans in 13 urban municipalities. Since its inception, the program has received \$55,746,000 in contributions from 24 corporations.

Each year, NRTC is authorized to receive up to \$10 million in corporate contributions. The non-profit organizations must use at least 60 percent of the funds received for housing and/or economic development activities. The remaining balance may be used for complementary activities such as supportive services, assistance to small businesses, and promoting the integration of mixed-income neighborhoods.

New Process This year, a \$10 million Request for Proposals is being offered for non-profit applicants to ensure transparency and accountability. This newly created process differs from how the NRTC program was run in prior years in that a non-profit organization now has to submit a pre-appli-



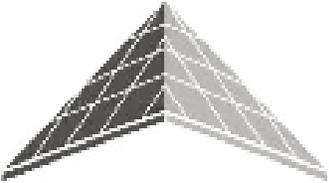
Hat City Kitchen, located at 628 Forest Avenue in Orange, is owned and operated by HANDS, Inc., a community-based non-profit organization. NRTC funds were used by HANDS to acquire and renovate the building, create a first floor restaurant & bar and also a second floor apartment.

cation to the DCA for review, using a format provided by the department. The pre-application is comprehensive and requests information about the organization and about each proposed activity. Submitted pre-applications are thoroughly reviewed; important factors include impact of activities, feasibility and readiness to proceed. Pre-applications that are accepted as eligible are placed into a

"qualified projects pool," which the department will publicize to NRTC funding contributors.

THE PROGRAM WORKS BY PROVIDING COMMUNITY-BASED, NON-PROFIT GROUPS, WHICH HAVE CREATED DCA-APPROVED NEIGHBORHOOD REVITALIZATION PLANS, WITH CORPORATE FUNDING FOR PROJECTS AND ACTIVITIES.

Organizations with pre-applications that are designated for NRTC funding through the "qualified projects pool" will be invited to submit a formal project application via SAGE (the department's electronic portal for applications and grants). The new process also applies to companies that have a



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IronWorks Studio, located at 406 Tompkins Street in Orange, is owned and operated by HANDS, Inc which is a community-based non-profit organization. NRTC funds were used by HANDS to acquire the building and convert it from its prior industrial use to a center for arts-related activities. A greenhouse was constructed on the adjacent lot to produce vegetables for local sale.

state business tax liability and are interested in making an NRTC contribution. They are now requested to do so without designating their funding for a specific non-profit organization or neighborhood project. Once the department publicizes the “qualified projects pool,” contributing compa-

nies will be able to designate the projects and organizations to which it wants its funding to go.

The DCA believes these changes will improve an already robust program that has made a significant impact in urban communities throughout the state. According to a December 2012

survey conducted by the Housing and Community Development Network of New Jersey, the NRTC program has been an effective tool for leveraging resources for community development projects and activities. For example, the survey found that for every dollar in NRTC investment, \$7.30 in additional resources has been leveraged.

Beyond this return on investment, there is also the harder-to-quantify psychological benefits that come with seeing a neighborhood enjoying a renaissance. NRTC funding has had a positive impact on some of New Jersey’s most vulnerable residents: including seniors, the working poor, and children living in poverty. It has provided them with hope that brighter days are ahead for their community and that turnarounds are possible when opportunities are seized.

For more information on the Neighborhood Revitalization Tax Credit program, please visit www.nj.gov/dca/divisions/dhcr/offices/nrtc.html or contact Bradley Harrington at (609) 633-6273 or Bradley.Harrington@dca.state.nj.us. ▲

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The STATE Act Will Increase Transportation Resources

By Scott Garrett
Congressman, Fifth District (Republican)

You've paid for the bank bailouts. You've paid for the auto bailouts. But, chances are, you haven't heard that you've paid for the Highway Trust Fund bailouts. Unless Congress acts, the transportation bailouts will continue.

America's highway network is financed through a "user pays" system. Drivers pay for road construction and maintenance, mostly through taxes on the sale of gasoline. The revenue is deposited into the Highway Trust Fund and later distributed by formula to the states. But Washington bureaucrats have attached more and more strings to this funding, dictating to states how transportation allocations must be spent. Today, drivers must not only bear the cost of the nation's highways but also subsidize mass transit, bike paths, and outdoor beautification programs. After years of this practice, the time has come to literally pay the piper.

Since 2008, federal fuel taxes have failed to match the level of transportation spending, leaving the Highway Trust fund in the red.

When faced with insolvency, the federal government turned to a tried and true method: a taxpayer-funded bailout. In fact, there have been no less than three bailouts of the Highway Trust Fund, costing the American people more than \$30 billion. And the bailouts will continue. The transportation authorization bill that was enacted into law last year requires two more bailouts of \$6.2 billion and \$12.6 billion over the next two years.

The bailouts and Washington micromanagement must stop. That is why I have introduced legislation that would put us on a path towards transportation solvency and empower state and local officials to control their transportation dollars.

Known as the Surface Transportation and Taxation Equity Act, or simply the STATE Act, my legislation would allow states to opt out of the federal transportation program. Under the STATE Act, the states would forgo their funding allocations from the federal government. In return, the states would be able to keep the vast majority of the

federal gas tax revenue within their own borders.

Transportation must be treated as a local issue. State and local officials know the needs of their communities best and should be empowered with complete authority to direct transportation spending.

By allowing states to avoid burdensome, red tape attached to federal money, the STATE Act would not only free the states of control from Washington but also would increase the transportation resources made available to the states. With this new revenue, states will have greater ability to improve and expand their infrastructure. This would mean less time spent in traffic and safer roads for you and your family.

Best of all, the STATE Act would accomplish these goals without any additional tax burden placed on the American people. Consumers would still pay the same amount of tax at the gas pump. The STATE Act would simply allow the respective states to keep most of the tax revenue that, under the current system, is sent to Washington.

The Highway Trust Fund's insolvency is nothing new, and there have been a number of so-called "solutions" that do little to put the fund on solid financial footing. These proposals range from increases in the gasoline tax to the use of technology to track the

amount of miles a vehicle has travelled and assessing a tax based on that data.

The simple truth is our transportation system will not improve, and the bailouts will not end until we end Washington-centric highway financing. It is time that Washington realizes that hardworking Americans cannot be expected to continually bailout government mismanagement. The American people have had enough.

It's time to end the bailouts; it's time to end Washington's abuse of our highway dollars. It's time to enact the STATE Act. ▲

THE TRANSPORTATION
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Congressman Garrett is a senior Member of the House Budget Committee and Chairman of the Financial Services Subcommittee on Capital Market and Government-Sponsored Enterprises.

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Finding Efficiencies in Difficult Times



By Tom Kean, Jr.
Senate Republican Leader

Here in New Jersey, municipalities are adjusting to the “new normal”: a 2 percent cap on local tax levies, increased scrutiny of financial decisions at the state level, and growing pressure to consolidate and share services at the county, municipal and school board level.

While this is a difficult adjustment for many towns and cities due to the rising cost of providing services, contractual obligations to employees, and a school funding regime that does not distribute education dollars as fairly and equitably as it should—the new normal is also an important adjustment. It is forcing us to right-size government and never again repeat the tragedy of nearly a 70 percent spike in property taxes in less than a decade.

Difficult and at times maddening for local leaders, this exercise in finding efficiencies and making tough choices is desperately needed by the taxpaying public.

In that light, Governor Chris Christie’s budget contains good news for taxpayers and municipalities alike. Aid to education is increased by nearly \$100 million to an all time high. And, CMPTRA aid remains stable from the last fiscal year.

Given the still sluggish economic recovery plaguing not just New Jersey, but the nation, the Governor’s budget delivers the best news possible under the circumstances. The Legislature’s first priority this year should be to pass a budget that maintains these funding levels for education, municipal aid, and Sandy recovery.

Legislative leaders must also stop reneging on the promise that was made to property tax payers when Cap 2.0 was signed into law. It’s time we gave local governments ALL the appropriate tools to control costs and continue to provide services while living under the levy cap.

A variety of Governor Christie’s “tool kit” proposals remain stalled in the legislature, but two big ticket items are of particular interest because in a rational world they should be met with little or no opposition: sick leave reform and voter approved civil service discontinuation.

Inaction is indefensible when local governments are borrowing money to pay tens and sometimes hundreds of thousands of dollars per employee in unused sick time.

The civil service system predates most modern worker protection laws. There is no rational or reasonable justification to oppose allowing voters to opt-out of a costly civil service system. It is a system that rewards seniority over merit and productivity in municipal workforces. It is a detriment to our taxpayers.

And yet, budgets, tool kits, and tax caps all seem quite small in comparison to the massive challenge faced by the communities devastated by Hurricane Sandy.

Rebuilding these cities and towns better, stronger, and smarter is important not only for the thousands who lost so much and were displaced from their homes, but for every New Jerseyan.

The receding waters of the Atlantic and Hackensack and Hudson and Navesink took with them a huge portion of the state and local economy that must be restored in order to secure New Jersey’s future. Whether we as a state rise to this challenge is the difference between creating jobs or losing them and growing our economy or watching it decline.

With Governor Christie leading the response, we have risen to meet this challenge head on.

Recovery is a complex process involving federal, state, and local agencies and requires innumerable decisions and choices. Considerations range from how

billions of dollars in federal disaster aid will be spent, to what standards to adopt when rebuilding homes and businesses. We must also consider how to prevent power outages and gas shortages when the next storm hits, and provide assistance to municipalities coping with millions of dollars in tax base devaluation.

This process requires all of us to put politics aside and work together to solve problems. While many of the regulatory and planning and permitting functions of the recovery process fall to the executive branch of state government, the federal government, or local

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leaders, the Legislature has a role to play in supporting and facilitating those efforts.

Legislative leaders from both parties are in the process of putting together a bipartisan package in response to Hurricane Sandy that is deliberate, thoughtful, and addresses real needs exposed in the wake of the storm. Of note, several proposals are in the works to hold utility companies accountable for extended power outages, secure fuel supplies during emergencies, and help residents navigate the insurance claims process.

As the recovery effort moves along, additional needs and imperatives are

certain to present themselves. Every day, state and local officials learn something new about what it will take to rebuild or access federal funds and programs. With an event of this magnitude there is plenty to learn.

Enabling legislation for any number of initiatives may become necessary at the request of the administration or local officials. I am certain that, in the spirit of unity that followed the worst natural disaster in a generation, Democrats and Republicans in the State House will work together to address these as they arise.

If Sandy taught lawmakers anything it is that the people of New Jersey

want, above all else, a government that focuses on the nuts and bolts basics of life in our state. They want us to live within our means, facilitate economic growth and job creation, and respond heroically in a crisis. Partisan agendas and games might be of interest to Trenton insiders, but they're of little use to the people we all serve.

New Jersey residents have one agenda for our state, a "back to basics" agenda that was made abundantly clear in the aftermath of Sandy. It is a lesson that we would do well to apply to everything we do as a government, not just in times of crisis. ▲

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Facing Recovery Together



By Steve Sweeney
Senate President

Hurricane Sandy may have hit us very hard, but she didn't knock us out. Our state has shown the world the tremendously good, unbelievable kindness and "never quit" spirit of New Jerseyans that sometimes can only arise after such a painful and devastating crisis.

I saw it with my own eyes in Perth Amboy where I met a small business owner whose company suffered significant damage. But, defiantly, she told me not only was she committed to rebuilding her business—Sandy wasn't going to get the best of her—she's going to move forward and expand her operation.

New Jersey is resilient, New Jersey is tough, and New Jerseyans are compassionate. Our residents have shown this as we stick together. They epitomized what President Clinton said last year: "we're all in this together" is a better philosophy than "you're on your own."

The commitment to helping our neighbors, however, should not begin, nor should it end, with tragedy; it should be something our elected officials strive for each and every day.

So, as we recover from the storm, we need to be mindful that many of our neighbors face their own hardships each and every day in New Jersey. We must make choices to deal with our lack of jobs, cuts to social programs, war-torn urban areas, segregated communities, failing schools and unprecedented budgetary pressures.

These issues cloud our future and undermine the promise of this great state. We cannot ignore these problems or wish them away. They must be confronted—and they must be confronted head on. As Senate President, I have tried with my colleagues to improve the lives of every New Jerseyan through issues important to all of us. These include:

- funding our public schools;
- helping non-profits like Wynona Lipman's House;
- supporting women's healthcare and planned parenthood;
- fighting against joblessness and foreclosures;
- assisting our special needs communities;
- supporting basic human rights issues such as same sex marriage; and,
- fighting efforts to obliterate the Mount Laurel doctrine, which requires every town to provide its fair share of affordable housing.

We made many tough and politically unpopular decisions. It certainly would have been easier to shy away from many of those issues, but true leadership demands a willingness to

move forward. There is much more to do.

Clearly, how we rebuild after Sandy will be an issue for months and years to come. The billions of dollars in aid flowing into the state are helping the process, but that kind of money always invites bad behavior from those looking to take advantage of people's misfortune. That is why I introduced legislation that puts in place integrity monitors to oversee just how these funds are spent. These monitors will ensure that taxpayer dollars do not disappear because of waste, fraud and abuse. Their work was highly touted in the aftermath of 9-11 and I have no doubt they

AS WE PULL OURSELVES UP FROM
THE DESTRUCTION CAUSED BY
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THIS RECESSION.

will bring the same kind of vigilance to New Jersey.

While Sandy is a crucial issue, we are all aware that our state is facing its highest unemployment rate in decades. As with all issues, I have been willing to set politics aside and work across the aisle on issues that put New Jerseyan's back to work. But the Christie administration has not chosen to make the investments necessary to help the people in this state find a job or earn the wages they deserve.

The people of New Jersey deserve a leader who is willing to look behind the numbers, like the unemployment rate, and recognize that they are not just numbers—they are people. This is a serious matter; one of personal importance that no leader can ignore. Think about some of the rankings New Jersey has seen itself in over the past year:

- second in the country in homes in foreclosure;
- 47th in economic output; and,
- 45th in wage growth.

And the number of people living in poverty has increased from 8.7 percent in 2007 to 11.4 percent in 2011—a disgraceful statistic for a state as wealthy as New Jersey.

Those are our families—New Jersey families falling into

poverty and struggling to scrape by. These numbers are heartbreaking. But this does not have to be. New Jersey is lagging behind the rest of the region. We are outside of the norm.

With an unemployment rate nearly two points lower than New Jersey's, Pennsylvania expanded its education programs to make sure workers are trained for the jobs of today and tomorrow. In New York, where unemployment is nearly a percentage point lower than New Jersey, they have attracted 1,000 new pharmaceutical jobs because of their choice to invest in higher education. Recently, I met with Governor O'Malley of Maryland and he shared with me how his state has made tough choices to create jobs. They chose to invest in the middle class and plant the seeds of opportunity—not to preserve privilege. Maryland is investing in education, not cutting it. They are investing in infrastructure that will lead them to economic prosperity, not walking away from projects that will move the economy and the region forward. And they stay commit-

ted to their workforce; a commitment that has resulted in more jobs, lower unemployment and the maintenance of a triple A bond rating.

While I like a lot of things about Maryland, it is the people across this state who are my priority...because I love New Jersey. That is why I am focused on new initiatives, like "Jobs for New Jersey," that provides financial assistance to small businesses that hire people off the unemployment rolls. Because, let's face it, without jobs there is no progress.

Not only must we create jobs, but we have to boost the well-being of working families. That means raising the state's minimum wage. That is why I proposed a constitutional amendment that would raise the minimum wage and tie future increases to the Consumer Price Index (CPI). Tying minimum wage to the CPI will take politics and politicians out of the process forever. It means working people can count on an increase in wages as they experience an increase in their cost of living. It also means businesses will

have predictability and will not have to face high increases every time politicians feel it is past due to raise the minimum wage. This is what taking care of our own is all about; putting them back to work and pulling them out of poverty.

The path ahead is not easy, but it is a path none of us will go down alone. It's a path we will go down together. Following the tragic events of Hurricane Sandy, progress is what we need. We desperately need the compassion displayed by Governor Christie in the wake of Sandy to continue, and not only continue, but to expand to all New Jerseyans—not just on the critical Sandy issues we face but on all of our state's severe social and economic issues.

So as we pull ourselves up from the destruction caused by Hurricane Sandy, we need to also pull ourselves out of this recession; and we need to be stronger, because together we will choose to make the tough choices that will ultimately build a better life for all New Jerseyans. And together we will



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Protecting the Integrity of Local Planning Decisions



By Matthew Boxer
New Jersey State Comptroller

As towns across New Jersey start to rebuild in the wake of Sandy, it is vital that we protect the integrity of the process through which local planning boards make decisions about growth and development.

A recent investigation by the Office of the State Comptroller (OSC) illustrates the types of conflicts that can arise when elected officials use their public position to influence land use decisions in which they have a personal stake.

OSC's investigation found that an elected municipal official had taken numerous official actions to facilitate a private land deal that brought him substantial profit. Using both his political influence and insider knowledge to

push a complicated development project through multiple governmental hurdles, the elected official also shielded the fact that he had a personal financial stake in the project's outcome.

The investigation's findings serve as a reminder that local officials must take preventative steps to address conflicts of interests that can arise when land use decisions are being made.

The first step is an obvious one: Government officials should refrain from taking official action on a matter in which they have a financial interest. In the case investigated by OSC, the municipality had a "Conflict of Inter-

est Policy" that required its officials to immediately disclose potential conflicts to either the township attorney or municipal clerk for evaluation. However, in this case the official failed to notify the municipality about his financial interest in the development project and also omitted his financial interest on a state-mandated financial disclosure form. He then cast votes as a member of the township committee that served to further his personal financial interests.

It is important to note that violations of conflict of interest laws are not limited to the casting of official votes.



Conflicts of interest can arise when elected officials use their public position to influence land use decisions in which they have a personal stake.

Under state ethics and criminal law, public officials may not use their influence, position or access to inside information to secure a personal financial benefit. In this case, the elected official used his knowledge of a complicated local land use program and his influence with county government to further the development project in which he had a personal financial stake.

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Protecting the integrity of local planning decisions requires more, however, than simply relying on the local officials involved to disclose any potential conflicts of interest. In the case investigated by OSC, the developer asserted it was under no duty to proactively disclose to the municipality its private deal with the local official. Municipalities should therefore consider requiring developers to certify, at the time they submit a development application, the identity of any members of the governing body or planning board who have a financial interest in the project or developer.

OSC's investigation also revealed the need for municipalities to be aware of the potential for conflicts of interest whenever a member of a local government board seeks to personally transact business before that same board. In this case, the elected official also had sought a resolution from the planning board of which he was a member. The resolution would have benefitted a parcel of land he owned. In persuading his colleagues on the board to grant his petition, the official represented himself and addressed the members of the board directly, having stepped down from the planning board dais to make his application.

Five Ways to Promote Ethics

1. Under state ethics and criminal law, public officials may not use their public position or access to inside information to secure a personal financial benefit.
2. Government officials should refrain from taking official action on a matter in which they have a financial interest.
3. Municipalities should consider requiring developers to certify, at the time they submit a development application, as to the identity of any members of the governing body or planning board who have a financial interest in the project or developer.
4. When a member of a local government board seeks to personally transact business before that board, the board must proceed with caution and consider avenues to avoid the potential for a conflict or the appearance of a conflict.
5. When a local official appears before a planning board comprised of individuals that he or she has appointed, the planning board should make every effort to identify other, suitable members to rule on the application.

When a member of a local government board seeks to personally transact business before that board, the municipality must proceed with caution and consider avenues to avoid the potential for a conflict or the appearance of a conflict. For example, it might require the board member to use an intermediary, such as a lawyer or land use expert, to make his or her case before the other board members.

In the case investigated by OSC, the conflict was further exacerbated by the fact that the board was comprised of individuals whom the local official in question had appointed in his role as an elected municipal official. When a local official appears before a planning board comprised of individuals that he or she has appointed, the planning board should make every effort to identify other, suitable members to rule on the application.

Although the Municipal Land Use Law provides a mechanism for towns with separate zoning and planning boards to replace conflicted members of one board with members from the other board, no such mechanism exists to authorize the replacement of conflicted members of a "consolidated" land use board that combines both functions. Since consolidated boards are prevalent in smaller communities, OSC has recommended that legislation be enacted to provide a mechanism for the temporary replacement

of such board members who have a conflict of interest. ▲

Steven Zweig, a senior staff attorney at the Office of the State Comptroller, contributed to this article.

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Under the Gold Dome

Money and the Governor's Race



By Darryl Isherwood

This year's gubernatorial election promises to be among the most expensive in the state's history.

With Governor Chris Christie hauling in cash from the likes of Mark Zuckerberg and Condoleezza Rice and the Supreme Court's Citizens United decision promising to open the floodgates of Super Pac money to both candidates, we could be looking at a \$100 million race for the state's top elected post.

That's more even than was spent in 2005, when Democrat Jon Corzine and Republican Doug Forrester, whose personal wealth—and willingness to spend it—seemingly knew no bounds, were on the ticket.

Christie already holds a decided advantage over Democrat Barbara Buono owing to his national profile and ability to hold big dollar, out of state fundraisers. But thanks to the state's matching funds program, she will still boast a war chest of about \$12 million when all is said and done.

There is an old adage in politics that in every race there is a respectability number—a number that a candidate must reach in order to be considered "serious." You don't have to out raise your opponent, the saying goes, but you have to have enough cash to stay in the game.

And who hasn't heard the story of the no-name, no-money challenger—David if you will—knocking off the entrenched incumbent Goliath armed with little more than desire and a strong work ethic.

And yet, we in the media judge a candidate in large part by the money he or she has raised. We determine their viability and to some extent how much coverage we will give them based on their ability to rake in the dough. The "money war" makes headlines each time a new report is released detailing the latest fundraising numbers.

But does that wealth really determine a candidate's ability to win?

The answer is yes—and no.

As the aforementioned Corzine learned, money will buy you a ticket to the game, but it doesn't guarantee a win. In 2005, Corzine outspent fellow millionaire Doug Forrester by \$13 million to win his bid for governor. Four years later he outspent Christie two and a half to one. And he lost.

Back then Christie was the underfunded long shot. The would-be governor had not yet become the national darling. Back then it was he who relied on the largesse of matching funds to keep him competitive and ultimately win the race.

So what is that number? For Christie, who seems to raise money at will and as of this writing boasts a war chest of close to \$6 million, he's likely already there. Speculation in Trenton is the governor will raise \$20 million to \$30 million when all is said and done and enjoy at least an equal amount in outside support from various PACs.

For Buono it's a different equation. With low name recognition and troubled poll numbers, just introducing herself is going to cost big while bloodying the governor to any effect will require an even larger nest egg.

But the blessing of matching funds also has a curse. By accepting the program, she is limited to about \$12 million dollars, so respectable or not,

that's her bottom line.

It remains a question whether the vaunted Super PACs that have played an increasing role in campaigns for the past few years will ride to her rescue. The Super PAC phenomenon has been more effectively leveraged by the GOP, however President Obama enjoyed his share of support in November.

While just how much will be raised and spent remains to be seen, there is no question New Jersey will set a new standard in spending this fall. ▲

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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Responding to a Flood of Rate Increase Requests



By Stefanie A. Brand
Director, Division of Rate Counsel

They say when it rains, it pours. If you ever wondered whether that statement is true, you need only look at utility filings with the Board of Public Utilities (BPU) since Superstorm Sandy. Since last October we have seen a proliferation of rate cases, requests to recover storm costs and proposals to “harden” our utility infrastructure to help address future storms. While some of these requests may be reasonable, others most certainly are not. Figuring out which is which is the hard part.

At Rate Counsel, our job is to advocate for ratepayers to ensure that they get safe and adequate service at just and reasonable rates. This means we look not only at keeping rates reasonable, but also at ensuring that we are getting adequate service in exchange for paying those rates. We have to navigate this flood of filings to figure out what we should do, and what ratepayers can afford. The following is an account of what we have found so far and what we see coming on the horizon.

In 2010, Rate Counsel filed a petition with the BPU asking them to require JCP&L to file a rate case. We hired an accounting expert to review publically available documents and based on his analysis, we believed the company was over-earning. We asked the Board to require them to come in, so that we could adjust their rates to the proper level. The Board granted our request. While we were looking at a downward adjustment, the company came in for a rate increase.

In addition, between the time we filed the petition and their deadline to file the rate case, Hurricane Irene and the October 2011 snowstorm occurred. So the cost of responding to those storms was included. Since then, JCP&L has moved to expand their filing to include Superstorm Sandy costs, even though that storm occurred outside the “test year” we are looking at in the rate case. As of now, the company is seeking an annual increase of approximately \$112 million, or 5.1 percent. Rate Counsel is conducting discovery



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and we intend to explore fully the company's financial situation, their past spending on reliability, their service performance, and whatever storm costs the BPU says should be addressed in the rate case. Public hearings were held in April and we encourage customers and municipal officials in JCP&L's service territory to continue to let us know your concerns.

AT RATE COUNSEL,
OUR JOB IS TO
ADVOCATE FOR
RATEPAYERS TO ENSURE
THAT THEY GET
SAFE AND ADEQUATE
SERVICE AT JUST AND
REASONABLE RATES.

Atlantic City Electric also filed for a rate increase. Even though they were granted a rate increase as recently as last October, they are seeking a further annual increase of approximately \$75 million or 7 percent. Their filing seeks recovery of the costs of responding to Hurricane Sandy and the "Derecho" that occurred in their service territory in 2012. Rate Counsel is conducting discovery in this case as well and will fully explore whether an increase is warranted and whether that company is providing safe and adequate service.

Last, but most certainly not least, is the \$4 billion filing by PSE&G. The Petition promises to make us "Energy Strong," but includes only cursory details on what projects PSE&G plans to undertake. There are no detailed cost/benefit analyses and no explanation of how many outages these steps will prevent or shorten. The filing also includes items, such as purchasing generators for gas stations that should in no way be borne by the state's ratepayers. While Rate Counsel agrees that some measures must be taken to help us deal with future storms, we need to figure out what makes sense to do first and what we can afford right now

when we have so many other costs to pick up after Sandy.

For example, some measures that will have the greatest impact, such as tree-trimming and improved communication protocols are very cost-effective. We should explore these options before jumping straight to a \$4 billion "solution" we don't even know will work. We need to make sure that we are not going to spend \$4 billion and end up with the same problems we had before.

We also believe that the method of cost recovery that PSE&G is proposing is fundamentally unfair. Normally, utilities conduct capital projects with funds raised from shareholder equity or debt. In other words, they finance these projects with their own money. This helps ensure that they spend wisely, as they assume the risk that if they don't, they won't get paid back. As long as their spending is prudent, they get paid back by the ratepayers when they come in for their next rate case. They are also paid a return in exchange for the risk they have taken by virtue of investing their money. Here, PSE&G is proposing to fund these measures through a surcharge. That means ratepayers will lay out the money and the company will get paid as they go along.

In other words, the company still seeks to earn a return even though

they are taking on no risk. It's as if you lent someone money and they expected you to pay them interest.

The good news is that because Hurricane Irene came before Sandy, the BPU is already well on its way to analyzing what we can do to make things better. After Irene, the BPU commissioned a study to see how the utilities could do better. In February, they came out with an order that requires the utilities to take steps to improve their response and communications during storms. The BPU also ordered the utilities to develop plans to harden their infrastructure and take other measures to reduce the number and duration of outages. We need to look at those plans and we need to see what they cost and what they will bring in terms of benefits.

You can be sure that Rate Counsel will be there, with our own experts looking at precisely that. Our goal will be to find ways to ensure safe and adequate service, improve storm endurance and restoration, and develop better methods of communication. We will also endeavor to do this and maintain just and reasonable rates so that our citizens and businesses—already reeling from the aftermath of Superstorm Sandy—can still afford to pay their bills and stay in New Jersey. That's the best way to stay "Energy Strong." ▲

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New Jersey Ranks Fifth for Humane Treatment of Animals



By Colin T. Campbell, D.V.M.
Deputy State Public Health Veterinarian,
New Jersey Department of Health



While cities and towns in New Jersey strategize to find ways of providing effective animal control services for their residents, it is important to recognize that our state is considered one of the most progressive in the country in regards to animal-related laws. In the '2012 Humane State Rankings,' the Humane Society of the United States ranked New Jersey the fifth best state in the nation when it comes the humane treatment of animals.

New Jersey's strong performance stems from a long history of animal control initiatives. Local officials can rely on a solid foundation to build on at the state level.

THE LAWS ARE BASED ON THE
INDIVIDUAL CIRCUMSTANCES OF AN
ATTACK AND ACTIONS OF THE DOG—
NOT THE BREED OR TYPE OF DOG.

State Laws In 1983, New Jersey began requiring municipalities to appoint certified animal control officers (ACOs). These officers are certified by the Department of Health after they complete an approved training course, and 20 hours of field experience with two certified ACOs. The process helps ensure that ACOs are able to provide quality and standardized services.

In 1989, after a series of attacks by dogs on people and other animals, a set of statutes was passed in New Jersey outlining the circumstances of when a dog may be declared vicious or potentially vicious. The laws are based on the individual circumstances of an attack and actions of the dog—not the breed or type of dog. Depending on the circumstances, a municipal court judge can declare a dog vicious leading to euthanasia. Or he or she can declare the dog potentially dangerous, which leads to restrictions on how the owner can keep the dog. Dog owners or bite victims can appeal the court decision.

Licensing New Jersey is also a leader when it comes to ensuring that animals that end up in animal shelters or impoundment facilities are treated humanely and kept in sanitary conditions. Currently, 108 shelters are licensed by

New Jersey is a leader when it comes to ensuring that animals that end up in animal shelters or impoundment facilities are treated humanely and kept in sanitary conditions.

municipalities to operate in New Jersey. They are required to provide a minimum standard of care and undergo an annual inspection by local health departments.

New Jersey' shelters have been very successful in reuniting animals with their owners and placing adoptable animals into new homes. In calendar year 2011, over 89,000 dogs and cats were surrendered to or impounded at pounds and shelters. Of those animals, 13 percent were redeemed by their owners and 41 percent were successfully adopted to new owners. Sadly, 35 percent were euthanized. It should be noted that many shelters do not euthanize adoptable animals and that many euthanized animals are old, sick, aggressive or have been surrendered from owners who cannot afford to have a veterinarian euthanize their pet.

Innovation/Challenges The department is always on the lookout for ways to reduce the state's unwanted animal population. One successful program, the Animal Population Control Program (APC) has become a national model.



Pet owners who adopt dogs and cats from shelters and pounds can have their pets sterilized for \$20 or \$10 if they participate in certain public assistance programs.

Through this program, more than 3,740 dogs and cats were sterilized in 2012.

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What Is an Ocean View Worth?



By Lewis Goldshore
NJLM Environmental Counsel



As is generally known, the fair market value of beachfront and other waterfront property is enhanced by the views. Whatever judicial or legislative rules are imposed will need to respect the constitutional mandate of just compensation.

Several months prior to Superstorm Sandy, the Supreme Court agreed to hear a case concerning the methodology for determining valuation when a dune is constructed on ocean-front property. *Borough of Harvey Cedars v. Karan*, 425 N.J. Super. 155 (App. Div.), certif. granted, 210 N.J. 478 (2012).

Following the late October storm and its catastrophic damages, particularly in unprotected areas, the case has taken on added significance.

In *Karan* the court will consider the following legal question: Did the public construction of a 22 foot high dune to protect against hurricanes and severe storms, for which the municipality condemned an easement on the homeowners' beachfront property and which partially blocks their ocean view, confer a special benefit on the property beyond the general benefit for which the dune was constructed?

Practical Issues While condemnation, real estate and environmental lawyers may debate the distinction between a special and general benefit, there is a more practical issue lurking just behind the curtain. It concerns how much a condemning authority must pay a beachfront owner when there is a taking of a portion of the property for the construction of a dune designed to provide protection from storm damages. Further complicating this situation for cash-strapped condemnors is the fact that this type of property is generally highly valued in the marketplace, due to the extraordinary views and direct access afforded to the ocean and other watercourses.

Similar to most other disputes, it all comes down to money and who is going to pay. In *Karan*, the Borough of Harvey Cedars claimed that the value of the interest taken as a result of the dune construction was *de minimus*. In contrast, the condemnee presented expert testimony that

the loss of view was significant and the reduction in value was very substantial. The jury heard the conflicting testimony, visited the site and returned a sizable verdict, which was upheld by the trial judge and the Appellate Division.

If the court applies the traditional valuation rules used by the courts below, similar awards to beachfront property owners can be anticipated in the future. Unless those rules are revised, or another way is found to allocate the costs, some essential storm protection measures may continue to be deferred due to limitations on available public funding.

General v. Special Benefit The Karans' oceanfront property was located on Long Beach Island, where the Army Corps of Engineers has been engaged in a shore protection project. This included the construction of dunes along the length of the island's Atlantic Ocean beaches.

In connection with the project, the borough condemned one-third of the Karans' property, upon which a 22 foot high dune was then con-

structed. While the structure provided increased safety from storms, the former spectacular beach and ocean views were partially blocked.

The question was not whether the borough had the authority to acquire

efit from the dune and that this was a jury issue. But the trial judge disagreed and held that whether the benefits constituted a special or general benefit was a legal issue for the court's determination.

WHILE THE GOVERNOR, LOCAL MAYORS AND SHORE RESIDENTS WHO SUFFERED SERIOUS STORM DAMAGES ARE JUSTIFIABLY DISPLEASED WITH THE SO-CALLED HOLDOUTS, THAT BEGS THE QUESTION OF HOW TO DETERMINE VALUATION WHEN PRIVATE PROPERTY IS TAKEN FOR PUBLIC USE.

the property pursuant to the Eminent Domain Act. N.J.S.A. 20:3-1 et seq. Rather, the question was how much the municipality had to pay for the partial taking.

In the trial court the borough argued that the Karans realized a special ben-

At a Rule 104 hearing, the borough's engineering expert testified that the dune substantially increased the expected storm damage return period for the Karan property and that properties close to the beach received greater benefits than those further inland.

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But on cross-examination, he conceded that the project included the entire island; that the dune constitutes public property, protects the beach and provides public access; that the dune height was designed to maximize economic benefit to all of the island's communities; and that the dune's purpose included protecting homes further inland as well as others along the beach. The trial judge concluded that the benefits to the Karans' property were not special benefits and did present a jury question.

At the condemnation trial the "before" value was agreed by the parties to be \$1.9 million. The opinion of the borough's real estate expert was that the dune's impact on the views was *de minimus* and worth only \$300 in compensation. But he had not gone into the home or on the second-floor deck to observe those impacts. In contrast, Karans' expert testified that the loss of view diminished value by \$500,000. Mr. Karan described the house, which previously had a glass wall facing the ocean and oceanfront decks with sweeping views, as now facing a wall of sand. The jury's verdict was \$375,000.

In affirming the Law Division ruling, the Appellate Division noted that a project's general benefit which a condemnee may enjoy in common with other affected property owners, cannot be considered to increase or

decrease a compensation award. It also observed that a special benefit—that is, one particular to the property subject to the condemnation and not the type of benefit that was the project's object—may offset a condemnation award only in limited circumstances.

GOVERNOR CHRIS CHRISTIE HAD SOME CHOICE WORDS FOR THOSE BEACHFRONT OWNERS WHO OBJECT TO DUNE CONSTRUCTION.

The appeals court concluded that the protection provided to Karans' property resulting from the dune construction was a classic example of a general benefit. Although the property may have been benefitted to a somewhat greater degree than its inland neighbors due to its location, that did not constitute a special benefit for valuation purposes in the condemnation case.

As the Appellate Division reasoned:

The benefit conferred on defendants' property—added protection from damage due to storms—was the object of the dune project, was not different in kind from the benefit conferred on the island as a whole, and was only potentially different in degree from the benefit conferred on properties located further inland. Moreover, plaintiff did not present any expert testimony that a prospective buyer would be willing to pay the same price for a house with a largely-obstructed view of the ocean as for a house with a magnificent panoramic view, because the former house was safer from storm damage. (Citations omitted).

The Governor's View Governor Chris Christie had some choice words for those beachfront owners who object to dune construction. According to a January 17 story on www.app.com, the governor indicated at a town hall meeting:

Here's the bottom line, there could be homeowners up and down this shore who don't want to get an outside easement to have these dunes, because it blocks their view. We had people lose their lives in this storm. We had people lose everything in this storm. To protect your view? Sorry.

He has also indicated that he would seek legislation to get the job completed if that proved necessary.

While the governor, local mayors and shore residents who suffered serious storm damages are justifiably displeased with the so-called holdouts, that begs the question of how to determine valuation when private property is taken for public use. As is generally known, the fair market value of beachfront and other waterfront property is enhanced by the views. Whatever judicial or legislative rules are imposed will need to respect the constitutional mandate of just compensation. U.S. Const. Amend. V; N.J. Const. art I, para. 20. ▲

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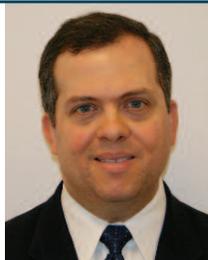
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Legislative Update



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

The Budget Recess

The Governor's February 26 budget address began the state budget process. Following the Senate's March 18 and the General Assembly's March 21 voting sessions, the Legislature convened the "budget recess." Most legislative committees will not meet until early May, allowing time for the respective budget committees to review the Governor's proposed budget.

Now, with the full Legislature anticipated back shortly, here is a summary of some current legislation of interest to local governments that may see action in the upcoming weeks and months.

Property Tax Relief and Restoration of Energy Receipts The League's top priority for 2013 is the restoration to municipalities of funding diverted by the state from Energy Taxes intended for local use and property tax relief. A-2753, sponsored by Assembly Members Benson, DeAngelo and Jasey, stands at second reading in the Assembly. The Senate companion, S-1923, is sponsored by Senator Greenstein and referenced to the Senate Community and Urban Affairs Committee. The League supports this legislation, which would require direct payments of energy taxes to municipalities.

A-3571, sponsored by Assembly Members Singleton, Webber and Conaway, is referenced to the Assembly Housing and Local Government Committee. This proposal would increase distribution to municipalities from the Energy Tax Receipts Property Tax Relief Fund over five years to restore municipal funding reductions and requires that this additional funding to be subtracted from municipal property tax levy. The Senate companion, S-2558, is sponsored by Senators Van Drew and Oroho and referenced to the Senate Community and Urban Affairs Committee. The League is currently reviewing A-3571 and S-2558.

Enactment of A-2753 and S-1923 would begin to restore energy receipts and provide some immediate property tax relief to our communities. This legislation would assure local property taxpayers compensation for hosting transmission facilities and lines that allow gas and electric energy corporations to serve customers and conduct business in New Jersey.

Sustainable State Funding for Preservation of Open Space, Park, Farmland and Historic Sites At the League's Annual Business Meeting on December 5, 2012, the League adopted Resolution 2012-4, "Supporting Sustainable State Funding for Preservation and Stewardship of Open Space, Park, Farmland and Historic Sites in New Jersey."

The Senate Environment and Energy Committee began consideration of different approaches to achieve a sustainable state funding source for open space, farmland and historic preservation.

The Committee took testimony, but did not act, on the following bills:

- S-813, which would impose water consumption and diversion user fees to fund open space and farmland preservation projects. Specifically, S-813 would establish, upon public approval of a constitutional amendment (SCR-44), a water usage fee of \$0.40 cents per thousand gallons of water delivered to the consumer. The Office of Legislative Services estimates this would generate \$150 million annually for open space projects.
- S-2529, the "Preserve New Jersey Act of 2013"; which would implement a constitutional dedication of sales tax revenue for open space, including flood prone areas, farmland, and historic preservation purposes. Specifically, S-2529 would dedicate, upon public approval of a constitutional amendment (SCR-138) \$200 million annually of New Jersey sales tax revenue for the next 30 years for open space projects.
- S-2530, the "Green Acres, Water Supply and Floodplain Protection, and Farmland and Historic Preservation Bond Act of 2013," which would authorize bonds for \$400 million. Specifically, S-2530 would authorize, upon public approval, the issuance of \$400 million in state bonds for open space projects.

The League did not take a position on the above bills but did forward a letter transmitting the League Resolution, expressing support for the Legislature and the Administration to establish a sustainable state funding source to assure that future generations benefit from the natural resources of the Garden State.

Early Voting S-2364, which would require early voting in most elections, passed the full Senate on Monday, March 18 by a vote of 24-16. That bill was substituted for the Assembly version of the bill, A-3553, and passed by the Assembly on Thursday, March 21 by a vote of 46-31.

The bill would now require early voting locations to be spread throughout the county at either three, five, or seven locations, depending on the number of registered voters in the county. These locations could still be in a municipal building. The hours of early voting would be from 10:00 a.m. to 8:00 p.m. Monday to Saturday, and on Sundays, from 10:00 a.m. to 6 p.m. According to the Office of Legislative Services, these bills could cost as much as \$22.8 million.

We continue to oppose these bills, as they introduce a new, complex, and potentially expensive process. Furthermore, they are unnecessary as we currently have an early voting process, Vote by Mail, which permits voters every opportunity to vote and participate in the democratic process.

Snow Removal Trust Funds League Resolution 2012-19, "Expand the Use of Snow Removal Trust Funds to Respond to Natural Disasters" was approved at the League Business meeting on December 5, 2012. Assemblymen Dancer and Chivukula sponsor A-3764, which would permit counties and municipalities to use snow removal reserve funds for clearance of debris following declaration of emergency by the President or Governor. The League supports A-3764, which was approved by the full Assembly on March 21 and now heads to the Senate for its consideration.

Registration of Multi-Family Dwellings The League opposes S-2114 and its companion legislation A-3317, which will preempt any municipal ordinance requiring registration for multi-family dwellings, defined by statute as three or more units. A-3317 was approved by an Assembly committee in December, but has not been scheduled for an Assembly vote. S-2114 was approved by the Senate Community and Urban Affairs Committee and was second referenced to the Senate Budget and Appropriations Committee.

A 1967 law, the "Hotel and Multiple Dwelling Law," authorized the state to require registration, in addition to local registration, of residential rental properties with three or more units. Currently, a municipality has the option to require registration for these units. Municipalities conduct these registrations for a multitude of reasons all centering on the health, safety and welfare of their residents.

This option assists municipalities in effectively regulating the quality of housing in the community and should not be preempted by Trenton.

Amendments to OPRA/OPMA The League opposes S-2511 and S-2512, which are amendments to the Open Public Meetings Act and the Open Public Records Act. These bills were scheduled for a Senate floor vote in early February, but were held after a



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number of senators raised the objections brought forth by the League, the Association of Counties and the School Boards Association, among others. The Assembly bills (A-3713 and A-3712) are referenced to the Assembly State Government Committee.

These proposed amendments would require that the public body allow each individual to speak for a minimum of three minutes, at the start of the public meeting, but removes the ability of the public body to limit the overall length of the public comment period. This new requirement could disrupt public meetings, lead to filibustering and prevent the governing body from conducting business. In addition, the bills continue to ignore the recommendations made by the Privacy Study Commission.

Shared Services The League opposes S-2 and A-1171. This Legislation, which is intended to compel municipalities to engage in shared services, passed the State Senate by a 25-9 vote on November 29. It now joins its Assembly companion A-1171 with the

Assembly Housing and Local Government Committee. The bill passed the Senate with only a 4 vote margin with a number of abstentions.

The League opposes S-2 & A-1171, most notably for the “voter penalty” provision, which allows the voters to express their will but penalizes them if their will does not comport with that of a majority of the appointed members of the Local Unit Alignment, Reorganization and Consolidation Commission (LUARCC).

Initially S-2 removed or reduced many of the roadblocks that increase the costs of shared services—things like terminal leave pay, civil service mandates, employee tenure requirements—many of the original provisions in bill could reduce the costs and hurdles to shared services and consolidations, produce municipal savings and promote relief for our taxpayers. However, the amendments passed by the Senate Budget and Appropriations Committee discourage shared services from a municipality’s perspective by continuing the hindrances imposed by Civil Service.

One of the amendments would require any non civil service municipality sharing services with civil service municipality to be brought into the civil service system. Accordingly the civil service reform is only in the sense that it expands the civil service system.

Another of the amendments that would make two municipalities subject to civil service rules and collective bargaining agreements for determining which employee stays, protects the seniority provisions. Municipalities that are considering merging units want the flexibility to retain the best qualified and most efficient work force or consolidation in any form doesn’t make any sense. Municipalities need the flexibility to choose which employees it will retain and how to frame their workforce. The amendment takes that management prerogative completely out of the municipality’s hands and puts it entirely within the confines of the civil service system and collective bargaining agreements. This will certainly have a chilling effect on this process.

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The amendments also include a provision requiring mediation and arbitration of contractual provisions. This will impede the process from moving expeditiously and may not result in cost savings. We do not foresee a smooth merging of two collective bargaining agreements, so we anticipate that mediation and arbitration will become the norm, thus leading to delays and additional cost.

Yet, another amendment requires LUARCC to first study municipalities that do not share services. It is a misconception that municipalities do not share services. Shared Services are not a new concept to municipalities. We have been a long time supporter of shared services. In fact, the vast majority of municipalities are already involved in sharing of services. Many of them were initiated long before our current crisis. How will LUARCC determine which municipalities to study after the few who do not yet share services are reviewed?

User Fees S-1914, which requires certain user fees for the provision of

traditional municipal services to be included within the 2 percent municipal and county property tax levy cap, passed the State Senate in May 2012, and is assigned, along with Assembly companion A-2975, to the Assembly Housing and Local Government Committee. The League opposes S-1914 and A-2975 for the following reasons:

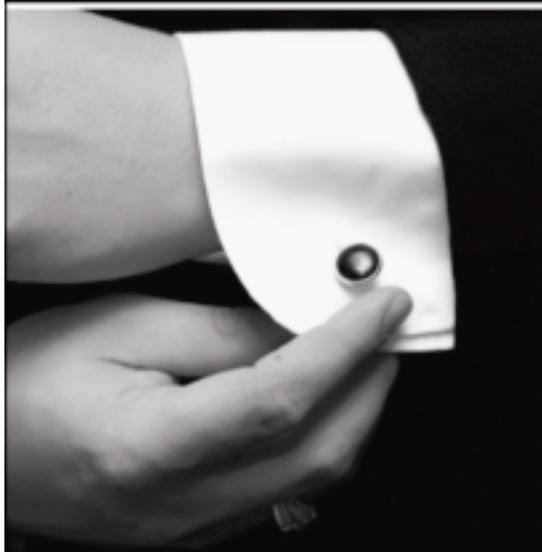
- User fees are not a new budgeting tool; nor is there a statewide effort by municipalities to circumvent the 2 percent levy cap. Local governments enact user fees to recapture some of the costs for services provided in their communities.
- As part of their Memorandum of Understanding with Transitional Aid municipalities the Division of Local Government Services requires a Transitional Plan that includes "...a plan to maximize recurring revenues, including but not limited to: updating fees, fines and penalties..."
- User fees provide a direct connection between what people pay and what they get, and good pricing

encourages efficiency by providing a ready comparison to private sector competition. And competition spurs creativity.

- The definition of "traditional municipal services" is flawed. The open-ended definition is confusing and leads to multiple interpretations.
- The bill only affects municipalities ignoring the typically largest portions of the property tax bill—the schools and counties.
- The state should focus on the remaining management reforms that were part of the 2 percent cap that have not been addressed—Restoration of the Energy Tax Receipts, COAH Reform, Civil Service Reforms, and Accumulated Sick Leave reforms.
- Towns are struggling to make the 2 percent cap workable.

Business Personal Property (BPPT) Restoration S-2324, sponsored by Senators Smith and Greenstein, is referenced to the Senate Community and Urban Affairs Committee. A-3393,

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sponsored by Assemblyman Caputo, is assigned to the Assembly Telecommunications and Utilities Committee. The League of Municipalities supports S-2324 and A-3393.

S-2324 and A-3393 would clarify the responsibility of certain telecommunications corporations to continue to remit Business Personal Property Tax (BPPT) payments to municipalities.

Based on a recent Tax Court opinion, over 100 municipalities entered 2013 without Business Personal Property Tax (BPPT) revenues that will cost property taxpayers well in excess of \$8 million. Unless matters change, more municipalities will lose more millions in the future.

In response to this situation, Senators Smith and Greenstein and Assemblyman Caputo have introduced S-2324 and A-3393 to provide better direction to the courts regarding the legislature's intent to protect residential property taxpayers, when laws regarding state taxation of telecommunications providers were reformed in 1997.

The League has written the chairs of the respective committee to which these bills are referred, requesting these bills be scheduled for hearings as soon as possible.

MLUL Exemptions for Private Colleges S-1534 passed the state Senate in June, 2012. S-1534 and A-2586 are now referenced to the Assembly Higher Education Committee. The League opposes the legislation.

A-2586 and S-1534, which exempt private colleges and universities from local zoning requirements, undermines and usurps local decision making and severely diminishes the role of our taxpayers.

A court case in the early 1970s established that a public college or university is exempt from local zoning. The Court basis for this decision was its conclusion that these institutions are instrumentalities of the state. Thus, what A-2586 and S-1534 will do is provide to certain private institutions the same status as instrumentalities of the state, such as Rutgers, the Parkway

and the Turnpike. This is a very concerning precedent and it is simply bad public policy.

Public scrutiny, involvement and complete transparency are essential to the planning process, and should not be diminished or hindered in any way. The involvement of locally elected officials, appointed officials and residents can only improve, not diminish, projects.

Shifting the authority to private colleges and universities in the determination of land uses for education purposes further burdens taxpayers to meet the cost impacts incurred as a result of the additional, unbridled development.

While the bill itself applies only to private colleges and universities, a very dangerous precedent could be established, allowing other non-profit institutions who similarly serve a "public mission" to argue that they should also be exempt from local zoning control. The logical extension of this could impact every community in this state. ▲



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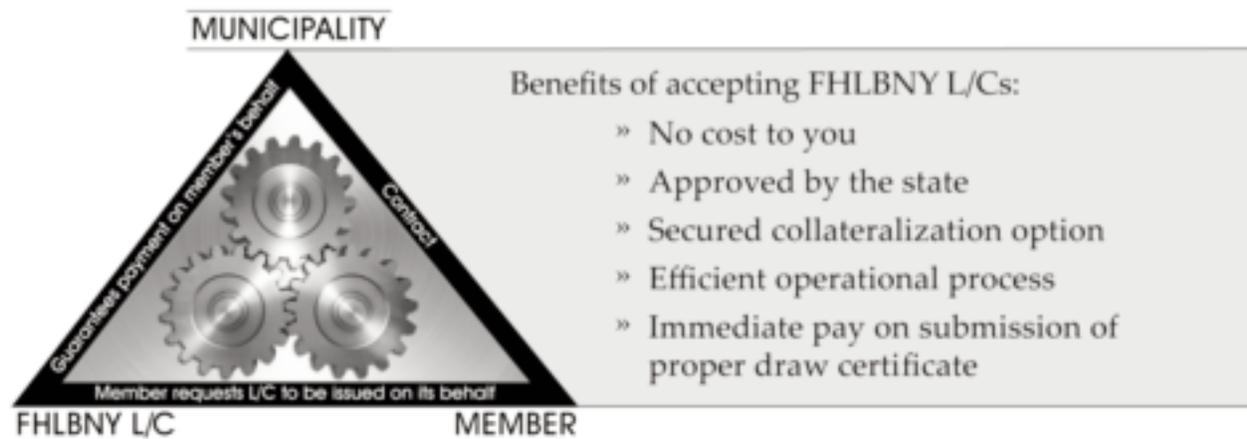




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Reinventing the Suburban Office



By James W. Hughes
Dean, Bloustein School of
Planning and Public Policy,
Rutgers University

During a single decade (from 1980 to 1990), the New Jersey economy completely reinvented itself. In 1980, we were still a badly aging, urban manufacturing state, hemorrhaging obsolete, blue-collar-industrial-age jobs and physical plant. Remarkably, by 1990, we had become a suburban-dominated, leading-edge, post-industrial, information-age economy, comprising legions of high-wage, middle-skilled knowledge workers. This new white-collar workforce was sheltered in office buildings—the factory floors of the new economy.

These offices were the result of the great 1980s' office building boom, which completely reinvented the New Jersey economic landscape. By 1990, 80 percent of all the

commercial office space ever built in the history of New Jersey had gone up in the 1980s. In 1980, the state was a non-player in the broad multi-state regional office market centered on Manhattan. By 1990, the 11-county northern and central New Jersey market area itself had emerged as the fifth largest metropolitan office market in the country. It was one of the greatest suburban office agglomerations in the United States, much of it located in the state's auto-dependent, highway-oriented growth corridors.

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The vacating of Merck's headquarters (just 21 years old) in Hunterdon's White House Station in 2014 in favor Union County's Summit suggests the start of a shrinkage of the outer suburban office footprint. Finding a large singular office tenant to replace Merck is highly unlikely in 21st century New Jersey.



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Moreover, New Jersey also specialized in housing middle-skilled, white-collar jobs. Many of the day-to-day tasks of these jobs involved early 1980s' style information processing and record keeping: routine, segmented, standardized procedures. But advances in information technology that occurred over the past 20 years have redefined knowledge-based work, transforming corporate cultures and the way business actually takes place. Many of the basic work processes that helped define the internal structure of our original office inventory started to disappear. Middle-skilled, white-collar workers were being displaced by sustained advances in information technology as well as by the globalization that the Internet unleashed. The very nature and structure of knowledge-based work was redefined.

Let's fast forward to the Year 2013. Not only are information technology and emerging business models reshaping the economic landscape, but we are now experiencing the greatest age structure transformation in history. This is also contributing to changes in where people want to work, as well as changes in workplace spaces themselves.

This transformation is defined by two demographic cohorts: first, aging suburban-saturated baby boomers (born 1946 to 1964) now in their 50s and 60s pursuing empty-nester lifestyles, trying to adapt to cutting-edge technologies, and facing retirement; and second, young echo-boomers (born 1977 to 1995) now in their 20s and early 30s, also known as Gen Y or millennials. They are primarily a rental housing generation, wanting to live in higher-density, non-suburban environments. They are a tech-savvy, socially-interconnected, and collaborative cohort that brings fresh skills to the workplace; but they don't find suburban employment attractive.

The most talented and highly-skilled are now known as the digerati—people skilled or knowledgeable about digital technologies, especially computers and the Internet—and they have even stronger work and lifestyle preferences. For example, empirical evidence of recent census data suggests that they much prefer edgy Brooklyn and Manhattan to the outer suburbs of Hunterdon, Morris and Somerset counties.

The bottom line is that suburban-centric, auto-dependent office corridors are out of fashion and may have run their course. The legacy of the state's great 1980s office building boom—comprising at one time a leading-edge, national state-of-the-art inventory—is now an aging and far less competitive portfolio, between 23 and 33 years of age. As the balance of the decade unfolds, the supply of obsolete and underperforming office product is destined to grow. The same reality may confront their campus settings.

THE BOTTOM LINE IS
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AUTO-DEPENDENT OFFICE
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Insular, one-dimensional, single-use, corporate campuses may no longer be appropriate to new business models and work processes. Consequently, the 9:00 to 5:00 suburban office silos sunk in seas of asphalt are out. In their stead are exciting, sustainable, interactive, walkable, multifunctional 24-hour environments. Concurrently, the widespread, standardized, routine, repetitive, white-collar tasks that were housed in our original office inventory of the 1980s have largely disappeared. Today, many businesses depend on innovation and collaboration. And physical space is the biggest lever to encourage this. Consequently, interior office ecosystems are also dramatically changing. The office and cubicle forms inhabited by the baby boom of yesterday are yielding to the open, flexible, collaborative spaces not only required by this new business model, but also desired by the echo boom of today.

Overarching all of these changes are several other forces that are yielding less office space demand: corporations continually restructuring and reinventing (downsizing) themselves; less space is required per worker within the new collaborative interior environments, and the emerging knowledge-based workforce doesn't require

fixed-in-place information technology systems. Smart phones, tablets, iPads, and vast improvements in wireless broadband speeds have reduced the need for "info-tech" umbilical cords. Workers now have increased mobility. They are no longer prisoners of a limited geographic footprint nor are they cubicle captives. The actual boundaries of the traditional workplace have been redefined and extended to the coffee shop, to the library, and to other public and private spaces. This is significantly lessening actual rental space demand, since it is free elsewhere.

All of this leads to a series of questions. How do we adapt our massive inventory of now geographically-challenged investments to a changing economic and demographic world? How do we reimagine our core economic competency—the auto-dependent suburban office corridor? How do we transform a sterile office park or campus into a more exciting multifunctional, interactive place? Can it be crafted into ecologies that multiply innovation and creativity, the key office activity of the present and future? Can we create environments attractive to the soon to be dominant echo-boomer workforce?

New Jersey municipalities are now facing this new demographic and economic reality. There increasingly will be more office dinosaurs and white elephants. The vacating of Merck's headquarters (just 21 years old) in Hunterdon's White House Station in 2014 in favor Union County's Summit suggests the start of a shrinkage of the outer suburban office footprint. Finding a large singular office tenant to replace Merck is highly unlikely in 21st century New Jersey. Will the market soon face the following assessment: over-supplied and under-demolished? Perhaps, but the reinvention of the suburban office campus to a new configuration is highly possible.

But it will be different from that of the past. The fiscal imperatives of not doing so will be profound, and conducting business as usual may not be a viable option. Economic bases and ratable assets are at significant risk unless we reimagine and redefine their basic functionality, design and composition. This will not be an uncontroversial task. ▲

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Zoning Boards Beware of the Backdoor Builder's Remedy

The Mount Laurel Use Variance



By Jeffrey R. Surenian
NJLM Associate Counsel; Jeffrey R.
Surenian and Associates, LLC

Developers flooded the courts with builders' remedy lawsuits in the wake of *So. Burlington County N.A.A.C.P. v. Tp. of Mount Laurel*, 92 N.J. 158 (1983), known as Mount Laurel II. Through these suits, developers sought to strip municipalities of the power to control the use of land. More specifically, through these suits developers sought to secure the right

to build high-density, inclusionary projects where the zoning prohibited such a use. Even after the flood of builder's remedy suits resulted in the enactment of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq. (FHA) in 1985, developers continued to use the Mount Laurel doctrine to pursue the right to develop high-density inclusionary projects in contravention of applicable zoning.

DEVELOPERS NOW
SEEK TO USE THE
INHERENTLY BENEFICIAL
STANDARDS TO OBTAIN
THE FUNCTIONAL
EQUIVALENT OF A
BUILDER'S REMEDY.

While the Supreme Court in Mount Laurel II gave developers the ability to strip municipalities of their power to control the use of land through the builder's remedy in appropriate circumstances, it also completely understood the importance of enabling municipalities to "preserv[e] the fundamental legitimate control...over their own zoning and, indeed, their destiny." Mount Laurel II at 214. Thus, Mount Laurel II and applicable case law, as well as the FHA, gave municipalities a variety of ways to insulate themselves from developers demanding the right to use their land for high-density inclusionary projects over the will of municipalities.

For example, a municipality could secure protections from Mount Laurel challenges to its zoning decisions by obtaining a grant of substantive certification from COAH or a judgment of



compliance and repose from a court. N.J.S.A. 52:27D-317; Mount Laurel II at 292. Municipalities could also shield themselves from builder's remedy lawsuits by obtaining "temporary immunity" orders through a procedure announced by Judge Serpentelli, one of the three original Mount Laurel judges, in *J.W. Field Co. v. Tp. of Franklin*, 204 N.J. Super. 445, 454 (Law Div. 1985) and upheld by the Appellate Division in *K. Hovnanian Shore Acquisitions, LLC vs. Tp. of Berkeley*, 2003 WL 23206281 (App. Div. 2003). Similarly, the Legislature empowered municipalities to protect themselves from builder's remedy suits by filing an affordable housing plan with COAH before a developer instituted a builder's remedy suit in Court. N.J.S.A. 52:27D—309, and 316. Finally, if a developer violated one of the limitations on the builder's remedy imposed by Mount Laurel II and its progeny, a municipality could defeat a builder's remedy suit by raising any of a number of applicable defenses.

Many municipalities have used the laws outlined above to protect themselves. Three hundred and fifteen municipalities have filed affordable housing plans with COAH prior to the institution of any builder's remedy suit and, thereby, secured the protective umbrella of COAH's jurisdiction. Over 40 other municipalities have secured immunity orders to eliminate, or at least limit, the number of Mount Laurel suits they must defend.

In response to the protection so many municipalities secured from the builder's remedy, developers have sought to find creative new ways to (1) pierce immunity orders; (2) circumvent the protection enjoyed by municipalities that secured COAH's jurisdiction; and/or (3) escape accountability for having violated one of the limitations the Supreme Court imposed on the builder's remedy.

The Mount Laurel Use Variance—The Backdoor Builder's Remedy Developers' latest attempt to circumvent municipal defenses involves the use variance standards established by the Municipal Land Use Law (MLUL). See N.J.S.A. 40:55d-70d. To obtain a use variance, the developer must satisfy the so-called "positive and negative criteria." One way to satisfy the positive criteria is for the applicant to establish that the proposed use

qualifies as "inherently beneficial." If a developer proposes such a use, then it not only satisfies the positive criteria, but also enjoys a relaxed standard on the negative criteria.

Developers now seek to use the inherently beneficial standards to obtain the functional equivalent of a builder's remedy. Specifically, developers have recently started to apply for use variances seeking the right to develop high-density residential projects and

pledging the traditional COAH set-asides of 15 percent if the affordable housing will be rented and 20 percent if the affordable housing will be sold. These set-asides are referred to herein as "traditional COAH set-asides."

These developers argue that they need the market units to subsidize the affordable units, and that, therefore, their entire projects qualify as "inherently beneficial." Because the use is purportedly "inherently beneficial,"



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developers then claim that the Zoning Board must apply the softer test on the negative criteria.

Through this legal ploy, developers cleverly seek to secure what is tantamount to a builder's remedy—the right to build a high-density, residential project despite the zoning limitations on the subject property.

The Problem with Deeming Projects As Inherently Beneficial Merely By Offering a Traditional COAH Set-Aside

As explained below, if our courts permit developers to obtain a backdoor builder's remedy through the process described above, they would violate the purpose of the FHA, Mount Laurel II and the cases referenced above; and they would deprive municipalities of the rights conferred by these laws.

First, the Legislature enacted the FHA to create "alternatives to the builder's remedy" and to protect municipalities from the builder's remedy if they secured substantive certification by COAH of their affordable housing plans. N.J.S.A. 52:27D-303, 317. If our courts empower developers to secure the functional equivalent of a builder's remedy, they destroy the value of substantive certification. More specifically, if our courts authorize the backdoor builder's remedy, the grant of substantive certification will not honor the municipal choices of which sites should be used for inclusionary development. Instead, developers will be able force municipalities to permit high-density inclusionary projects in locations the municipality does not want.

Second, just as the backdoor builder's remedy deprives municipalities of the

protections of substantive certification, it also deprives municipalities of the protections from a judgment of compliance and repose. Such judgments entitle municipalities to freedom from any Mount Laurel lawsuits absent a "substantial transformation" of the community. Mount Laurel II at 292.

IF OUR COURTS PERMIT THE BACKDOOR BUILDER'S REMEDY, THEY WOULD ENABLE DEVELOPERS TO USE MOUNT LAUREL TO OBTAIN THE FUNCTIONAL EQUIVALENT OF A REZONING AND THEY WOULD STRIP JUDGMENTS OF REPOSE OF THEIR PROTECTIVE VALUE.

Accordingly, once a municipality satisfies its fair share, it is "free to make its own decisions on the advisability of [its] zoning, subject to challenge on some basis other than Mount Laurel." Mount Laurel II at 315. If our courts permit the backdoor builder's remedy, they would enable developers to use Mount Laurel to obtain the functional equivalent of a rezoning and they

would strip judgments of repose of their protective value.

Third, empowering developers to obtain a backdoor builder's remedy would destroy the safe haven the Legislature created for municipalities by requiring any developer to exhaust its administrative remedies if the municipality had brought itself under COAH's jurisdiction before the developer instituted a builder's remedy suit. N.J.S.A. 52:27D-309 and 316. If our courts permit a backdoor builder's remedy, they will render the protections of COAH's jurisdiction illusory when those protections must be real for the FHA to function. Indeed, no municipality would have the incentive to take the requisite steps to bring itself under the protective umbrella of COAH's jurisdiction, if developers can circumvent the protections through the procedures described above. Since 315 municipalities have accepted the Legislature's invitation to comply under the protective umbrella of COAH's jurisdiction, stripping these municipalities of their protections dramatically damages the Act.

Fourth, upholding the backdoor builder's remedy would render immunity orders meaningless. Instead of preserving the power of a municipality to decide which sites it would use to generate affordable housing, developers would dictate the sites over the will of the municipality.

Fifth, permitting backdoor builder's remedies would undermine the builder's remedy, which developers have persuaded the Supreme Court is the keystone to the effective implementation of the doctrine. Mount Laurel II at 279; *Toll Bros., Inc. v. Tp. of W. Windsor*, 173 N.J. 502, 567 (2002). If a developer could secure all the benefits of a builder's remedy via a Mount Laurel use variance application without bearing the risks and burdens of Mount Laurel litigation, then it would have every reason to take this much easier path. Destroy the builder's remedy and—according to developers—you destroy the incentive for municipalities to comply.

Finally, empowering developers to secure a backdoor builder's remedy would enable developers to escape accountability for violating any of the limitations on the builder's remedy imposed by the Supreme Court. For example, Mount Laurel II prohibits a

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developer from using the Mount Laurel doctrine as a “bargaining chip” in its negotiations with a municipality in an effort to obtain approvals for a project containing no lower income housing. Mount Laurel II at 280. If a developer can secure a Mount Laurel use variance after violating the bargaining chip prohibition, it escapes accountability for its abuse of the Mount Laurel doctrine. If our courts authorize the backdoor builder’s remedy, this example illustrates just one way that developers could violate the limitations the Supreme Court saw fit to impose on the builder’s remedy with impunity.

The Solution In order to guard against the Mount Laurel use variance, Zoning Boards of Adjustment and combined Land Use Boards (hereinafter collectively referred to as “Zoning Boards”) must be on the lookout for Mount Laurel use variance applications and immediately alert the municipal attorney if a developer files such an application. If the Zoning Board attorney does not have familiarity with the laws discussed above, it is vitally important that the attorney develop an understanding.

In addition, the municipality should actively participate in the Zoning Board hearing to protect the municipal interest in guiding the use of land. In this regard, there are exceptions to the traditional prohibition against municipal participation in Zoning Board proceedings. More specifically, in *Paruzewski v. Tp. of Elsinboro*, 154 N.J. 45, 57-61 (1998), the Supreme Court ruled that the township had standing to appear before the Zoning Board through its attorney without creating an impermissible conflict of interest “where there is a substantial public interest in protecting the integrity of the master plan or zoning scheme.” Since the municipality indeed has such an interest when a developer seeks to arrogate the municipal zoning powers through a Mount Laurel use variance, the municipality has a strong basis to seek the right to participate in the Zoning Board proceeding.

Finally, the Zoning Board and municipality must anticipate that the applicant will provide expert testimony to support the proposition that the entire project qualifies as an inherently beneficial use merely because the

developer proposed the traditional COAH set-asides. The expert will rely on the standards set forth in *Medical Center at Princeton v. Tp. of Princeton Zoning Bd. of Adjustment*, 343 N.J. Super. 177 (App. Div. 2001) to make his or her argument. The Board attorney and/or municipal attorney must be prepared to distinguish this case, to cross-examine the applicant’s witness, and to present at least a rebuttal planning witness.

In conclusion, just as the strength of a Mount Laurel use variance application depends upon the developer qualifying the entire project as an inherently beneficial use, the key to defeating such an application is to debunk this contention effectively. We expect that developers, zoning boards and municipalities will vigorously litigate these issues and we hope that the courts will see this ploy for what it really is—a backdoor builder’s remedy. ▲

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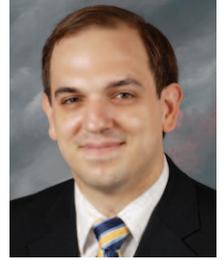
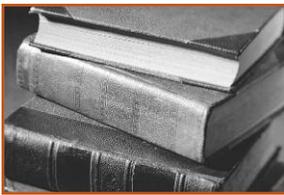
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Nepotism and Officers or Appointees Serving Beyond Their Terms

By Matthew Weng, Esq.
NJLM Staff Attorney

Q I am trying to gain some insight into conflicts of interest as it pertains to employment of family members of municipal officials. One of our employees is the nephew of a sitting council member. The Council, upon the recommendation of the Personnel Committee, votes on personnel decisions, with respect to salary increases and position increases. Is there a conflict of interest if the council member votes or participates in debates on issues regarding this staff member? Also, are there any statutes governing nepotism that would be pertinent to this situation?

A The Local Government Ethics Law is concerned with conflicts involving immediate family members. The statute defines immediate family as a spouse or dependant residing in the same household. In some circumstances, other individuals may be the source of a conflicting relationship; for example, an unmarried couple living together for several years who jointly own a home may be the source of a conflict.

Not every familial relationship constitutes a conflict requiring recusal. "[T]he pivotal issue is usually not the degree of relationship to the board member, but, rather, the type of association the relative had with the interested organization and the amount of interest the relative had in the official's actions." For example, the fact that two years ago the father of a zoning board member worked at a law firm representing an applicant is not a conflict requiring recusal.

The Local Finance Board at the Division of Local Government Services enforces the Local Government Ethics Law (unless you have created a local ethics board) and may be able to offer you an advisory opinion as to your specific situation.

There are no state statutes that deal with nepotism at the municipal level other than the conflict of interest rules in the Local Government Ethics Law. A municipality is free to enact an ordinance that prohibits nepotism if they feel that is an issue in town.

Q Have you ever come across any cases where the "advise and consent" of appointees to a board or commission, by a governing body, was not provided even though bylaws or a local statute requires it?

Upon review of a bylaws for a few of our boards and commission we found that several have term limits for members, and extensions of those terms require "advise and consent" of the council. This provision has not been enforced. In one case members have served several years beyond their terms and carried out business of the board.

Are these appointees legitimate board members? The concern was whether a challenge could be made about sitting board members or even about business decisions made by said members.

A If advice and consent is required, it should be done from here on out.

Most language regarding terms for officers or appointees indicates that they shall serve until their successor is nominated and qualified. If no successor has ever been named they are likely still lawfully holding those positions.

Even if that language is not present, as far as the current and past board members and their decisions, I believe they would be considered *de facto* members and their decisions valid. See this language from Matter of Fichner, 144 N.J. 459, 468 (1996):

The essence of the *de facto* officer doctrine is that one who claims to be a public officer while in possession of an office and ostensibly exercising its functions lawfully and with the acquiescence of the public is a *de facto* officer whose lawful acts, so far as the rights of others are concerned, are, if done within the scope and by the apparent authority of the office, as valid and as binding as if the officer were legally qualified for the office and in full possession of it. ▲

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FirstNet

Creating a Nationwide Public Safety Network



By Steve Traylor
Executive Director, National
Association of Telecommunication
Officers and Advisors
& Rich Desimone, Director of External
Relations, Jersey Access Group



The Middle Class Tax Relief and Job Creation Act of 2012 mandated the creation of a nationwide interoperable public safety wireless broadband network that would enable America's first responders to communicate more effectively during emergencies.

The terrorist attacks on September 11, 2001 served to expose a glaring operational deficiency in public safety communications—the inability of public safety entities to communicate with one another, both across agencies and between jurisdictions. As the *9/11 Commission Report* concluded: “The inability to communicate was a critical element at the World Trade Center, Pentagon, and Somerset County, Pennsylvania crash site, where multiple agencies and multiple jurisdictions responded. The occurrence of this problem at three very different sites is strong evidence that compatible and adequate communications among public safety organizations at the local, state, and federal levels remains an important problem.”

Over the next ten years, various efforts were undertaken to improve public safety communications and solve interoperability problems, but progress was slow. In 2005, the lack of progress and the continuing threat to public safety was underscored when Hurricane Katrina slammed ashore, killing over 1,800 people.

Creating FirstNet After more fits and starts, Congress finally enacted *The Middle Class Tax Relief and Job Creation Act of 2012* in February 2011. The Act, among other things, mandated the creation of a nationwide interoperable public safety wireless broadband network that would enable America's first responders to communicate more effectively during emergencies. The Act provided \$7 billion in funding and valuable spectrum (the “D block”) towards deployment of the nationwide network.

The Act also established the First Responder Network Authority (FirstNet), an independent authority within the Department of Commerce's National Telecommunications and Information Administration (NTIA). Congress charged FirstNet to take "all actions necessary" to build, deploy and operate the network, in consultation with federal, state, tribal and local public policy entities.

FIRSTNET WILL NEED TO BALANCE ITS GOAL OF DEPLOYING THE NATIONWIDE PUBLIC SAFETY BROADBAND NETWORK QUICKLY AGAINST THE NEED TO CONDUCT MEANINGFUL CONSULTATIONS WITH THE REGIONAL, STATE, LOCAL, TERRITORIAL AND TRIBAL JURISDICTIONS.

FirstNet will develop and operate the new broadband network, which will be based on a single, nationwide network architecture that will enable first responders and public safety officials to communicate with one another within and across jurisdictions. Among other things, the network will support cutting-edge applications, such as:

- enabling firefighters to download blueprints of burning buildings,
- allowing emergency medical technicians to remotely access a victim's medical records, and
- helping police to identify criminal suspects through facial recognition or iris scanning technologies.

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It will not, however, at least initially, support mission critical voice communications.

Suspension of the New Jersey Broadband Network Project With the Act's determination that the new network be based on a single, national network architecture, the National Telecommunications and Information Administration (NTIA) partially suspended seven public safety projects funded by the agency's Broadband Technology Opportunities Program (BTOP) to ensure they are built in a manner that supports the development of the nationwide network.

One of those projects, the New Jersey Broadband Network project, would deploy a public safety wireless broadband network in the Northern New Jersey Urban Area Security Initiative region. The project covers an area of 1,487 square miles with a population of 4.5 million, and affects more than 30,000 public safety users. The FirstNet Board recently adopted a resolution outlining a path forward as to lifting the partial suspension of funding for these projects. The goal is to ensure the projects address rural deployment, the development of public safety applications, and other features that FirstNet could leverage as it builds out the nationwide network.

The Derecho Windstorm and Superstorm Sandy Change the Conversation Faced with building a new network with what many experts believe is too little money, initial discussions of how to deploy the network centered around the concept of a shared public-private wireless broadband system. Such a system would make extensive use of existing public and private infrastructure, such as towers, poles, and fiber. But two natural disasters intervened and soon some assumptions about the resiliency and dependability of commercial wireless services and the role those services would play in the proposed nationwide public safety network were being questioned.

The first of these public safety emergencies occurred in June 2012 when a destructive windstorm called a "derecho" hit parts of the Midwest and Mid-Atlantic states. The derecho severely disrupted 911 communications services. Over two million Ameri-

cans totally lost the ability to reach 911 services.

In late October 2012, Superstorm Sandy hit the American Northeast, causing extensive damage to New York and New Jersey. Telecommunications services were hard hit, with power outages and downed wireless cell sites leaving many residents without phone and internet services. Many turned to old plug in phones and lines formed for the few payphones that were still in operation.

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As a direct result of Sandy, the Federal Communications Commission (FCC) announced a series of field hearings to examine the challenges posed to America's communications networks and to address such issues as 911 accessibility and power and fuel dependencies. The first hearing was held in New York City and Hoboken on February 5, 2013. In his opening statement, FCC Chairman Julius Genachowski noted: "Our nation's communications infrastructure is a vital part of our public safety and national security. The inability to communicate with family and emergency personnel during a disaster is simply unacceptable. We must meet this moment with smart action from all sectors to ensure that communications networks are working when people need them most."

FirstNet: The Nuts and Bolts FirstNet is run by a 15-person Board of Direc-

tors that is responsible for making strategic decisions concerning operations. The Act requires the FirstNet Board to include members who: have served as public safety professionals; represent the collective interests of states, localities, tribes and territories; and reflect geographical and regional diversity, as well as rural and urban representation.

The Act broadly directs FirstNet to "take all actions necessary" to ensure the building, deployment and operation of the network in consultation with federal, state, tribal and local public safety entities. More specifically, the Act requires FirstNet to consult with regional, state, tribal and local jurisdictions about the distribution and expenditures of any amounts required to carry out the network policies that it is charged with establishing.

Moving forward, FirstNet will need to balance its goal of deploying the nationwide public safety broadband network quickly against the need to conduct meaningful consultations with the regional, state, local, territorial and tribal jurisdictions.

Community Media Conference Join the Jersey Access Group/NJ NATOA for the Eastern Region Community Media Conference on May 16 at the Hyatt Regency, New Brunswick for a frank discussion on this and other pressing matters facing municipalities. This conference will present the following sessions geared toward municipal managers, IT personnel and first responders:

- Wireless Infrastructure—Post Superstorm Sandy;
- Right of Way/Communication Taxes;
- Keeping Communication Infrastructure Operating In An Emergency: Building Broadband Networks and Available Funding; and,
- The New Emergency Management Communication Tools: A Nationwide Public Safety Network—First Net.

In addition, vendors will be on hand displaying the technologies needed specifically for municipalities, with demonstrations scheduled as well. Visit www.PowerofPartners.org website for more information and to register for this unique learning experience. ▲



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Fair and Balanced?

A Look at the Pension Valuation Report



By L. Mason Neely
CFO, East Brunswick Township

The Actuaries for the Public Employees Retirement System (PERS) have presented the Valuation Report through June 30, 2012. PERS began operation on January 2, 1955 as established by Chapter 84 P.L. 1954. It was to be a “fair and balanced” system in which the employer and employee would each pay 5 percent in normal retirement contributions.

How has this worked out since 1955? Last year employers paid 3.12 percent and employees paid 6.5 percent of base salary as pension contribution. It is obvious the “fair and balanced” system has been shifted—requiring an employee to pay 100 percent more than the employer to fund normal pension contributions. The report states the number of active PERS employees has declined from 319,000 in 2008 to 280,000 in 2012 reflecting a decline of 12.22 percent over the five-year period. Of the 280,000 active members 35 percent are male and 65 percent are female. Based upon market value of assets held for the retirement system the state has funded their full liabilities at the ratio of 43.3 percent. Local employers have funded their overall liabilities at the ratio of 64.5 percent. Of the 280,000 PERS members 164,000 represent local government employees. The average local government employee pay was \$41,842.30. Now, for “fair and balanced” let’s look at retirees.

When PERS began operation on January 2, 1955 it was to be a “fair and balanced” system in which the employer and employee would each pay 5 percent in normal retirement contributions.

Nothing damages our dignity like stumbling. We have all seen people, dressed to the hilt, stumble and fall to the ground, then look up sheepishly. Their dignity has been compromised as they lay flat on the ground. The State of New Jersey, like Illinois, has been looking to see if the Rating Agencies noticed how far pension funding stumbled. It seems Governor Christie had this scenario in mind when, shortly into his recent budget address, he announced that he had appropriated \$1.675 billion for pension payments representing 3/7 of the state’s obligation. He noted proudly that this was the largest single contribution in history. Bravo for the more than 48,995 state employees who are retired and are counting on continued payments. Local Mayors have been paying 100 percent of their obligation.

A report demonstrates 18 months of pension allowances and cost of living adjustment payments by the state. One can see after Chapter 78 P.L. 2011 COLA (pension adjustments) is declining, but the regular allowance is closing the gap because of increasing retirements. The same situation occurs for “Other Than State” or Local PERS. For the same 18 month the report demonstrates the cash flow needed to fund pension allowances for 103,000 retired local government employees. Funding the pension expenditure stream required for state and Local PERS retirees is only part of the story. The expenditure must be offset by revenues received. The primary revenues are from employee and employer contributions. PERS cash flow in Table 1 (see p.71) covers the same time period (18 months) and demonstrates expenditures for pension payments by the state have outstripped revenues by \$1,260,231,719.

Table 2 (p.71) shows local—“Other Than State,” where employers and employees have paid 100 percent of their required contribution. But expenditures show the amount paid out is greater than the revenue received by \$641,044,360. These numbers make working public servants wonder if funding will be available to “finish the course” when they wish to retire.

Before one stumbles over the data presented, let’s complete the picture. The PERS Board of Trustees recently adopted the latest Valuation Report effective June 30, 2012, which reports the financial condition of the pension system and projecting liabilities. Also, the report delineates the sources of revenue. Contributions by employers

State	Revenues			TABLE 1
	Employer Contribution	Employee Contribution	Totals	
JUNE 2011	\$0.00	24,914,931.21	24,914,931.21	
JULY 2011 THROUGH JUNE 2012	\$124,906,000.00	356,153,953.61	481,059,953.61	
JULY THROUGH DECEMBER 2012	\$0.00	192,071,794.40	<u>192,071,794.40</u>	
			698,046,679.22	
	Pension Payments			
	Regular Allowance	Pension Adjustment	Totals	
JUNE 2011	87,619,875.71	10,436,768.83	98,056,644.54	
JULY 2011 THROUGH JUNE 2012	1,101,398,448.31	122,867,970.04	1,224,266,418.35	
JULY THROUGH DECEMBER 2012	578,195,495.58	57,759,839.79	<u>635,955,335.37</u>	
			1,958,278,398.26	

Local-Other Than State	Revenues			TABLE 2
	Employer Contribution	Employee Contribution	Totals	
JUNE 2011	343,916.71	41,815,640.04	42,159,556.75	
JULY 2011 THROUGH JUNE 2012	828,588,501.26	638,965,410.45	1,467,553,911.71	
JULY THROUGH DECEMBER 2012	2,706,012.20	315,243,970.74	<u>317,949,982.94</u>	
			1,827,663,451.40	
	Pension Payments			
	Regular Allowance	Pension Adjustment	Totals	
JUNE 2011	109,771,747.29	13,498,544.12	123,270,291.41	
JULY 2011 THROUGH JUNE 2012	1,380,381,965.35	158,385,637.18	1,538,767,602.53	
JULY THROUGH DECEMBER 2012	\$727,914,985.88	\$78,754,932.56	<u>\$806,669,918.44</u>	
			\$2,468,707,812.38	

Fiscal Year Ending	% of Return	Fiscal Year Ending	% of Return	TABLE 3
June 30, 2000	11.86%	June 30, 2007	17.14%	
June 30, 2001	-9.80%	June 30, 2008	-2.70%	
June 30, 2002	-8.61%	June 30, 2009	-15.48%	
June 30, 2003	3.31%	June 30, 2010	13.35%	
June 30, 2004	14.16%	June 30, 2011	18.03%	
June 30, 2005	8.77%	June 30, 2012	2.52%	
June 30, 2006	9.79%			

Actuarial Valuation as of	Investment Income Or Loss Distribution - PERS					TABLE 4
	July 1	State	Percent	Local	Percent	
2006		\$857,109,556	38.8%	\$1,348,209,731	61.2%	\$2,205,319,287
2007		\$865,562,399	38.7%	\$1,373,521,019	61.3%	\$2,239,083,418
2008		-\$68,484,123	17.5%	-\$323,224,565	82.5%	-\$391,708,688
2009		-\$1,428,669,321	37.7%	-\$2,358,180,978	62.3%	\$3,786,850,299
2010		\$1,141,199,583	39.7%	\$1,733,724,523	60.3%	\$2,874,924,106
2011		\$1,556,449,936	38.4%	\$2,494,123,400	61.6%	\$4,050,573,336
2012		\$213,558,995	34.0%	\$415,014,603	66.0%	\$628,573,598

and employees are not sufficient to cover the annual cash flow requirements for those who have already retired. The state has used payments by locals to fund their stream of payments for years as they failed to meet their obligation.

Funding Levels and Asset Allocation
The Division of Investments shows \$70.9 billion in total pension fund assets, which have accumulated to fund retirements. Investment of these assets are allocated in four general categories: Fixed Income 32 percent, Domestic Equities 25 percent, International Equities 20 percent and Alternative Investments 23 percent. The fis-

cal performance since 2000 is recorded in Table 3 which shows that in four of the past 13 years the fund lost value.

The Division of Investment maintains an independent concept that regardless of the state level of funding it seeks to maximize investment strategies thereby producing the highest return on assets. It is such return on investment which is the third piece of the revenue stream required to bring calm instead of fear to those who are currently retired and those who plan to retire. Current practices, if continued, will protect the system. Distribution of investment income for PERS is shown in Table 4.

Investment income proved to be stubborn during the last fiscal year. The overall return was much less than anticipated in the Valuation Report (2.52% vs 7.95%). It shows an assumed return on investment of 7.95 percent. Because the income was below expectations the total expenditures for PERS ending June 30, 2012 were greater than the income received during the same period. For the State of New Jersey the loss was \$587,768,500. The loss for Local-Other Than State was \$23,226,800. The end result translates into a lower funding ratio. The state's funding ratio dropped from 54.3 percent to 49.1 percent. The Local-Other Than State funding ratio dropped from 77.0 percent to 74.5 percent which is respectable and reflects the fact that local governments are paying 100 percent of their obligations while the state is on a seven year phase-in program.

The economic pressures confronting state and local governments can best be illustrated by summary statistics from the latest Valuation Report. The number of non-veteran state employees declined from 85,213 to 83,230, representing an average wage of \$57,794.40. The number of Local non-veteran employees declined from 97,222 to 92,868 representing a 4.5 percent decline in employment with an average wage of \$35,984.20. This is just a small picture because the total work force is made up of county, school district, authorities, other special district employees and veteran employees. However, the example is relevant across the board.

Finishing the Course The number of retirees for State and Other Than State PERS systems increased from 147,905 to 152,432 from June 30, 2011 to June 30, 2012, representing a greater than 3 percent increase. Parallel with this statistic, the number of active workers has decline and the total annual compensations subject to pension contributions also declined. Local governments have been paying 100 percent of their obligations and the State, for the first three years of the seven years phase-in, appears to be meeting their obligation. The message is to be of good courage, fear not, for the actions which have taken place to date appears to be correcting the stumbling problems. ▲

Business Growth Summit Hosted by League President

League of Municipalities' President, East Windsor Township Mayor Janice S. Mironov welcomed Lieutenant Governor Kim Guadagno and over 10 economic development experts to East Windsor Township on Tuesday, March 5. The occasion was a Business Growth Summit, attended by Mayors, other municipal officials and local entrepreneurs from all around the state.

Lieutenant Governor Guadagno, Business Action Center Executive Director Michael Van Wagner and Liz Mackay, Director of Small Business Advocacy, thanked Mayor Mironov for her leadership. They also provided attendees

with valuable insights on starting and expanding businesses in New Jersey.

Spokespeople for the Board of Public Utilities, the Economic Development Authority, New Jersey Community Capital, the Department of Environmental Protection, the Housing and Mortgage Finance Authority, the Division of Travel and Tourism, the Urban Enterprise Zone program and others gave an overview of the many resources available to New Jersey businesses.

At the conclusion of these presentations, the agency experts stayed in the hall to talk one-on-one with the participants. ▲



Pictured (from left to right) at the Business Growth Summit in East Windsor Township on March 5 are New Jersey Business Action Center Director of Small Business Advocacy Elizabeth Mackay; East Windsor Township Mayor and NJLM President Janice S. Mironov; Lieutenant Governor Kim Guadagno, and New Jersey Business Action Center Acting Executive Director Mike Van Wagner.



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League Holds Fifth Annual Women in Municipal Government Day

On March 15, 2013 the League of Municipalities held its Fifth Annual Women in Municipal Government Day at the Princeton Marriott. The annual celebration honors the contributions of women in public service.

This year's guest speaker was Tracye McDaniel, the President and Chief Executive Officer of Choose New Jersey. In addition to our guest speaker, League President and East Windsor Township Mayor Janice S. Mironov presided over a Mayors' Panel discussion with Mayors Wilda Diaz (Perth Amboy), Linda DuBois (Pittsgrove), Sue Howard (Monmouth Beach), Janice Kovach (Clinton Town), Antonia Ricigliano (Edison), and Suzanne Walters (League 1st Vice President and Mayor, Stone Harbor).

In addition, we presented Plainfield Mayor Sharon Robinson-Briggs with the 9th Annual Women in Government Award for her contributions and dedicated service towards the advancement of women officials. ▲



League President and East Windsor Township Mayor Janice S. Mironov addresses the League's Fifth Annual Women in Municipal Government day as WIMG Co-Chair and Haddonfield Borough Mayor Letitia "Tish" Colombi looks on.



League President and East Windsor Township Mayor Janice S. Mironov, WIMG Co-Chair and City of Newark Councilwoman Mildred Crump, League Executive Board Member and City of Plainfield Mayor Sharon Robinson-Briggs and WIMG Co-Chair and Haddonfield Borough Mayor Letitia "Tish" Colombi pose during the Women in Municipal Government Day program. Mayor Robinson-Briggs received the Ninth Annual Women in Government Award.



The event's keynote speaker, Tracey McDaniel, President and CEO of Choose New Jersey, discusses Choose New Jersey's Resilient New Jersey campaign, her personal journey and women's roles in the workforce.



Clinton Town Mayor Janice Kovach, League First Vice President and Stone Harbor Mayor Suzanne Walters and Perth Amboy Mayor Wilda Diaz served on the Mayors Discussion Panel.



Over 100 people attended the Fifth Annual Women in Municipal Government Day.

Correction:

An incorrect author's photo was included with the *As I See It* column that appeared in the April issue: "Thanks to an Outpouring of Support, We're Making a Comeback," by Paul J. Kennedy, Mayor, Ocean Gate Borough.



The correct photo is above. We regret the error.



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Evesham Mayor's Expertise Helps Ravens Win Super Bowl

Randy Brown spends much of his time serving the people of Evesham Township as the town's mayor. But, he has an interesting part-time job. Brown has been working as a kicking consultant for the Baltimore Ravens since 2008. When the Ravens won the Super Bowl, Brown was there to do his part to help the Ravens win the championship. Here he is kissing the Lombardi Trophy in New Orleans.



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 Reussille Law Firm, LLC
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 Shrewsbury, NJ 07702

Elk Township

New Municipal Address: 680 Whig Lane
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New Acting Mayor Mark Taylor

Franklin Borough

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Greenwich Township (Cumberland)

New Municipal Attorney: John Carr

Hamilton Township (Atlantic)

New Mayor: Amy L. Gatto

Hazlet Township

Interim Administrator: Dennis Pino

Hopatcong Borough

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 Boswell Engineering
 330 Phillips Avenue, South Hackensack, NJ 07606

Mantua Township

Municipal Clerk Name Correction: Jennica Bileci

Matawan Borough

New Municipal Administrator: Louis A. Ferrara

Peapack & Gladstone Borough

New Municipal Clerk/Administrator: Robin Collins

Shrewsbury Borough

New Municipal Attorney Address: . . . Martin M. Barger
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 149 Avenue at the Common, Suite 1, Shrewsbury, NJ 07702

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

In an attempt to both honor the victims of the Sandy Hook School shooting and help shore areas devastated by Hurricane Sandy rebuild, the Sandy Ground Project constructed the first of 26 playgrounds in **Sea Bright** this past March. Firefighters, police, teachers and volunteers will construct 26 playgrounds throughout New Jersey, New York and Connecticut. Each playground will be dedicated to a specific victim, whose personality will be incorporated in its design. The projects will be funded by donations. For more information on the program visit www.thesandygroundproject.org.



The first state-owned all terrain vehicle park has opened in **Woodbine**. It provides a legal area for people to ride all-terrain vehicles, dirt bikes and snowmobiles. The land, which was a sand mine and private motocross park, consists of sand pits, roads and sandy areas. Appropriate for beginning and intermediate riders, the park's goal is to reduce illegal ATV riding in state parks. Illegal riding damages sensitive natural resources and animal habitats. State Park Service personnel and State Park Police will patrol the park. Legislation from 2009 requires the Department of Environmental Protection (DEP) to provide three regional ATV parks. The DEP must purchase new land and may not use existing state park land. The Woodbine site was purchased using \$393,000 in Green Acres Program funds. All participating vehicles must be registered with the state and proof of ownership is required. The park is open seven days a week between 9am and 3:30pm. Operators must wear a helmet and other protective gear and must be at least 14 years of age.



The **Carteret** Fire Department received a pass-through FEMA grant from Middlesex County for a new Foam Tender firefighting vehicle. The new truck carries 4,000 gallons of foam concentrate, which is used to extinguish many flammable liquid fires, such as those caused by gas, oil or alcohol. The truck is valued at \$374,000 and contains \$140,000 worth of foam concentrate. The truck was obtained by Middlesex County through the Urban Area Securities Initiative, a program that provides planning, equipment and training in urban areas to prevent and respond to acts of terrorism. The vehicle will enable the department to participate in the statewide Foam Task Force and respond to liquid fire emergencies throughout the state.



The **Middletown** Disaster Relief Fund distributed \$100 Target gift cards to residents affected by Hurricane Sandy.

Recipients preregistered on the township's website. The donated gift cards were limited to one per household.



This past October, **Raritan Township** passed a resolution for an Adopt a Road Program. The program's goal is to have litter free roads by allowing businesses and organizations to assist the township in maintenance. This program is a good marketing initiative for participating businesses and also educates their employees about a clean community. The program also lowers the cost of litter removal for the township. Groups are responsible for performing at least four cleanups per year on their adopted portion of the roadway. In exchange, the township identifies the adopted portion of the road by placing the business' name on a sign. Funding for the program was provided by a Clean Communities Grant.



Wyckoff Committeeman Kevin Rooney recently competed in a televised cooking competition on the Food Network titled "Chopped." The show features four chefs who compete to assemble a three course meal. At the end of each round, one of the four competitors is eliminated by the consensus of three judges. Rooney won the \$10,000 prize and has declared that he plans to give these winnings to charity.



Date lines

May 7 Insurance Claim Responses:
How to Handle Insurance Claims after
Hurricane Sandy, Crowne Plaza, Monroe Twp.

May 15 Municipal Preservation: Past and Future—
Continuing the Success of Municipal Preservation,
Conference Center at Mercer, West Windsor

June 14 League One Day Mini-Conference,
Conference Center at Mercer, West Windsor

Please visit the website www.njslom.org and click on Seminars and Events, then CALENDAR OF EVENTS for changes and updates. For more information on seminars, contact Danielle Holland at dholland@njslom.com or (609) 695-3481, Ext. 118.

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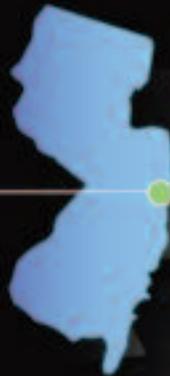
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