

NEW JERSEY MUNICIPALITIES

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Warming the Homeless in Bridgeton

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obligation to try.”*

—Albert Kelly, Mayor

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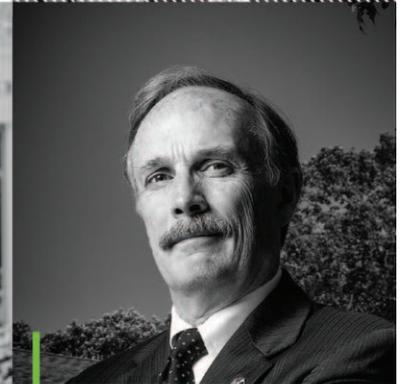
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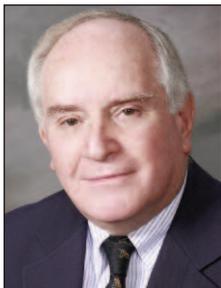
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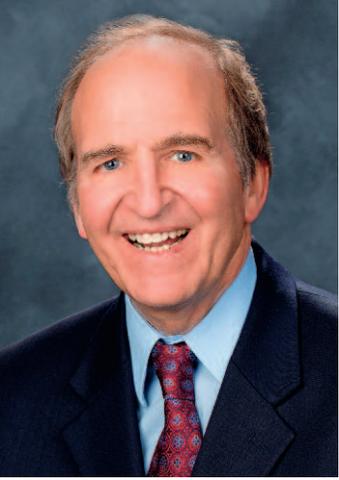
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FROM 222 WEST STATE STREET
BILL DRESSEL, LEAGUE EXECUTIVE DIRECTOR

SOLVING PROBLEMS, LOCALLY

In “The General Principles of Constitutional Law in the United States of American,” Thomas Cooley wrote, “It is axiomatic that the management of purely local affairs belongs to the people concerned, not only because of being their own affairs, but because they will best understand, and be most competent to manage them.”

[We have always believed that local officials—more than officials at any other level of government—can best solve local problems.]

We have always known that local officials—more than officials at any other level of government—are best positioned to recognize the needs and aspirations of the citizens of New Jersey. And for this reason we have always believed that local officials—more than officials at any other level of government—can best solve local problems.

We are pleased to report that perceptive political theorists and scholarly social scientists agree.

In June of last year, Brookings Institute scholars Bruce J. Katz and Jennifer Bradley published “The Metropolitan Revolution: How Cities and Metros Are Fixing Our Broken Politics and Fragile Economy.” In it, they note that local leaders, “... shop in local stores, eat in local establishments. They are seen and accessible, open to informal, everyday conversation rather than the formal interaction of legislatures and bureaucracies. Cities and metros aggregate people and places in a geography that is large enough to make a difference but small enough to impart a sense of community and common purpose.”

Then, in November, former Rutgers political theorist Benjamin R. Barber published “If Mayors Ruled the World: Dysfunctional Nations, Rising Cities.” In this issue, Jersey City Mayor and League Executive Board Member Steve Fulop has provided us with a practitioner’s review of Professor Barber’s book. Barber notes that local officials have always been pragmatists, rather than ideologues. And he concludes, “The city is the right subject today because hope has always been an urban currency and mayors have always in the first instance been optimists hoping to get something done.”

Every month this magazine shares the accomplishments of New Jersey’s local leaders, and this issue is no exception—with Mayors Cahn, Kelly, Mahaney, Lucarelli, DiFolco, Kelaher, LaBarbiera and Raia describing effective programs. It’s nice to hear that leading academics are taking notice. ▲

NEW JERSEY MUNICIPALITIES



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Government can't fix everything, and certainly can't tackle this complex problem alone. But we can serve as the touchstone for a community-wide effort.

Warming Centers for the Homeless



By Albert B. Kelly
Mayor, Bridgeton;
Member, NJLM
Executive Board

All too often, we elected officials are confronted with just how little local government can do for those who are facing homelessness in our respective communities. But every now and again, working with local faith-based partners and generous community volunteers; we can do some solid work on handling a few “basics.”

In this case, I’m referring to creating a Code Blue program to provide “warming centers” for the homeless on frigid winter nights when hypothermia and frostbite are very real possibilities. The need was vividly demonstrated in early December when a homeless individual in my community got stuck in the opening of a clothes-drop bin and died late on a cold Sunday night.

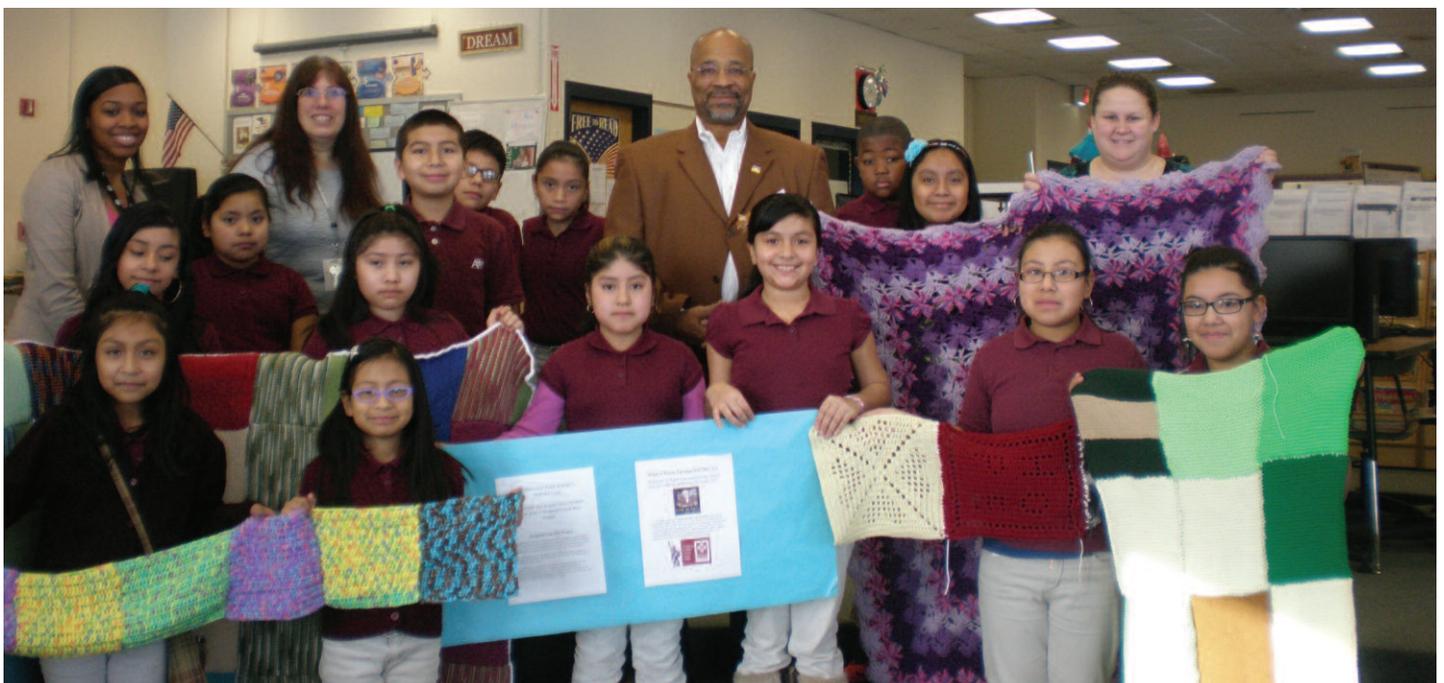
While our planning for Code Blue started a week earlier in November, this tragedy lent greater urgency to getting Code Blue up and running. In my city, with a population of 25,349 on the western side of Cumberland County, access to the one homeless shelter is limited, either by a lack of available space or because of the distance involved in simply getting there. But, because of the extreme cold, we had to do something.

We needed to keep it simple; namely providing a temporary space for a limited number of hours so anyone in need could get out of the cold. A quick look at the statutes helped us to understand the difference between a shelter and a “hospitality room” and led us to create a network of churches willing to provide space and volunteers to oversee the warming centers.

A Code Blue is generally triggered when temps are at 32 degrees with precipitation or 25 degrees without precipitation. I make the initial call, sometimes in consultation with our police and EMS professionals, and then I coordinate with the churches.

*Because there’s no layer
of government between
“municipal” and the street,
I think we have an
obligation to try.*

Our churches do a weekly rotation as a designated warming center and when a Code Blue is in effect, the doors open from 6:00 pm to 6:00 am. Beyond providing a simple cot for individuals (mostly men) to sleep on; volunteers and



Bridgeton Mayor Albert B. Kelly (center) accepts donations of crochet items for Code Blue made by students from the Buckshutem School. Students also bought hats and gloves for Code Blue.

local businesses have also stepped up to provide hot meals, clothes, and sleeping bags so that these vulnerable citizens can have a full stomach and a safe place to lay their head.

Beyond our churches and some donors, we were fortunate to have our local hospital (Inspira Health Network) provide sheets and blankets for the initiative. I asked a few volunteers join me in the daily and weekly task of laundering linens and readying them for use each night Code Blue is in effect.

If there is a challenge, and there always is, it's finding enough volunteers to cover each of the four-hour shifts.

I know I speak for all mayors or elected officials in saying you wake up each morning hoping against hope that none of your citizens will be a headline that day. Needless to say I was grateful for the community effort behind Cold Blue during the arctic blast of cold air the week of January 7



On December 30, with a Code Blue in effect, Bridgeton Police Officers visited Grace Bethany Community Church on their own time to work the 10pm to 2:00am shift after donating a number of sleeping bags for the clients using the warming center.

when temps hovered near zero with wind chills at -13 below.

If there is a challenge, and there always is, it's finding enough volunteers to cover each of the four-hour shifts (6:00pm-10:00pm, 10:00pm -2:00am, 2:00am-6:00am) so that the small handful of volunteers already committed don't become overwhelmed doing consecutive days.

We're using our website to sign up vol-

unteers and provide information on the Code Blue program. We plan to start using Facebook and Twitter as well. We are also setting up a dedication by rider so donations can be accepted and applied specifically to securing supplies and equipment for Code Blue.

It's well worth the effort. When working late night shifts at our warming centers, I enjoy seeing these poor souls, often haggard and strung out by life on our streets, come in and get a hot plate of food, talk quietly for a few minutes with a friend, and then lay down their heads and drift off to sleep.

I know that our Code Blue program doesn't address the myriad issues, some self-inflicted, that caused these people to become homeless, but keeping them warm and alive through a cold hard winter is a start. And because there's no layer of government between "municipal" and the street, I think we have an obligation to try.

Government can't fix everything, and certainly can't tackle this complex problem alone. But we can serve as the touchstone for a community-wide effort. In so doing, we can provide a measure of dignity for both our most vulnerable citizens and their neighbors who minister to them. In an age of bitter partisanship, it can be said that a little dignity, like a hot meal and a warm place to sleep, is no small thing. ▲



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Fair Haven Holds the Line on Taxes

Six Years and Counting



By Ben Lucarelli
Mayor, Borough of Fair Haven



On May 13, 2013, the Borough of Fair Haven adopted a municipal budget that, for the sixth year in a row, did not raise the municipal tax rate. Equally noteworthy is that during this same timeframe the Governing Body also managed to make significant capital improvements.

As a result of this remarkable record, I am often asked: “how did you do it?” The credit for this outstanding achievement belongs first and foremost, to the borough’s past and present Governing Body Members, who, individually and collectively, have steadfastly remained committed to holding the line on local property tax increases.

Looking back to 2008, I am fairly sure that former Mayor Michael Halfacre and Council President and Finance Committee Chairman Jon Peters didn’t begin this quest with a goal of holding the line on local property taxes for six years running. Mayor Halfacre, who was first elected in 2006 on a no tax increase platform, initially collaborated on that effort with Council President Jon Peters, a Professor of Finance with a PhD from The City University of New York. After appointing a very talented Finance Committee, made up of local residents, they started with the goal of holding the line on taxes in 2008—and every year since then Fair Haven has begun the annual budget process with that same goal in mind.

To achieve this goal for the past six years, our Governing Body has undertaken many innovative and progressive actions. For this article, I’ve grouped them into the Big Three, which were one time moves that saved substantial dollars immediately, and the Little Three, which are ongoing daily efforts that control costs.

The Big Three The first major step was to hire our own in house engineer. The borough realized a savings of over \$400,000 the first year alone and the ancillary benefits are substantial and ongoing.

The next big money saver was to regionalize dispatch services to the county. This was the most difficult of all of the cost saving measures, for multiple reasons, including opposition from our volunteer Fire and First Aid Departments. Although dispatching from a much more remote location is not always perfect, the cost savings are substantial and the county has been very responsive to our input.

The third big savings came from the decision to privatize garbage. In 2006, the Department of Public Work’s staff included 16 full-time employees. The work force was aging and through a combination of outsourcing and attrition, by 2013, our DPW had been reduced to seven full-time employees. One of the major initiatives that enabled us to reduce staffing in the critical departments was outsourcing municipal refuse pick up to a private firm, which resulted in both a

savings in labor and capital expenditures. Once again, there was some initial resistance to the garbage privatization, but we worked through it and we are very happy with the decision.

The Little Three First, we made a commitment to exploring interlocal agreements. A good working relationship with your neighboring towns can be efficient and profitable. We've identified our strengths and those of neighboring municipalities and then bartered for services, with an eye toward providing the same level of services at a better price, or a better level of service at same price. This strategy has contributed greatly to our ability to bend the expense curve.

Second, Fair Haven Borough is committed to aggressively pursuing federal, state and county grants. The grant submission process has been greatly enhanced by the hiring of top notch management, including the in-house engineer, referenced above, who has helped Fair Haven qualify for over \$3.5 million in grants.

Finally, the Governing Body of Fair Haven has set high standards for managerial results and employee performance, while at the same time empowering our Borough Administrator to manage the day to day business affairs of the borough without interference. Even in a small town like Fair Haven, municipal government is a multimillion dollar business and it is essential that it is run very professionally.

Support from County and State Government I would like to acknowledge the assistance that Fair Haven has received from both our county and state governments. Monmouth County has augmented our efforts to control the municipal portion of property taxes by providing grants and helping to facilitate Interlocal Service Agreements.

For example, multiple open space grants from the county have made it possible to purchase and/or improve numerous parks in the borough. Likewise, we have benefited from numerous Interlocal Service Agreements including: Police and Fire Dispatch, a Commodity Resale Agreement, and a joint Office of Emergency Management Services. The county also provides ongoing opportunities to participate in other shared services.

Additionally, the Governing Body of the State of New Jersey has greatly assisted us in holding the line on municipal property tax. For example, recent interest arbitration legislation, which in my opinion is legislation that should not be permitted to sunset in April 2014, has helped contain personnel expenses. Also, Chapter 78 legislation, which included various provisions for employee contributions to health insurance, provided savings that are still increasing annually. Our budget has also benefited from pension reform legislation that has resulted in the stabilization and/or reduction in annual employer contribution payments.

Local elected officials had to be willing to take a tough stand and say no to both employees and residents

The State of New Jersey has helped us hold the line on taxes by awarding us multiple Green Acres and NJDOT Grants and maintaining our level of state aid from year to year. However, I want to make it clear that I am very supportive of the various initiatives that call for the state to stop utilizing energy tax receipts as a substitute for CMPTRA. These energy tax receipts are not "state aid," they are payments towns should be receiving, because we aren't allowed to charge the utilities property taxes. Fair Haven has an 8.2 million dollar budget and in 2013 our ETR and CMPTRA amounts should have totaled \$918,323; however, we only received a total of \$454,580 and the additional \$463,743 differential would have allowed us to significantly reduce our local property tax rate.

Looking Back I can say with certainty that the goal to hold the line on tax increases started as a small but noble effort, which really took hold as more and more of our residents made it known that it was about time. Along with hard work, solid strategic planning, and great personnel, it took the willingness of local elected officials to

take a tough stand and say no to both employees and residents, which isn't always easy to do when many of them live in your neighborhood.

Going forward, I am not certain we can continue our no municipal tax increase record into year seven and beyond. However, I am confident that we have put in place the personnel and resources to make sure that our annual budget development process, as well as our budget implementation, continue to give the residents of Fair Haven the best services that we can provide in the most cost effective manner possible. ▲

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Beach Fee Revenue Should Match Costs



By Edward J. Mahaney, Jr.
Mayor, Cape May City

Although Cape May initiated beach tags in 1977, only in the past decade has annual revenue matched costs so that the burden of subsidizing beach operations has been totally lifted off Cape May taxpayers.

In 2013, our Beach Utility garnered \$2.5 million of which \$2.1 million was generated from the sale of daily, three-day, weekly, and seasonal beach tags. These tag offerings demonstrate our commitment to meet the beach-oriented needs of our permanent and seasonal residents as well as visitors. This approach also ensures that tag prices reflect fairness and affordability for all socioeconomic levels of purchasers and that annual sales yield sufficient revenue to cover beach-related operational costs.

Our Beach Utility expended almost \$2.3 million during 2013, which created excess annual revenue of \$234,000. This excess revenue for 2013 was applied to our Beach Utility's fund balance which totaled \$545,000 entering the 2014 fiscal year. The 2014 Beach Utility budget received \$271,000 of this fund balance. In comparison, the 2013 Beach Utility budget contained \$274,000 in fund balance. The maintenance of a modest fund balance annually assures the mandated self-liquidating status of the Beach Utility, especially in the face of unforeseen storm emergencies.

In 2013, Cape May maintained 2.3 miles of oceanfront beaches, plus the capability to pay the local financial share of two long-term, periodic beach replenishment projects with the U. S. Army Corps of Engineers and New Jersey Department of Environmental Protection. These projects are focused on navigational, shoreline protection, and ecosystem restoration, with provision of recreational bathing beaches being a secondary benefit.

Other beach expenses include lifeguarding services; rescue boats; beach rescue vehicles; capital improvement projects and maintenance; beach cleaning; maintenance and cleaning of multiple beachfront restrooms; beach tag employee salaries/wages; beach tag equipment and supplies; and provision of water for restrooms, showers and water fountains. Related costs are capital improvement projects and maintenance for ADA compliance; debt service; insurances; trash/recycling services/fees; police and

rescue services; state-mandated lifeguard pension program; and legal and audit services. All of these expenses are paid by beach tag revenues. There is no such entity as "free beaches" because someone has to pay for these ongoing, defined Beach Utility costs.

All beach maintenance/ operations costs and the municipal share of beach replenishment costs are borne by the approximately 200,000 tag holders who annually use Cape May beaches, not by the local taxpayers. Our Beach Utility program

removes eight cents from the tax rate for all Cape May City property owners. This equates to \$480 for the owner of a property assessed at the median value of \$600,000.

Without our Beach Utility, Cape May could not incorporate these beach-related expenses of \$2.3 million within our Current Fund Budget while still remaining adherent to the state-mandated 2 percent tax levy cap. The outcome would be major reductions in programs/services, including public safety. The effectiveness, efficiency, and accountability of the city's Beach Utility would be destroyed. Retired senior citizens and college/high school students, who comprise the majority of our beach taggers and lifeguards, respectively, are seasonal employees who rely on this income to meet their living expenses and education costs.

The Cape May City Beach Utility promotes public health, safety, and welfare, and facilitates our community's capability to remain affordable so that there is economic sustainability on a year-round basis for the people who live, work and visit Cape May. On a larger scale, Cape May County produces a \$5.1 billion tourism economy yearly. Our clean, safe, and maintained beaches are universally revered, and are the major factor in attracting visitors. This "economic engine" generates \$482 million in fees/taxes annually for state government which then distributes this revenue for vital programs and services provided by public/private agencies throughout the Garden State.

Our three utility budgets (Water and Sewer, Beach, and Tourism) are self-liquidating. Which means their revenue must equal or exceed annual expenses. Standard and Poor's Rating Service elevated Cape May's bond rating to AA in June 2013. Our sustainability plan is working! ▲

*The Cape May City
Beach Utility helps
our community
remain affordable on
a year-round basis
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live, work and visit
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Left photo, Revel Casino Hotel; center photo, MetLife Stadium, courtesy of Skanska USA; right photo, Montclair rail station & municipal parking lot, courtesy of Prismatic Development Corporation.

Officials and Gardens' Residents Reach Historic Agreement



By Richard DiFolco, Mayor & Eric Berry, Township Manager, Mount Holly



(left to right) Deputy Mayor Jason Jones, Township Manager Eric Berry; Mayor Richard DiFolco; Councilman Lew Brown and Councilman Dwyne Belton (not pictured) reached a settlement to a housing dispute that had raged on for a decade.

With a history predating the American Revolution, Mount Holly Township—the county seat of Burlington County—once embodied the American dream, with a thriving downtown and an abundance of opportunities. Over the years, the community of just under 10,000 residents had fallen on hard times as families moved further into the suburbs and away from the idyllic Main Streets of yesteryear. As Mount Holly officials worked toward revitalization, the close-knit community found itself embroiled in a contentious housing discrimination suit regarding the redevelopment of Mount Holly Gardens.

After ten years and just weeks before the fight took place center stage in front of the Supreme Court and the entire nation, Mount Holly Councilmen Lew Brown, Dwyne Belton and Jason Jones and myself (Mayor Richard DiFolco) took over the reins and were able to reach a settlement with the residents of Mount Holly Gardens.

The long-running legal battle began when then-Mount Holly officials declared the 30-acre Mount Holly Gardens neighborhood a blighted area and sought redevelopment in an effort to tackle crime and revive the community, which was originally built after WWII. The township had considered numerous plans to revitalize the area, including razing the 329 two-story attached row homes and constructing a large, multi-unit apartment and townhouse complex with retail space.

Fifty residents of the neighborhood, which was largely minority, sued the township under the Fair Housing Act, alleging the plan violated their fair housing rights and was discriminatory.

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They claimed that it would have a disparate impact on the township's minority residents who called Mount Holly Gardens home. Passed by Congress in 1968, the Fair Housing Act prohibits discrimination based on race, color, national origin, religion, sex, familial status, and disability in the sale, rental, and financing of dwellings and in other housing-related transactions. Residents, under the name Mount Holly Gardens Citizens in Action, contended that the new homes would be too expensive for those who wanted to stay in the Gardens.

Over the years, lower courts found in favor of Mount Holly until 2011, when the U.S. Court of Appeals for the Third Circuit of Philadelphia found that the redevelopment plan may have been discriminatory due to a theory of disparate impact on minorities, even if that was not the township's intent. Two years later, in June of 2013, the Supreme Court agreed to take on the issue.

As the township and the Gardens residents began preparing to argue the case in front of the high court and before the eyes of the nation, leader-



Finally, Mount Holly can move forward with economic revitalization plans in the Gardens (pictured), while providing current residents of the neighborhood with the opportunity to stay and participate in, and benefit from, the redevelopment.

ship within the Mount Holly Township Council was changing. The newcomers on the council favored a settlement. In November, I and Councilmen Brown and Jones, who ran on the platform

of settling the dispute, along with the fourth member of Township Council Dwyne Belton, settled the case. (Our fifth member had resigned, so the move was unanimous.)



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On November 13, after a decade of litigation that cost the township more than \$2 million dollars, both parties reached a landmark settlement. Finally, Mount Holly can move forward with economic revitalization plans in the Gardens, while providing current residents of the neighborhood with the opportunity to stay and participate in, and benefit from, the redevelopment.

Mount Holly Township did not want to start a new Redevelopment Designation until the current litigation was over in the Gardens. We wanted to show the residents of Mount Holly that the newly elected officials could end a battle which has been going on for a decade. Now that the Gardens case is settled we can move on.

It was a win for both sides.

The settlement agreement between the township and the Mount Holly Gardens residents allows for, among other things, the construction on an expedited schedule within the Gardens neighborhood and the right for existing residents to remain in the Gardens community, pending the construction of the new homes.

The expedited construction will begin on 44 emerging market homes, with 20 of those homes being provided to current residents of the Gardens as a result of them allowing the redevelopment of their existing homes. These homes are expected to be completed and ready for occupancy by the end of 2014, with all phases of the new construction completed by 2018.

In addition, the settlement agreement provides compensation by way of a relocation allowance for the seven households who elected to relocate out of Mount Holly Gardens.

As a result of reaching the agreement, the parties filed a Joint Agreement to Dismiss the petition with the U.S. Supreme Court and a Joint Stipulation of Dismissal with the U.S. District Court, which concluded all pending, costly litigation.

With the Mount Holly Gardens settlement and litigation behind us, the township is now able to redevelop the downtown business district. A new micro-brewery and other businesses are set to open. The township is using grants to beautify the land along Rancocas Creek which runs through the heart of downtown Mount Holly. This

undertaking will further attract restaurants and shops, and provide a place for recreation, such as walking and jogging.

The ability of Mount Holly's leadership and residents to work together to reach a mutually beneficial agreement marks a turning point in the township's history. It demonstrates the passion our residents have for their community and the dedication our township officials

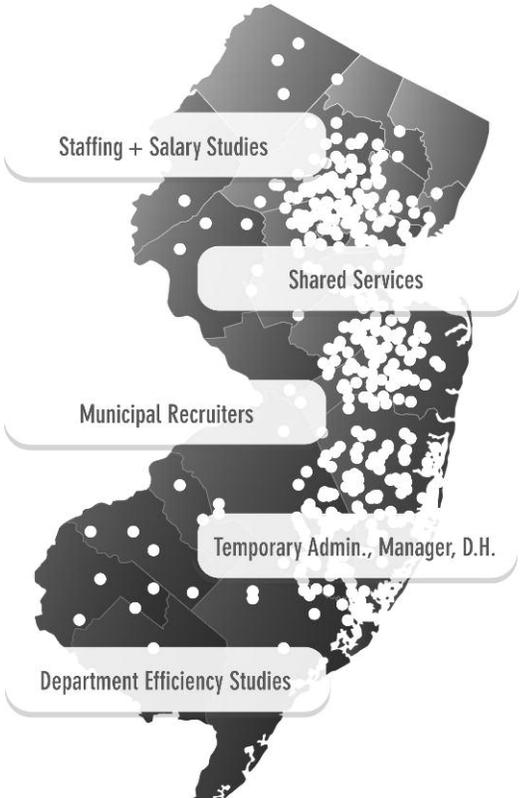
have to do right by all of our citizens. Most importantly, it demonstrates our strength and resiliency—coming together through legislation and negotiation, not litigation.

With the decade-long conflict behind us, our community can begin to heal as we look toward Mount Holly's promising future—reclaiming its place as an exciting and attractive place to live, work and raise a family. ▲

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Municipalities Can Preserve Land and Save on Flood Insurance



By Eileen Swan
Policy Manager, New Jersey
Conservation Foundation;
former Mayor, Lebanon Township
& John A. Miller, Legislative
Committee Chair, New Jersey
Association for Floodplain Management

New Jersey has long been a leader in open space, farmland and historic preservation. For decades, voters have supported funding for preservation. Across the state, communities have protected water resources, created parks, saved farmland, protected historic treasures and preserved flood-prone lands and, in doing so, have made New Jersey a more desirable and safer place to live. Now, more than ever, it is critical that we have a stable source of funding to continue to preserve land and give flood-prone property owners an alternative to repetitive flood damage.

In the aftermath of Hurricane Sandy, there has been an increase in awareness of climate change and the escalating severity of storms. Wherever we live in New Jersey, we are all affected by the most common natural disaster in the United States: flooding. Along the shore and on river banks, from the rural landscape to the urban centers, we have all been adversely impacted by more frequent storms and the resulting flooding and devastation.

In the past eight years, New Jersey floods have triggered 11 Presidential Disaster Declarations, meaning events beyond the capability of local and state resources. New Jersey is third in the nation for National Flood Insurance Program paid claim dollars, at \$5.4 billion—only Louisiana and Texas lead our small state. The impacts and costs continue to rise and our residents need our help.

The National Flood Insurance Program (NFIP), in which 97 percent of New Jersey municipalities participate, offers an opportunity through their Community Rating System (CRS) to lower flood insurance premiums (up to 45 percent) for participating communities and residents. Recognizing the significant role of preserved floodplain lands in protecting lives and property, the updated CRS manual (2013) offers greater weight than ever before to municipalities who preserve flood-prone landscapes. Preserving these lands has proven to be more actuarially beneficial to the NFIP than higher regulatory standards, or stormwater management. However, of the 565 municipalities in New Jersey, only 75



New Jersey is third in the nation for National Flood Insurance Program paid claim dollars, at \$5.4 billion—only Louisiana and Texas lead our small state. (Photo by David Conrad, 2013)



NJ communities already enrolled in the CRS are indicated in black. Of the 565 municipalities in New Jersey, only 75 municipalities (including the 14 member municipalities of the Meadowlands Commission), participate in this cost saving program. (Source: Princeton Hydro 2013.)

municipalities (including the 14 member municipalities of the Meadowlands Commission) participate in this cost saving program.

So how does the CRS program work? Community flood policyholders can save up to 45 percent on flood insurance premiums by participating in this voluntary incentive program that encourages community floodplain management. Good planning and adherence to public safety standards would suggest that municipalities should all engage in managing floodplain areas to reduce risks for their communities, and by enrolling in this program where enhanced practice is rewarded. There are 18 activities in the program under four categories: Public Information, Mapping and Regulations, Flood Damage Reduction and Flood Preparedness, all of which bring the benefits of protecting property and lives, while at the same time saving money. The program also helps to buffer the local and state economy from future flood events.

Participating municipalities are rated by class; Class 9 receives a 5 percent discount, the base level for participation. By increasing your activity and corresponding points, a municipality improves its class in increments of 5 percent up to the highest rating, Class 1, which receives 45 percent. (Currently only one municipality, Roseville, California, holds this stellar designation.)

New Jersey's participating municipalities save nearly \$26 million a year.

The average savings for each policy is \$181 per year. These numbers will increase with the implementation of the Biggert-Waters 2012 reform act, under which many classes of structures will lose subsidies and grandfathering. The CRS program is one way to buffer the increases in flood insurance premiums now taking effect or soon to be realized.

Many communities are already involved in multiple activities that are

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recognized under the CRS program, but are not reaping the savings because they are not enrolled. This is the perfect time for municipalities to consider getting involved. The updated CRS manual nearly doubles the points awarded for preserving lands in the floodplain areas. New Jersey municipalities can be rewarded for preserving lands whose natural functions mitigate flood damage and, in the case of mitigation by voluntary buyouts, where development was not sensitive to the flood risk. Not only can municipalities plan to preserve more floodplain areas; land that has already been preserved in a Special Flood Hazard Area or 1 percent annual chance inundation (commonly



Community flood policyholders can save up to 45 percent on flood insurance premiums by participating in this voluntary incentive program.

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called the 100-year floodplain) can also be factored in.

With the new increases in the weighting of preserved lands, New Jersey preservation activities alone could possibly account for between two to four classes in the program, which would provide a corresponding 10 to 20 percent reduction in premiums. With a little extra effort in data support and quantification of activities, towns will be on their way to achieving even more significant savings for their residents who are covered by the NFIP. These towns will also be more resilient and better protected from future storm events.

To enroll in this program, the community must send a letter to the Federal Emergency Management Agency (FEMA); a sample is found here: <http://crsresources.org/quick-check/>. Next, a municipal representative needs to prepare a CRS application showing the work the municipality has done, and will be engaging in, and submit it to the Insurance Services Office CRS specialist. That specialist then verifies the submission so that FEMA may provide the flood insurance premium discounts. Once enrolled, a municipality may continue to work to accrue more points.

This program is further proof of the value of open space (in part actuarial-

ly monetized by flood premium discounts) and of the need to continue to fund New Jersey's Preservation Programs. The most critical of resources are protected when we preserve lands. We protect our water resources, lives and property when we preserve our floodplains. For these reasons, and for the many others not directly related to the CRS program, New Jersey's investment in preservation is the gift that keeps on giving.

For further direction on the CRS program, please contact your state floodplain management experts at the New Jersey Association for Floodplain Management (NJAFM) at njafm.org.

For information on the CRS program please go to fema.gov/national-flood-insurance-program-community-rating-system.

For information on stable funding for preservation in New Jersey visit njkeepitgreen.org/index.htm. ▲

Eileen Swan served six years as a committee-woman and Mayor in Lebanon Township and led municipal efforts to preserve open space and farmland. She served as Executive Director of both the Office of Smart Growth (State Planning) and later the Highlands Council. Currently she works with New Jersey Conservation Foundation.

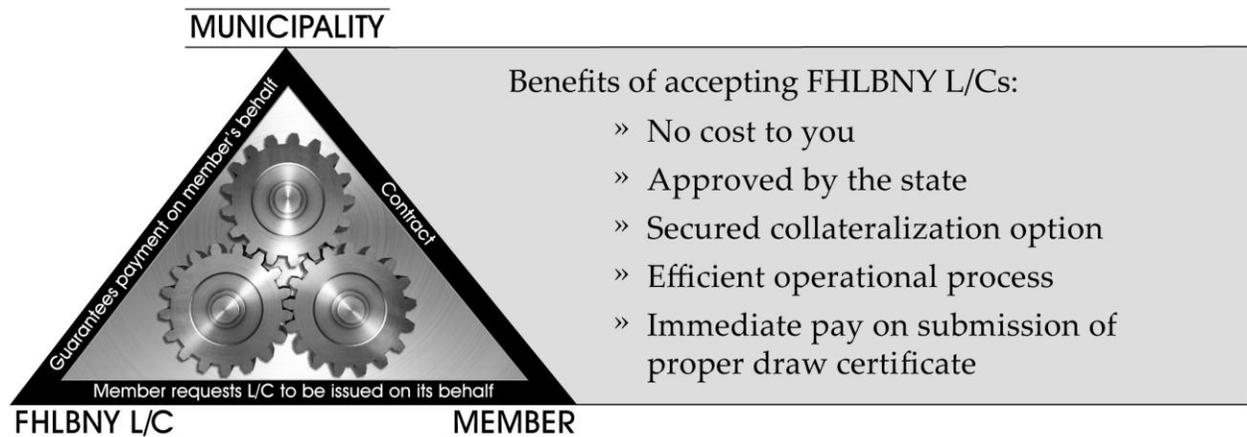
John A. Miller, P.E., CFM, CSM is a founding member of the New Jersey Association for Flood Plain Management and has been its Legislative Committee Chair since 2007.



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Flood Insurance Reform Critical for Homeowners

By Bill Pascrell, Jr.
Congressman, Ninth District

In 2012, a powerful storm surge caused unprecedented flooding across New Jersey—from the Shore to the Meadowlands—when Hurricane Sandy hit the East Coast of the United States. While this catastrophe served as a wake-up call to many, those of us in northern New Jersey know all too well that flooding has been a persistent danger since long before Sandy. Whether it was Irene, Floyd, or any of the spring rainstorms that cause flooding year in and year out, New Jerseyans are frustrated with the costs that flooding imposes on our communities and the hardships it inflicts on families.

Many homeowners still don't know that their standard homeowners insurance does not cover damages due to flooding. As valuable as it is to the homeowner, it is simply unprofitable for insurance companies to provide this product in places like New Jersey, which suffer frequent flooding. In the end the taxpayers were left holding the bag when the waters rose. That is why Congress created the National Flood Insurance Program (NFIP) in 1968, which makes flood insurance policies available to homeowners at an affordable price.

The NFIP was designed to be self-funding, but over the past few years, the magnitude of disasters like Katrina and Sandy have damaged NFIP's solvency, forcing the program to borrow from federal taxpayers to pay claims.

To date, NFIP has paid over \$7.36 billion in claims related to Sandy, including about \$3.5 billion on the 74,052 claims filed in New Jersey alone. Congress has been repeatedly forced to raise NFIP's borrowing limit—including by \$9.7 billion in January—to ensure that claims would continue to be paid in a timely manner.

In 2012, Congress reauthorized the NFIP, providing certainty to homeowners that the program would continue to be there to protect their homes and families. I voted for this reform because we need a strong, self-sustaining flood insurance program in this nation to protect our communities. An insolvent program which can't pay out claims or is in constant need of taxpayer bailouts doesn't help anyone.

Unfortunately, there have been unforeseen issues with how flood insurance reform has been implemented in the past year, and those issues have been exacerbated by the devastation caused by Sandy. The legislation attempted to improve the program's finances by phasing out subsidized

rates for certain properties, including second homes and properties that have been repeatedly flooded or severely damaged. Because of the damage Sandy inflicted, rate increases in communities like Little Ferry and Moonachie have been sudden and exorbitant. Many homeowners are finding that they cannot find buyers for their properties as new owners would be forced to pay higher rates. And there are no protections to ensure that flood insurance remains affordable for low and middle class individuals who are already struggling to recover from the worst economic crisis since the Great Depression.

I strongly believe that we can find the right balance to create an affordable flood insurance program for New Jersey families that will be there for future generations. There is a bipartisan consensus in Congress that we should amend the flood insurance reform legislation to ensure it is conducted in a fair and equitable way which doesn't destroy communities or leave homeowners out in the cold.

That's why I am an original co-sponsor and strong supporter of H.R. 3370, the Homeowner Flood Insurance Affordability Act of 2013. This legislation, supported by 182 Members of Congress from both sides of the aisle, would ensure that flood insurance premium increases don't break the bank for policy holders. The bill would delay rate increases for four years, giving

FEMA time to conduct an affordability study and develop regulations to ensure that rate changes won't be prohibitively expensive. This bill was introduced on October 29, 2013—the first anniversary of Sandy's landfall in New Jersey. Last month, this bill passed the Senate with 67 bipartisan votes. It is high time that the House of Representatives take up this effort as well.

It is my hope that this bipartisan compromise will lead to a new implementation strategy which eases the pain of flood insurance reform for New Jersey homeowners.

As a lifelong resident of Passaic County, a county named for the powerful river that runs through it, I know the heavy toll that flooding can have on our lives, personal finances, and property values. Rest assured that I will continue my work in Congress to ensure that the National Flood Insurance Program remains able to protect homeowners for generations to come, and that changes to the program are enacted in a fair and equitable manner. ▲

I strongly believe that we can find the right balance to create an affordable flood insurance program for New Jersey families that will be there for future generations.

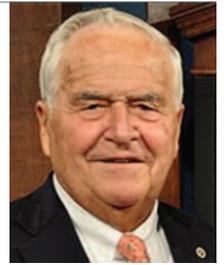
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Saving Man's Best Friends



By Thomas F. Kelaher
Mayor, Toms River



A first responder uses a pet oxygen mask for resuscitation in Toms River. Even though the pet oxygen masks will help save an animal's life in a fire emergency, it's important to note that if a pet has a medical issue, it's essential that you call your veterinarian, not 911. (Photo Credit: Kevin Monaghan)

Imagine that the worst has happened and your house is on fire. Then you realize that your pets may not survive due to smoke inhalation. This frightening scenario is sadly all too common, and causes additional trauma and stress to homeowners.

According to Paul Daley, Toms River Township's Emergency Management Coordinator and Director of EMS, emergency responders often "go to a fire and see the firemen bring out not only people, but also the family pets. Sometimes these pets have suffered smoke inhalation and are in need of resuscitation. The human oxygen masks don't fit pets because of their snouts.

*I'm happy to report
that pet oxygen masks
are now on
all ambulances in
Toms River Township.*

In order to help save these unfortunate animals on behalf of the residents who love them, Toms River Emergency Management Services put in an order for pet oxygen masks."

Daley adds, "There were three occasions in the past few months where we could have used a pet oxygen mask, but didn't have them on hand yet. Unfortunately, a family's dog died."

Toms River Cares A significant portion of our households own a pet. In 2013, there were 3,500 dogs and almost 300 cats legally licensed in town. Dog licenses are governed by state statute and cat licenses are set by municipal ordinance.



Pet oxygen masks are now on all ambulances in Toms River. (Photo Credit: Debbi Winogracki)

Though house fires are still rare, it never hurts to add another level of protection to save an animal's life. I believe that saving the lives of their pets will also help the homeowner recover from the trauma of the fire more quickly.

Several weeks ago, the pet oxygen masks were put onto eight ambulances and two First Responder's cars.

"The Silverton Fire Company carried pet masks on their trucks and we thought it would be great to have them on our ambulances, too," said Kevin Monaghan, EMS Coordinator, Toms River Township Emergency Management. "The masks come in three sizes (small, medium and large) and are longer for an animal's snout. For training purposes, we have a DVD to show our First Responders the proper use of the equipment and pet CPR," Monaghan added.

Costs The masks cost about \$100 per set and are reusable after being cleaned with soap and water. The masks were paid for out of the EMS budget.

Monaghan stated, "Obviously, human patients are the focus of our attention. However, anything we can do to assist pets will ultimately help the victims deal with the loss of their home."

We recently posted an article about the pet oxygen masks on our municipal website. There was such a positive reaction to this pet-saving measure that our EMS department wound up purchasing 13 more sets of masks for all of the volunteer ambulances in town.

Filling a Need I'm happy to report that pet oxygen masks are now on all ambulances in Toms River Township.

Our EMS team has taken the initiative to provide this service to our area. They saw a need in the community and found an innovative way to help out.

Lastly, I want to remind all pet owners that even though the pet oxygen masks will help save an animal's life in a fire emergency, it's important to note that if a pet has a medical issue, it's essential that you call your veterinarian, not 911. ▲

Mayor Kelaher is a former Ocean County Prosecutor and currently serves as Vice Chairman on the volunteer Board of Trustees for the Barnabas Health Care System.



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Don't Be Afraid to Stay the Course



By Samuel S. Raia
Mayor, Saddle River



A recent decision by the Supreme Court of New Jersey reversing the Appellate Court in the matter of *Borough of Saddle River v. 66 East Allendale, LLC*, represented a personal victory for me as mayor, but more importantly, it was a great victory for Saddle River and the entire New Jersey League of Municipalities, which had filed an *amicus* brief in support of our legal position.

At stake in these lengthy legal proceedings was the borough's longstanding desire to acquire the East Allendale property as a park and maintain the historic character of our borough. The borough rightfully sought to acquire the land through eminent domain at a fair market value based on its highest and best use given the zoning ordinance in place at the time of the purchase. However, the owners of the Allendale property wanted the borough to pay over \$3 million more for the property based on their belief that the zoning board would have given them a variance to develop more of the property.

I inherited this issue when I became mayor. The property was now in the hands of a developer with a very different vision for our Saddle River downtown historic district and adjacent Rinlaub Field. The borough had exercised its power of eminent domain to increase the open space and recreation area and this related to our larger plans for the downtown area. But the owners of the property believed otherwise and felt that the condemnation was unjust.

After what we saw as a very unfair settlement at the Appellate Court, we took it to the New Jersey Supreme Court, and last October they decided in our favor.

We tried to avoid a court battle through an arbitrator, and after several meetings an agreement was reached. Some days later, however, the owners reneged on the settlement. And so this saga began with court hearings and testimony, leading to what we saw as a very unfair settlement at the Appellate Court. We were determined to press our case, so we took it to the New Jersey Supreme Court, and last October they decided in our favor.

The governing body and I were not going to allow an unreasonable decision to harm our residents.

Through all this, we learned two good lessons for municipalities. The first is that condemnation should be a last resort. Healthy negotiations between the municipality and an owner can usually result in a positive outcome. By exercising a municipality's right to condemn a property, we open the possibility of opposing parties believing that that they have not been treated fairly. And when an independent appraiser fails to find common ground between the parties, we are left with the long uncertainty of a court case.

The second lesson is that as governing bodies we must stay the course when we believe in our case. It would have been very easy to accept the results of the first trial and even easier to accept the results of the appeal, but the governing body and I were not going to allow an unreasonable decision to harm our residents.

Yes, we were told that that the odds were against us, and the whole thing was a long shot. It did not look likely that the New Jersey Supreme Court would even accept the case, and if

they did, what were the odds of getting the decision overturned and sent back for a retrial? This all looked very unlikely, and yet we were determined to keep our eye on the prize and not look back.

When the Supreme Court handed down the decision in October, I was delighted and told the Town Journal, "It's an extremely good day for Saddle River." I also made it clear that our

governing body is "always ready to have a fair settlement on this case." Finally we noted, "Now we start all over again, and it's our job to protect the people. We'll go one more round and see if this time we come up with the right settlement." ▲

Samuel Raia has over 30 years of experience as a business owner in real estate and construction and serves as NJGOP State Chair.

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Under the Gold Dome

A Tough 2014 Just Got Tougher



By Ben Dworkin
Assistant Professor of Political Science (Adjunct)
and Director of the Rebovich Institute for
NJ Politics, Rider University

The second term of Governor Chris Christie is in full swing, and yet, an aggressive agenda that includes no new taxes, a longer school year and anti-crime efforts; all seem to be dwarfed by the ongoing investigation into the George Washington Bridge lane closures.

The Governor's press conference on "Bridge-gate" back in January was a remarkable political spectacle. Christie did as well as could be expected, given the constraints that he had upon him.

In a crisis, it is conventional wisdom that one should quickly come clean, own up to whatever mistakes were made, and make amends so that it doesn't happen again. The Governor admitted that the behavior happened on his watch and that he was responsible. He fired his Deputy Chief of Staff and withdrew his support for one of his top political lieutenants. His top two people at the Port Authority of New York and New Jersey had already chosen to leave office, prior to the release of the emails that turned four days of bridge traffic into a national media feeding frenzy. At his press conference, the Governor took every question from every reporter for nearly two hours. It was a stirring bit of politics.

But fundamentally, the Governor's inability to explain how this all started and who was involved meant the door was still open for every possible theory, regardless of plausibility. So long as the truth is elusive, it will be hard to shake this cloud over Trenton.

Even with the eruption of the bridge controversy, state politics in 2014 will be dominated by a few key factors. First, second terms are never easy for governors. Legislators always seem to be tougher on the Front Office. Ambitious Democrats, and even Republicans, begin positioning themselves for the next gubernatorial race as soon as the term-limited Governor is re-elected. The clash among potential future governors and the current one never makes for easy policy making.

An additional structural challenge is that economic growth in New Jersey is not nearly as robust as anyone would like. But without significant new revenues, grand

policy initiatives are hard to come by, unless the funding is diverted from the municipal and county levels.

For mayors and councils, the good news is that the courts have ruled that the Christie administration can no longer divert unused affordable housing funds to the state's general revenue fund.

Keeping the housing money in the hands of local officials will certainly make them happy. However, the bad news for municipalities is that when the state has less money, state funding for local services may take a cut. About 75 percent of New Jersey's total budget comes into Trenton and then goes back out the door to help with the costs of local government through grants and aid. Thus, when the state has less money coming in, less will go out to help offset the pressure on property taxes.

The political result of this situation in 2014 will probably be a renewed bipartisan push for municipal consolidation and shared services. There are likely to be some incentives, but also a louder call to limit state aid to towns that don't pursue shared services aggressively enough.

Another component of the political landscape is Governor Christie's presidential ambitions. Despite the bridge scandal and others, Governor Christie

is a potential GOP presidential nominee. As such, every decision he makes in the next few years will be scrutinized for presidential implications. This national spotlight will likely make it difficult to get a lot done in Trenton.

Currently, three key groups—ambitious elected officials in New Jersey who gain more now when they confront Christie, national Democrats who worry about Christie as a presidential candidate, and some national Republicans who would prefer to see someone else as the party's nominee—will likely seek to cast Christie in a much harsher light moving forward. They will continue pushing their narrative of Christie throughout 2014.

All of these dynamics—lame duck status, sluggish revenue growth, the Governor's presidential ambitions—were always going to make this legislative term a rough one. Throwing the bridge lane closure investigations on top of it all will make it even tougher. ▲

In a crisis, it is conventional wisdom that one should quickly come clean, own up to whatever mistakes were made, and make amends so that it doesn't happen again.

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Paramus Meets the Weight Loss Challenge, and You Can Too!

By Richard LaBarbiera
Mayor, Paramus
& Anne Monaghan-Baker
Employee Communications
Manager, The Valley Hospital

It is easy to talk about getting healthy, but from a community standpoint, how do you start? How can you get the communities you serve interested in taking an active role in their own healthcare? How do you manage such a massive project and have successful outcomes for all? The best way is to partner with experts in healthcare who have both the experience and the reputation for excellence. In this case the partners were the town of Paramus (Mayor Richard LaBarbiera and Health Officer Judith Migliacco), a fitness expert/local gym owner, a community health expert, and resources from The Valley Hospital, as well as the support and leadership from the League's Mayors Wellness Campaign.

The Mayors Wellness Campaign, co-sponsored by the League of Municipalities and the New Jersey Health Care Quality Institute, challenges mayors across the state to take an active role in the health of the communities they service. For the Borough of Paramus, that challenge was twofold: to develop healthy living activities to improve the community's health and to reduce skyrocketing healthcare costs. Paramus Health Officer Judith Migliacco worked with Paramus-based Gold's Gym owner Mike Epstein and Valley Hospital Health Educator Jasalyn DeRyke to generate ideas that would include all residents of Paramus at all fitness levels, be fun, and have a strong interactive component.

A whopping 604.6 pounds was lost by participating Paramus residents during the 12-week challenge, with 65 percent of surveyed participants reporting, "the program helped them commit to a healthy lifestyle."

Using best practice ideas, they developed a unique and targeted campaign with the goal of motivating citizens to lose weight and improve overall health by setting a town-wide goal and providing support. Instead of focusing on how much weight an individual participant lost, the program focused on achieving a town-wide weight loss total. Each individual's weight loss contributed to the whole. This approach gave people the sense that everyone was included in the town-wide initiative, whether they needed to lose five pounds or 50 pounds. The initiative was called The Paramus Weight Loss Challenge.



The town of Paramus held a Weight Loss Challenge in cooperation with Gold's Gym, the Mayors Wellness Campaign and the Valley Hospital.



Pictured at the Paramus Health Fair in 2012 are Paula Opitz, Paramus Public Health Nurse; Nicholas Alexander, M.D., Orthopedic Surgeon, The Valley Hospital; Judith Migliaccio, Health Officer, Paramus Board of Health Department; Richard LaBarbiera, Mayor, Paramus; Janice Fraioli, Paramus Public Health Nurse; Colette Cummings, Director of Community Health & Community Benefit, The Valley Hospital; and Parminder Savalia, Supervisor of Community Health & Community Benefit, The Valley Hospital.

The statewide Mayors Wellness Campaign provides incentives for mayors to take on challenges such as these. In this case, Paramus received "Healthy Town" status in 2013 and received a \$500 grant to help with childhood obesity issues. With the grant, Gold's Gym in Paramus offered a family Zumba class, where the entire family could exercise and have fun together, without singling out children with weight issues. The class was just one component of the Paramus Weight Loss Challenge, which brought health and wellness to a wider audience.

The Paramus Weight Loss Challenge

To encourage participation, the challenge offered a number of benefits. The first 50 registrants were eligible for free cholesterol and blood sugar screenings. In addition, participants could attend health classes, access a free two-week membership to Gold's Gym of Paramus, register for Weight Watchers at a discount, and win prizes once they completed the program. Postcards were sent to every household in Paramus to advertise the event. Press releases were sent to the local papers, and the Paramus Patch website. Paramus Mayor Richard LaBarbiera also encouraged residents to participate at various town events.

Challengers were required to weigh in once every two weeks at a variety of locations and times, to accommodate different schedules. Participants

received trackers to record their individual weight loss. Weekly emails, which provided an update on the total pounds lost by week, were a suc-

cessful way to provide information on the contest. The e-mails also provided tips on goal-setting, healthy food shopping, recipes, weight training, and how to stay on track.

At the end of the program, the Mayor's Wellness Program hosted a special event to celebrate the town's success. A whopping 604.6 pounds was lost by participating Paramus residents during the 12-week challenge, with 65 percent of surveyed participants reporting, "the program helped them commit to a healthy lifestyle."

The Secrets to Success So what made this event such a success?

First, teamwork. The town of Paramus was open to new ideas and partnering with local organizations that had strong ties to both the community and the health of its members.

Second, implementation. The program's leaders spent hours developing the program and were personally invested in its success. They developed a plan that would be challenging to residents, yet fun, which helped increase interest.

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Pictured, left to right, at the kick-off event on March 12, 2013 for the Paramus Weight Loss Challenge are Judy Migliaccio, Paramus Health Officer; Mike Epstein, fitness expert and owner of Paramus Gold's Gym; Richard LaBarbiera, Mayor of Paramus and Megan Fraser, Vice President of Communications and Marketing, The Valley Hospital.

Third, communication. Strong communication to residents through a number of different vehicles ensured that Paramus residents knew about the contest and knew where to get more details.

Fourth, support. The challenge worked because it provided residents with more than the idea of getting healthy. The challenge provided tools—such as tips, classes, and seminars—that residents could use to reach their weight loss

goals. Also, by having individuals set personal goals, but having the contest success rely on an overall goal, participants were free to work at their own pace, without trying to reach unrealistic goals. By making group weight loss the goal, the contest avoided encouraging unhealthy weight loss methods.

Costs One of the most common questions about the weight loss challenge is has been “how much did it cost?”

With towns facing budget caps and shrinking revenue, it is up to both the town and the healthcare coordinators to work together to keep costs down. For this event, one of the biggest costs was time. Staff hours for all event partners, including Gold's Gym, The Valley Hospital, and the Paramus Health Department totaled 173 hours. This time included planning, program development and evaluation, education, and weigh-ins. The hospital covered the cost of the lab testing at cost, which was \$700. Advertising and print materials were \$4,300. Scales used for the program were donated by a local store. Grant funding and donations provided the challenge with items to raffle off.

Staff time, community involvement, and passionate partners are the keys to making this program a success.

Assistance is Available With passionate partners, this program can be easily replicated in other communities. In fact, due to the success of the program, Bergen County Health Officers are developing similar programs for other local towns. Valley Hospital and the Mayors Wellness Campaign will provide assistance as needed. Seeing the success of this program has sparked interest from other hospitals in our county to join our initiative.

If program costs are a concern, less costly advertising efforts can be used, including posting information on your town's website, sending out free press releases to your local newspapers, and asking local houses of worship to put information about the event into their bulletins/publications. Grant monies can be used to cover the blood screening costs.

Staff time, community involvement, and passionate partners (fitness expert, clinical support, a coordinator, and a community figure to rally the troops) are the keys to making this program a success. It worked in Paramus and it can work for you! ▲

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Cherry Hill Taps into Kidsville News!



By Chuck Cahn
Mayor, Cherry Hill Township
& Lynne Berman, Publisher
and New Jersey Educational
Coordinator, Kidsville News!

As elected leaders, we depend on informed citizens to play an active role as volunteers and voters in our communities. Growing up, most of us began reading newspapers to learn about how the world around us, and government in particular, worked. For today's kids, there's not always a newspaper sitting on the kitchen table, and the internet offers a confusing and at times dangerous array of choices.

Enter the Kidsville News!, a FREE educational resource published since 1998. It has a proven track record as a valuable educational resource and is aligned with Common Core Curriculum Standards with monthly themes for each edition. It is designed for use with students in kindergarten through sixth grade. Its goal is to develop reading skills, promote literacy and provide good, quality character education. It also includes information on local events and informative interviews.

As Cherry Hill Township Mayor, I am pleased to know that students in our schools are reading Kidsville News! And we are finding that many students take the paper home and share the information with their parents. The publication is

looking to expand its distribution and readership throughout Camden County and beyond. I'd encourage you to consider ways to make it available in your town.

In Cherry Hill this monthly newspaper has been supported by schools, local community organizations and private businesses. Kidsville News! has also formed a partnership with the New Jersey Clean Communities Council. The council is using Kidsville news to educate students and the community about their many educational programs and special events (<http://www.njclean.org/2014-CC-Conf/NJCC-Kids-2014-Contest.html>).

Kidsville News! looks forward to partnering with other municipalities around the state to support its expansion into other area schools and counties.



Currently Kidsville News! enjoys a national circulation of 700,000 with 1,520,000 national readership.

Kidsville News! received the Parents' Choice Approved Award in 2008 and 2012. It also received the National President's Award 2012, for Exceptional Vision and Passion to the Community, Business and Education. Kidsville News! is distributed free to schools, libraries, museums, theatres, summer camps, and anywhere that children and families congregate.

Currently Kidsville News! enjoys collectively 700,000 national circulation with 1,520,000 national readership.

One of the key components of the Kidsville News! education and literacy program is Truman, its six-foot dragon mascot. Truman loves to be involved in the community by visiting schools and attending events where children and their families gather. He supports community events and campaigns to help make a difference in the lives of children and families. I was proud to share my experiences as Mayor during an interview with Truman that appeared in the October 2013 issue.

Truman conducted our interview to learn more about my Mayor's Wellness Campaign and healthy initiatives for the community. Below is an excerpt of that interview.

The fall is full of holidays that seem to revolve around food. What a better time to get fit and think about wellness. I had the honor of speaking with Cherry Hill's Mayor Chuck Cahn during the Mayor's Wellness Day at Springdale Farms and learned so much about the Wellness Campaign, fitness initiatives, and his commitment to the community.

TRUMAN: *What inspired your Wellness Campaign?*

CAHN: I was hoping to improve the quality of life for all the residents of Cherry Hill for a strong, vibrant community, benefiting their mental and physical well being.

I feel being healthy is important to every person, whether young or senior, resident or employee, to improve their wellbeing in a positive way.

TRUMAN: *What's the best part of naming Cherry Hill a 'Healthy Town' in New Jersey?*

CAHN: There is a benefit to everyone through awareness. I feel so proud that we passed an ordinance banning



Kidsville News education and literacy program mascot Truman interviews Cherry Hill Mayor Chuck Cahn. The six-foot dragon loves to be involved in the community by visiting schools and attending events where children and their families gather.

smoking on township lands such as parks and trails. We are actively making Cherry Hill a healthy place to live.

TRUMAN: *I love your monthly "Walk with the Mayor" program. How did it get started?*

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CAHN: We began by asking residents to join me, both to walk and talk, so we could discuss whatever issues were on their minds. I wanted everyone to know that I was available and, at the same time, that I care about their health. We invite our community partners to join us as we promote Cherry Hill business at the same time. So let's get moving!

Kidsville News! is expanding throughout the state to provide each edition to students, teachers and parents monthly. Their national and local monthly themes, alignment to Core Curriculum standards, engagement with the community, and commitment to high quality content makes Kidsville News! the perfect vehicle to support and promote literacy and provide quality information to New Jersey students.

As New Jersey celebrates its 350th Anniversary this year, Kidsville News! is proud to team up with CICERO Systems, to introduce an NJ 350 program that will offer a content-rich curriculum for teachers and students that

explores the rich history of our great state. CICERO Systems is a New Jersey based company that provides high-quality professional development pro-

This monthly newspaper has been supported by schools, local community organizations and private businesses.

grams, firmly anchored in rich historical content, along with substantive historical lessons, activities and resources for teachers to use in their classrooms.

Using websites, videos, interactive lessons, school newspapers and live

events, NJ 350 program will engage and educate New Jersey's students.

They will be hosting the Second Annual School Assembly Showcase here in Camden County on Saturday, April 12, 2014, with the theme of New Jersey's 350th Birthday. PTA / PTO representatives, principals, curriculum coordinators, teachers and parents from other communities are welcome to attend. They can meet up to 80 unique vendors, see live performances on two stages, participate in interactive exhibits, mini-workshops, and more.

Schools in Camden County will be looking forward to working with Kidsville News! and the NJ350 program to highlight community events and historical locations that celebrate the innovation, diversity and liberty surrounding New Jersey's 350th Anniversary. We welcome you to join the celebration. ▲

To learn more, visit KidsvilleNews/CherryHill.com or contact Lynne Berman at 609-760-7520, Lynne@KidsvilleNewsCherryHill.com.

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Legislative Update



By Michael F. Cerra, NJLM Director of Government Affairs; Lori Buckelew, NJLM Senior Legislative Analystist; Jon R. Moran, NJLM Senior Legislative Analystist

ENCOURAGING SHARED SERVICES S-1/A-1838, which encourages sharing of services and makes an appropriation, was introduced on the first day of the new legislative session. Initially our main objection to S-1/A-1838 was a fundamental issue. We oppose any proposal which would, on the one hand, allow the voters to express their will; but on the other hand, penalize them if their will does not comport with that of a majority of the appointed members of LUARCC. To us, this is a fundamental position, respecting our voters and the concept of self-determination.

However, our objection has now expanded to the Civil Service changes. When initially introduced last session the bill removed or reduced many of the roadblocks that increase the costs of shared services—things like terminal leave, pay, civil service mandates, and employee tenure requirements. Many of the original provisions in bill could have reduced the costs and hurdles to shared services and consolidations, produce municipal savings and promoted relief for our taxpayers. No longer would Civil Service have been an impediment to sharing services. However, as introduced, S-1/A-1838 seem to discourage shared services from a municipality's perspective by continuing the hindrances imposed by Civil Service. The League has three specific issues with the civil service component of the amended bill.

First, the bill would require any non-civil service municipality sharing services with a civil service municipality to be brought into the civil service system. As opposed to reforming the civil service system, this provision would expand Civil Service.

Second, seniority provisions are protected at the expense of management prerogatives by making the two municipalities subject to civil service rules and collective bargaining agreements for determining which employees stay. Municipalities that are considering merging units want the flexibility to retain the most qualified and efficient work force, or consolidation in any form doesn't make any sense. Municipalities need the flexibility to choose which employees will be retained and how to frame their workforce. S-1/A-1838 takes that management prerogative completely out of the municipalities' hands and puts it entirely within the confines of the civil service system and collective bargaining agreements. The result will be a chilling effect on shared services.

Third, the mediation and arbitration of contractual provisions of the bill will impede the sharing of services and may not result in cost savings. We do not foresee a smooth merging of two collective bargaining agreements. Therefore, mediation and arbitration will become the norm thus leading to delays and additional cost.

There is no overnight cure to our property tax crisis. Shared services, consolidation or other cost saving measures are long-term actions where benefits/savings may not be seen for a number of years. The vast majority of Mayors are willing to consider options, but do not want to see their citizens punished, if they disagree with the decisions reached by LUARCC. They trust the judgment of the people who elected them.

Senate President Sweeney along with Senators Kyrillos, O'Toole and Bucco have introduced S-1 which awaits consideration by the Senate Community and Urban Affairs committee. The Assembly companion, A-1838, was introduced by Assemblywoman Lampitt, Assemblyman Moriarty, Assemblywoman Casagrande, Assemblyman O'Scanlon and Assemblywoman Riley. A-1838 awaits consideration by the Assembly State and Local Government Committee.—**LB**

FUNDING FOR COMBINED SEWER OVERFLOWS The League opposes S-575, which would establish certain planning requirements for entities possessing general permits for combined sewer systems; provide an exemption from the property tax levy cap for capital expenditures and debt service for combined sewer overflow abatement and prevention measures; and create a "Combined Sewer Overflow Solutions Fund" in the Department of Environmental Protection. The bill appropriates \$5 billion. As noted in the statement to the bill, S-575, establishes, "...certain planning requirements for entities possessing general permits for combined sewer systems..." As described in Section 2, these would require every permittee to, "...identify measures to abate or prevent combined sewer overflows..." which shall be submitted to the Department of Environmental Protection within one year.

Once the information is submitted, the department will evaluate and make recommendations to the Legislature, prioritizing the projects and making recommendations as to which should be funded.

Section 2b allows that an existing capital improvement plan, capital master plan, long-term control plan or some other similar plan may be submitted to satisfy this requirement. However we must also acknowledge these identification and planning processes cannot be credibly accomplished without significant administrative and financial resources. It appears that the \$5 million appropriation cannot be used for these processes, so absent another funding source we are concerned that such costs will fall to the property taxpayers. We believe these processes need better definition and clarification, as well as a determination if this is an unfunded mandate.

While the creation of a statewide “Combined Sewer Overflow Solutions Fund” is worthy of consideration, the future funding is uncertain. S-575 exempts capital expenditures and debt service made for the purposes of the costs of abatement and prevention of combined sewer overflows from the 2 percent levy cap. However, even with that exemption the provisions of this bill will, absent a sufficient state funding source, impose additional costs municipalities. The \$5 million appropriation contemplated by S-575, is simply insufficient for the task at hand. A reliable and sustainable funding source must be identified in order to adequately address the number of combined sewer overflows.

The League applauds the sponsors’ intent to undertake a broad-based approach to the issue and is committed to work with the sponsors and any interested stakeholder in advancing a viable approach. So while we concur with the underlying intent of the bill, the League opposes S-575 in its current form.

S-575 was approved by the Senate Environment Committee on January 27 and awaits consideration by the Senate Budget and Appropriations Committee. The Assembly companion, A-1582, is referenced to the Assembly Environment Committee.—MFC

BILL COULD FACILITATE CONSOLIDATIONS During the 2012-2013 legislative session, companion bills were introduced to facilitate future municipal consolidation efforts. Both bills would allow for greater flexibility in the municipal consolidation process.

For example, the applicants for consolidation would be allowed to develop their own process for the equalization of property assessments in the new municipality, subject to the approval of the Director of the Division of Taxation in the Department of the Treasury. Special districts based on old or newly established boundaries with unique planning mechanisms, services and ordinances would be permitted in the new municipality. And existing debt, or debt newly created by any financial arrangement between any or all of the former municipalities in furtherance of any aspect of a consolidation plan, could be apportioned among the taxpayers of the consolidating municipalities as debt within special taxing districts, in a manner mutually agreed upon by all preexisting municipalities.

As originally drafted, the bills had proposed the elimination of the requirement for voter approval of a proposed consolidation. The bills would also have removed the requirement that state agencies consider local circumstances in making decisions regarding consolidations. Related to this was a provision that would have allowed the Department of Community Affairs to decline to provide an analysis of the fiscal impact of a consolidation proposal.

We brought our concerns to the attention of the sponsors. We want to thank Senator Gordon, sponsor of the Senate bill, and the Members of the Senate Community and Urban Affairs Committee, who agreed to amend that bill to address our concerns. Accordingly, the bill now ensures that the citizens will have final say on a consolidation proposal and that they will be given the information they need—including an independent fiscal analysis—in order

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to make an informed decision. We have asked the sponsors of the Assembly bill, A-1739, to support these amendments.

As things currently stand, we support S-316, which has been referred to the Senate Community and Urban Affairs Committee. Unless and until it is appropriately amended, however, we oppose A-1739, which awaits action in the new Assembly State and Local Government Committee.—**JRM**

MUNICIPAL OPTION AND TAX CREDIT FOR AFFORDABLE HOUSING The League supports S-928, the Economic Opportunity Act of 2014, Part I. This legislation will permit municipalities, in which a qualified project under the state's revamped Economic Redevelopment and Growth Grant Program (ERGG) resides, to determine the percentage of newly-constructed residential units which must be provided for low or moderate income households. Current law requires that these projects provide a mandatory 20 percent for affordable housing.

Without a municipal option, these projects may not be economically feasible, particularly in urban areas. The "municipal option" will provide the flexibility for local leaders to work with the business community to maintain the viability of the projects.

Further, S-928 will authorize a \$250 million tax credit program for qualified projects to be administered by the Economic Development Authority. Such a program will be of great assistance to municipalities which face affordable housing units with expiring controls (units currently part of the municipality's affordable housing inventory but in which the deed restrictions are about to expire). Every unit lost due to expired deed restriction will require the municipality to make up for that loss in another way, requiring either new construction or additional subsidies.

S-928, sponsored by Senators Lesniak and Puo, was approved by the Senate Economic Growth Committee on January 30 and now awaits consideration by the Senate Budget and Appropriations Committee.—**MFC**

ACTION NEEDED ON VERIZON PERSONAL PROPERTY TAX BILL On behalf of local officials and property taxpaying residents all around New Jersey, we want to express our gratitude to Senator Smith and Assemblyman Caputo for sponsoring important residential property tax relief companion bills during

the 2012-2013 Legislative Session. We also thank their co-sponsors, Senators Greenstein, Turner, Vitale and Holzapfel and Assemblymen Gusciora and Egan. We strongly support this initiative, which would clarify the responsibility of certain telecommunications corporations to continue to remit Business Personal Property Tax (BPPT) payments to municipalities. We regret that the bills were never posted for consideration by the Senate Community and Urban Affairs Committee and the Assembly Telecommunications and Utilities Committee.

We are pleased to report that Assemblymen Caputo, Gusciora and Egan have introduced their bill as A-366 for consideration during the 2014 session.

In October 2012, the Appellate Court declined to review the June Tax Court preliminary decision in the case of *Verizon v. Hopewell*. The case, in which the League supported Hopewell as *amicus curiae*, involved Verizon's claimed exemption from the BPPT in any municipality where the corporation unilaterally determines, in any given year, that it no longer supplies dial tone and access to at least 51 percent of a local telephone exchange. Verizon's claim had been rejected by the Mercer County Board of Taxation in 2009. The Tax Court reversed that ruling and allowed Verizon to claim the exemption. The Appellate decision permitted that interpretation to stand. Subsequently, the state Supreme Court also declined to take up the matter until all Tax Court proceedings were completed. Absent action by the state Legislature, that could postpone the delivery of these municipal revenues for years.

In response to that, the legislation was introduced in order 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 of Municipalities supports A-366. We hope to help to advance the bill as soon as possible. Please contact your state Senator and your representatives in the General Assembly and ask them to join in this effort.—**JRM**

FIRST RESPONDER IMMUNITY FOR FORCED ENTRY The League of Municipalities supports S-174. This legislation would grant immunity from liability to first responders who forcibly enter a building to provide vital emergency assistance.

This immunity from civil liability only applies where the first responder's decision to enter a structure is based upon a good faith belief that forced entry is necessary to provide emergency medical care or to prevent imminent bodily harm and where no occupant of the property responds to the first responder's requests for entry within a reasonable period of time. As the sponsors note, this bill ensures that no individual in need of emergency assistance; but who is unable, either physically or verbally, to grant entry into the subject property, goes without care due to potential liability concerns of the first responders.

We salute the sponsors, Senators Whelan, Allen and Addiego, for their leadership on this common-sense reform and we support S-174. At this writing, the bill awaits action in the Senate Judiciary Committee.—**JRM**

LEAGUE LAMENTS FLEET MAINTENANCE MANDATES BILL The New Jersey League of Municipalities is dedicated to serving local governments in the Garden State and representing their best interests at the state and federal level. It is for this reason that we have serious concerns with A-2035/S-761, which addresses franchise agreements between automobile manufacturers and their dealers.

This bill contains provisions that could negatively impact many of our state's 565 municipalities. For example, if passed, the bill would require that vehicle warranty repair and service work be done solely by a franchised dealer. This jeopardizes existing practices for fleet customers, including communities that complete their own service and warranty work in-house, and those who have relationships with local businesses.

The dealer requirement would increase the cost of, and the time involved in, fleet maintenance and repair operations. That, in turn, could hamstring the overall efficiency of critical public services in New Jersey cities, towns, townships, boroughs and villages. The bill would also require that fleet customers purchase vehicle parts through dealerships, significantly limiting the choice of municipal customers and raising costs in the process.

While the aim of the bill may be to address franchise agreements between dealers and manufacturers, it could impose increased costs on many municipalities, which can, then, only be

passed on to the taxpayer. For these reasons, we oppose A-2035/S-761, as currently drafted.—JRM

COOPERATIVE PUBLIC POWER CONTRACTS The League of Municipalities supports S-944, which would allow municipalities that own and operate non-profit distribution electric utilities to save money by empowering them to create a municipal shared services energy authority.

Public power utilities are operated by local governments to provide communities with reliable, responsive, not-for-profit electric service. Public power utilities are directly accountable to the people they serve through local elected or appointed officials. They measure success by how much money stays within the community through low rates and contributions to the local budget, not how much goes out to stockholders across the country and around the world. Public power has a strong environmental-protection track record, solid credentials with bond ratings agencies, and a reputation for reliable, customer-focused service. Muni-

pal electric utilities put customers first and ensure a stable supply of electricity while protecting the environment. Since the great majority of municipal power utilities do not generate their own electricity, and instead buy it on the wholesale market for distribution to their customers, securing competitively priced and reliable wholesale power is a priority.

There are ten such utilities in the State of New Jersey serving more than 160,000. All could benefit because of the opportunities offered by S-944. This initiative would authorize three or more municipalities that operate retail electric distribution systems to establish a municipal shared services energy authority. Once established, the bill would authorize rural electric cooperatives to become a member of the authority.

The bills would authorize the authority to purchase, sell, exchange or transmit at wholesale, electric power or energy inside and outside of New Jersey. The authority would be authorized to enter into wholesale power supply contracts for the purchase or sale of electric power or energy to meet the

electric power or energy needs of its members and for the wholesale sale of any excess power. In addition, the authority would have the power to develop, finance, construct, own, operate, manage, or repair electric supply projects for the generation and transmission of electrical power and energy at wholesale, to meet the energy needs of the members of the authority. The authority would have the power to purchase, sell, lease, and make other arrangements, contractual and otherwise, with respect to generation, transmission, pooling, and provision of electric power and energy at wholesale. The bill authorizes the authority to issue bonds to finance any project authorized under the bill, to pay the cost of any part of an electric supply project, to fulfill the terms of a power supply contract, or to provide for collateral or performance security measures.

The Office of Legislative Services estimates that the savings produced by such a shared service would range from \$6.5 million to over \$67 million. At this point, the bill is poised for passage by the state Senate.—JRM ▲

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For Problem Solving, Look To the Cities



By Steven Fulop
Mayor, Jersey City;
Member, NJLM
Executive Board

Right now most Americans aren't pleased with Washington. Pundits and politicians joke about gridlock being an improvement over the anger that seems to dominate our nation's capital.

Internationally, the outlook isn't much better. It's as if government has become a bad word instead of a synonym for progress.

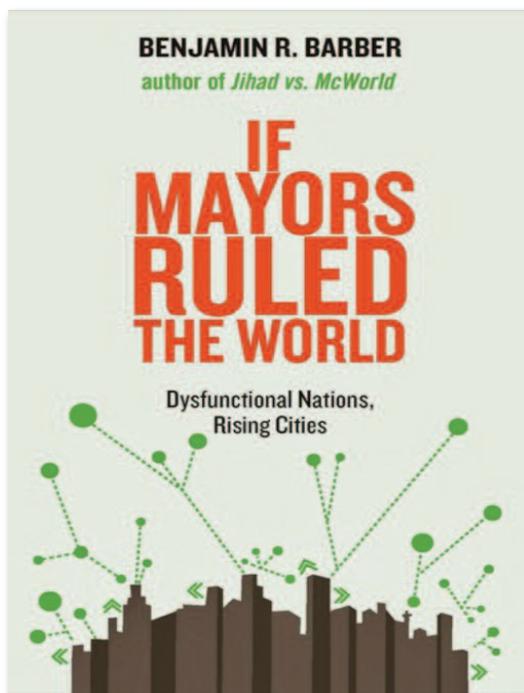
That's why the timing couldn't be better for Benjamin R. Barber's "If Mayors Ruled the World: Dysfunctional Nations, Rising Cities." His manifesto—there isn't a better word for it—makes the case that cities are the place where government is working creatively to improve the lives of residents. As an urban mayor, I could not agree more.

Barber, a political scientist at the Center on Philanthropy and Civil Society at the Graduate Center of the City University of New York, is a vocal advocate for expanding the influence of city governments. He argues with gusto that they serve as the models for innovation, collaboration and effectiveness at a time when national governments are seen as floundering, or worse.

To highlight the importance of governing at the local level, Barber cites President Clinton's address at the 2012 Democratic National Convention: "When times are tough and people are frustrated ... the politics of constant conflict may be good. But what is good politics does not necessarily work in the real world. What works in the real world is cooperation. Ask the mayors who are here ... their purpose is to get something done."

In other words, as has famously been said, there isn't a Republican and Democratic way to pick up garbage or plow snow. If you're a mayor, you better get it done correctly or there won't be another term.

Barber goes further in his thesis: "Let cities, the most networked and interconnected of our political associations, defined above all by collaboration and pragmatism, by creativity and multiculturalism, do what states cannot. Let mayors



"If Mayors Ruled the World: Dysfunctional Nations, Rising Cities," by Benjamin R. Barber Yale University Press, 432 pp.

rule the world," he declares. No doubt this is hyperbole, but he is on point when it comes to running governments.

Without good ideas, there is no leadership. Without leadership, there are no good ideas. And cities are where both occur. It's not an accident that urban populations are growing the fastest they have been in a generation. Barber believes this is happening because it's where government works. Mayors have to perform.

After all, as Barber writes, presidents pontificate principles; mayors pick up the garbage.

He quotes a powerful point from New York Mayor Michael Bloomberg: "The difference between my level of government and other levels of governments is that action takes place at the city level." Those in Washington are "just unable to do anything while the mayors of this

country still have to deal with the real world."

Urban populations are growing the fastest they have been in a generation. Barber believes this is because cities are where government works.

There's that term again: "real world." Barber is intent to drive it home. He declares what he wants to do with his book is to "get something done." He wants to move from ideology to problem-solving and "the city is the right subject today because hope has always been an urban currency and mayors have always in the first instance been optimists hoping to get something done."

Cities, almost by definition, are melting pots where, as Barber notes, “participation and community are possible.” He believes mayors are pragmatists because they are results-oriented—they are focused on improving the lives of their constituents by providing services they need. This means mayors are optimists. Barber is right about that. Contrast the optimism at the local level with the pessimism too many see in Washington. Whom would you rather follow? And that is exactly what Barber is trying to convince his readers about.

Barber’s world-domination manifesto aside, “If Mayors Ruled the World” is an important book for New

Jersey, at all levels of government. It should be required reading for our state’s 565 mayors.

Though Barber is focused on urban centers, many of his rules of management dealing with inequality, linking services with digital technology, diminishing crime and governing in a democracy, are important.

As an example, he writes about City Protocol, “whose aim is to define a global, cooperative framework ... in areas such as sustainability, self-sufficiency, quality of life, competitiveness and citizen participation” using technology to develop solutions. The operative word is “solutions,” which is what mayors work for. That’s why cities are

policy innovators on sustainability, workers’ rights, civil engagement, transportation and development.

In New Jersey, the League of Municipalities is invaluable in sharing best practices among our many local governments.

Barber is looking to set the bar higher, where local governments essentially do more than ever because of the failure of Washington to achieve much at all. It’s a goal worth moving toward. After all, as Barber writes, presidents pontificate principles; mayors pick up the garbage. ▲

This review first appeared in *The Star-Ledger of Newark* on December 15, 2013. It is reprinted with permission.

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Together, We Can Secure a Healthy Future for All



By Mary E. O'Dowd
Commissioner, New Jersey
Department of Health

Many of New Jersey's municipal leaders are taking an active role in encouraging residents to embrace healthier lifestyles. Through the Mayors Wellness Campaign, many municipalities promote health screenings, weight loss challenges, walking tours and healthy cook-offs.

The department's *Shaping NJ* initiative—a partnership of more than 200 health, business and community leaders—is focused on increasing healthy food options and physical activity opportunities. For example, the department and other private funding partners are supporting communities

to improve access to healthy food—helping small vendors sell healthy snacks and supporting farmers markets.

To build on this effort, the department of health would like to partner with local leaders in an effort to reduce deaths from chronic diseases. Seven of the leading causes of death in New Jersey are chronic diseases such as heart disease, cancer or diabetes.

For an individual municipality to be successful at improving the health of all residents it is important to partner with community, education, housing, transportation and business groups. Organizations dedicated to serving specific populations like the elderly and minorities have expertise that can be leveraged to improve the health of these communities.

This type of outreach is the subject of a new guide developed by the CDC. This guide, along with our department's five year plan to reduce chronic disease, known as *Partnering for a Healthy New Jersey* can help local leaders tap into ideas and resources at the state and national levels.

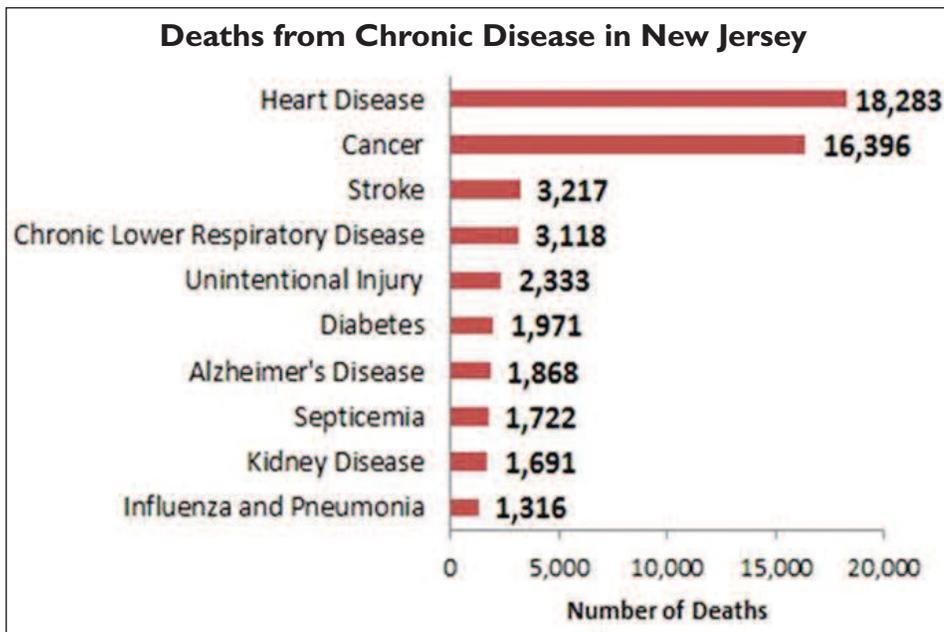
DOH's Chronic Disease Prevention Plan Over the past year, a wide range of stakeholders has worked with the department to develop a five-year plan to reduce chronic disease. The plan, called *Partnering for a Healthy New Jersey*, outlines evidence-based prevention programs and strategies that support healthy lifestyles. The plan recognizes that risk factors for chronic disease are often the same across diseases, so we have integrated programs focused on asthma, tobacco control, obesity, heart disease, stroke, and cancer into an overall program with four areas: (1) clinical and community linkages; (2) community-based prevention services; (3) epidemiology/surveillance and evaluation; (4) and external affairs and strategic initiatives.

The plan outlines “winnable battles” that we can achieve together:

- improve environmental health
- increase physical activity
- promote self-management
- increase early detection
- improve access to quality health care
- eliminate tobacco use, and
- improve nutrition.



With your commitment and leadership to build health equity, we can reduce the burden of chronic disease and ensure that all New Jerseyans can achieve their greatest potential.



Seven of the leading causes of death in New Jersey are chronic diseases such as heart disease, cancer or diabetes. Over the past year, a wide range of stakeholders have worked with the department to develop a five-year plan to reduce chronic disease.

The department is asking you to make a commitment to promote these strategies within your community. We will create a forum to share data col-

lected and strategies that have worked best around the state.

CDC Introduces New Tool Beyond our New Jersey specific plan for promoting

wellness, the U.S. Centers for Disease Control and Prevention (CDC) recently released a tool designed to help leaders further improve the health of their communities by reducing health disparities. *CDC's A Practitioner's Guide for Advancing Health Equity* gives policy-makers, urban planners and health officials a resource to help design programs to implement wellness strategies with health equity in mind.

The guide focuses on four topics: (1) incorporating health equity into foundations or core skills of public health, (2) maximizing tobacco-free living strategies, (3) maximizing healthy food and beverage strategies and (4) maximizing active living strategies.

Equity The first section of the guide lays the groundwork for ensuring your organization is in a position to build health equality in your community. It features lessons learned from practitioners across the country. This section also offers assessment questions that can help you gauge how well you're currently integrating health equity into strategies to improve community health.



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Tobacco-free Living Although smoking rates are in decline overall, some groups still have disproportionately higher rates—particularly American Indians and Alaska Natives and those with low socioeconomic status. According to the CDC, smoking causes more than 440,000 deaths annually in the US. In addition, secondhand smoke causes an estimated 46,000 premature deaths from heart disease and an estimated 3,400 lung cancer deaths annually among nonsmokers.

Many local leaders are taking steps to limit exposure to secondhand smoke by reducing areas where residents are permitted to smoke—220 municipalities and 13 counties have passed ordinances to decrease secondhand smoke.

This guide outlines examples of successful efforts to reduce harmful effects of smoking that could help your municipality. One example highlighted a partnership between a local health department and the local housing authority to implement a smoke-free multi-unit housing policy for housing sites. They engaged residents and staff by holding meetings at community centers at housing campuses to discuss the benefits of the smoke-free protections. They also used the American Cancer Society to educate community center staff on how to answer questions, make referrals to the state's Quitline and discuss how to

encourage the use of nicotine replacement therapy.

Local leaders interested in reducing tobacco use should know New Jersey has a Quitline that can help residents stop smoking. Callers to 1-866-NJSTOPS can receive three free counseling sessions and a two-week supply of nicotine replacement therapy.

Healthy Food and Beverages Rural areas, low-income areas and minority communities are most affected by limited access to healthy food. Healthy eating can help prevent early death from many chronic conditions, including heart disease and stroke.

In New Jersey, the Department and its *Shaping NJ* partners have provided communities with grants to expand access to healthy food. For example, the Monmouth Regional Health Commission received funding to develop a healthy bodega initiative. As part of this effort, the Commission and its partners developed yellow "Healthy Pick" stickers in Spanish and English to identify healthier options in a local bodega and bilingual healthy tip cards.

The work of Georgia's Bibb County to improve access to healthy food for students is featured in the guide. The County School Nutrition Program along with school administrators and county officials worked to remove barriers to healthy food by encouraging all families to apply for free and

reduced-price meals. To reduce stigma associated with obtaining free lunches they created a meal accounting system for all students. Bibb County also built a centralized kitchen for basic prep and cooking. This allowed each school to offer healthier food choices without investing in kitchen equipment or staffing changes.

Active Living Many communities are increasing opportunities for residents to be active. The New Jersey Department of Health works with partners to help municipalities enhance recreation opportunities because regular physical activity is one of the most important things residents can do for their health—reducing the risk of cardiovascular disease and Type 2 Diabetes. Through grant funding, these communities have created walking and biking paths and designed safer parks. For example, the department awarded Warren County Health Department \$15,000 to improve walking trails and create trail maps.

The CDC guide offers strategies to improve access to places to be active. One strategy featured was based in Jefferson County, Alabama. A local land conservation organization joined with the county health department and the Health Action Partnership to develop the Red Rock Ridge and Valley Trail System Master Plan. To engage the public, they worked with community organizations and churches to make connections with residents. More than 40 meetings were held and over 3,000 residents contributed to the plan that connects more than 200 miles of greenways.

The examples featured in the guide illustrate the power of collaboration to reach goals.

Community leaders play a critical role in eliminating disparities in our diverse populations.

You can drive health improvements by identifying needs, conducting analyses, engaging residents, developing partnerships and implementing interventions to improve health. I encourage you to collaborate with organizations in your region to maximize the success of your health initiatives. With your commitment and leadership to build health equity, we can reduce the burden of chronic disease and ensure that all New Jerseyans can achieve their greatest potential. ▲

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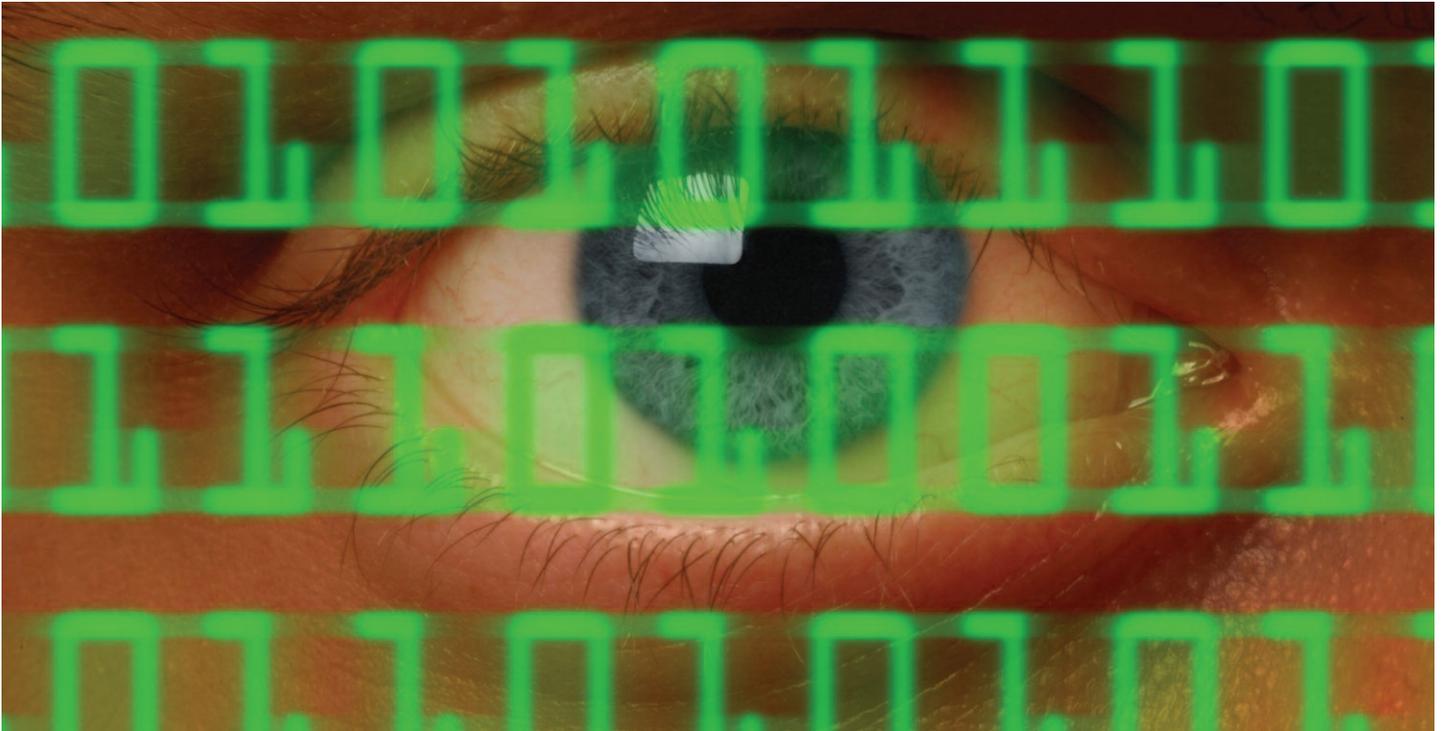


Cyber Security

How Safe Is Your Data?



By Steve Traylor
Executive Director, National
Association of Telecommunication
Officers and Advisors
(NATOA) & Senior Advisor to
the Jersey Access Group



We are seeing a dramatic rise in the potential for the loss or exposure of confidential personal and business data.

Cyber security is one of the most serious economic and national security issues facing our country today. But what exactly does it entail? Simply put, cyber security means insuring that the data entrusted to government is safe from misuse. Effective cyber security plans include physical security measures and more intricate technological precautions. It is important to make sure laptops and other portable media are "secure" when not actively being used. The town's computer networks and systems must also be protected by technology that can include firewalls, intrusion detection and prevention systems, and anti-virus and anti-spyware software.

Like federal and state governments, local governments rely on safe, secure computer networks to manage their daily operations. But these networks are increasingly vulnerable. We are seeing a dramatic rise in the potential for the loss or exposure of confidential personal and business data. Cyber security incidents can arise from a number of scenarios and dangers, including improper cyber security controls, manmade or natural disasters, and malicious

users. The potential dangers include losing access to and control of your website or other computerized systems such as water or power systems; disabling of office computers due to a virus; or losing control of employee and citizen identifying information due to theft or vandalism by a hacker or disgruntled employee.

Often, these cyber attacks are staged by outsiders who exploit out-of-date security software and protocols or take advantage of opportunities provided by weak passwords. Sometimes, however, these system intrusions happen when an employee innocently clicks on a malicious link in what appears to be an innocuous email. Another source of potential vulnerability comes from the growing BYOD—bring your own device—trend. With the proliferation of smartphones, tablets and laptops, more and more local government employers are permitting their employees to use their own devices for work purposes.

What can a local government do to protect itself, its systems, its business partners, and its citizens? Unfortunately, local governments often believe they lack the resources to adequately protect their networks, and only take steps to

do so after their systems have been compromised.

This can prove to be expensive. In September 2013, a defendant was sentenced to three years in prison for hacking into computer networks run by various law enforcement agencies across the country and then sharing the data he stole on the web. Costs to repair and increase the security on the networks hacked totaled \$226,000.

Local governments often believe they lack the resources to adequately protect their networks, and only take steps to do so after their systems have been compromised.

First, you need to recognize that cyber security is a local issue. The next step is to be willing to devote the resources necessary to secure and protect your town's networks. Necessary steps, that will not break the budget, include adopting cyber security policies that protect confidential information and equipment. It is equally important that whatever policies are adopted are actually adhered to. Policies can and should address such issues as cloud computing; email usage; software evaluation; back-up data retention; redundancies in case of flood, fire, or tornado; and more. (Localities that use third-party data storage services should make sure that these firms have and follow a cyber security policy, as well.)

While convenient for both the employer and employee, BYOD has also become known as "bring your own disaster." We have all heard stories of employees inadvertently forgetting their laptop filled with confidential information on the train or in a taxi. Or an iPhone or tablet is stolen, exposing a wealth of private data to

prying eyes. I can't stress enough the importance of creating and enforcing a strong BYOD security policy. For example, the policy might:

- prohibit certain applications from being installed,
- limit the types of activities that may be undertaken by the employee on the device (i.e. no personal email account), and
- require data encryption.

Additional solutions range from low cost and simple to high cost and complex. The critical point is that each local government must identify what systems need protections and evaluate a range of solutions for protecting those systems. All organizations need to be aware of cyber threats, understand what their specific vulnerabilities are, what the risks and consequences of a breach are, and then take appropriate steps.

Once appropriate security precautions and procedures are in place, it is important that they are audited, and, if need be, updated on an annual basis. Such audits should be done by an independent, outside company. The need for such audits was underscored recently when the US Department of Homeland Security was taken to task by federal auditors for using outdated security controls and failing to follow many of its own cyber security policies.

Ultimately, cyber security is about identifying threats, vulnerabilities, and consequences, and taking appropriate action. Cyber security requires preparing for that event which we all hope to avoid, but which in this day and age is likely inevitable: disaster recovery. Protect the availability and recoverability of your government's information services and data, while minimizing the disruption and consequences of breaches and losses is ultimately the touchstone of a sufficient cyber security system.

For more information on what threats to be aware of and how to protect against them, attend the National Association of Telecommunications Officers and Advisors Cyber Security for Local Government Officials Conference in Washington, DC on March 5, 2014. For more information, visit www.natoa.org.

The Jersey Access Group works with a number of consultants and advisors to provide information on communication issues effecting municipalities. Topics like this will be components for discussion at our annual **Eastern Region Communication and Technology Conference**, May 7-9, 2014, at the Hyatt New Brunswick. For details visit www.powerofpartners.org. Make plans now to attend. ▲

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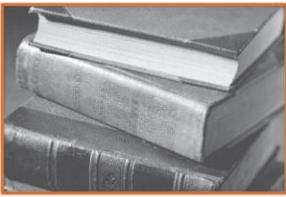
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The Local Government Ethics Law, Bicycle Regulations and Helipad Reviews

By Edward Purcell, Esq.
Staff Attorney-
NJLM Associate Counsel

Q *A councilwoman in my municipality, who is also an attorney, did not seek reelection this November. Subsequently, after the reorganization meeting, she was appointed, through a non-bid professional service contract, as municipal attorney. Is this a violation of the one year provision under the Local Government Ethics Law (LGEL)?*

A No, this would not be a violation of the LGEL because the statute only requires a one year gap before the award of contracts to members of local authorities, not elected local officials. Specifically, the law states, "No independent local authority shall, for a period of one year next subsequent to the termination of office of a member of that authority: (1) award any contract which is not publicly bid to a former member of that authority." N.J.S.A. 40A:9-22.5. The reasoning behind the decision to exclude elected officials was that the authorities, unlike local elected officials, are not responsible to the electorate and would, as a result, be more likely to abuse this appointment.

Therefore, in the situation presented, the appointment of a former elected official to the position of municipal attorney would be allowed.

Q *My town would like to begin regulating bicycle traffic. Can we do this? What are the statutory provisions? Can you recommend a particular bicycle ordinance as a model?*

A Yes, municipalities can regulate bicycles. Bicycles are becoming very popular in many urban and even suburban municipalities. They provide a carbon free means of commuting and an excellent form of exercise. It is not surprising then that many New Jersey Municipalities have begun to implement bicycle ordinances to regulate their use. There tends to be a lot of confusion, though, in how they are regulated. Let's start with the basics.

Regarding bicycles, there are three important statutory provisions to remember. First, bicycles are subject to the same rules and regulations that motor vehicles are subject to. N.J.S.A. 39:4-14.1. Second, state law requires them to stay to the left when riding down the street. N.J.S.A.

39:4-14.2, 4-10.11. Third, with some minor limitations, state law gives municipalities the power to further regulate traffic, which would include bicycles. N.J.S.A. 39:4-197.

This last statute, N.J.S.A. 39:4-197, is the basis for regulating bicycles in New Jersey municipalities. Among other things, bicycle ordinances are used to regulate how bicycles are ridden in the streets, to designate bicycle lanes and to require lights at night. A number of municipalities have bicycle ordinances but, after a brief review, I think two are worth discussing further.

The cities of Hoboken and New Brunswick both have very good bicycle ordinances. They both provide clear standards for the operation of bicycles in their cities. Hoboken's ordinance, 190-46 to 190-52, designates the streets which will include bicycle lanes. New Brunswick's ordinance, 10.36, does a good job delineating how the right of way works between vehicles and bicycles. Overall, I think that both ordinances do a good job of regulating bicycles and I would recommend them as models.

Q *How are helipads regulated?*

A The New Jersey Department of Transportation Commissioner's statutory authority to license aeronautical facilities under N.J.S.A. 6:1-29 does not supersede municipal land use and zoning powers. It is settled law in New Jersey, that in licensing an aeronautical facility, the Commissioner must pay due attention to the "lawful zoning expressions of local governments and not act in an unreasonable fashion so as to arbitrarily override all important legitimate local interests." *Garden State Farms v. Bay*, 77 N.J. 439,455 (N.J. 1978) quoting *Rutgers v. Piluso*, 60 N.J. 142, 153 (N.J. 1972). Indeed, the Commissioner must take steps to "weigh conscientiously local interests, to examine carefully whether the proposed aviation facility is compatible with the surrounding land uses and to consult the [municipality's] ordinances." *Id.* at 456, see also *Tanis v. Twp of Hampton*, 306 N.J. 588, 600 (Sup. Ct. App. Div.1997). ▲

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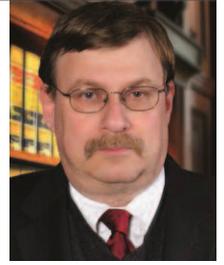
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How to Turn Tax Sale Certificates into Revenue



By Keith A. Bonchi, Esq.
General Council,
Tax Collectors and Treasurers
Association of New Jersey

The purpose of this article is to educate municipalities on how to turn municipal liens not sold at a tax sale into revenue. The Tax Sale Law contained in N.J.S.A 54:5-1 et seq. works very well for most municipalities. Under the New Jersey Tax Sale Law, every municipality is mandated to sell unpaid municipal liens at a public tax sale auction. Most municipalities elect to have a standard tax sale which is a tax sale in the following year for the prior year delinquencies. See N.J.S.A 54: 5-19. Some municipalities elect to have an accelerated tax sale which is done in a calendar year municipality after November 11 of each year for the unpaid current delinquencies. Most New Jersey municipalities enjoy a favorable collection rate—usually above 95 percent—due to the hard work of their tax collectors.

However, not every municipality enjoys a high collection rate. Some municipalities are selling less tax sale certificates due to the distressed economy and the inability of the investors to resell foreclosed properties within their municipalities. However, there are actions that municipalities can take to turn unsold tax sale certificates into revenue.

Conduct an Electronic Tax Lien Sale First, some municipalities have elected to conduct an electronic tax lien sale. N.J.S.A 54: 5-19.1 et. seq. was enacted in 2001 and authorizes municipalities to perform an electronic tax lien sale through the internet. Regulations promulgated by the Division of Local Governmental Services provide guidance on how to do this. I am aware of approximately six municipalities that have already done this and, while I have not reviewed all of the results, I would urge municipalities that have a low tax sale rate to try the electronic tax lien sale to see if it will increase their sale rate. Obviously, if more liens are sold to third party investors, fewer liens will be owned by the municipality.

The Tax Sale Law allows a municipality to have a more stable tax base.

The next question is what to do with those liens that are not sold to a third party at a tax sale and revert back to ownership by the municipality. Your tax collector will normally try to see if he or she can assign any of these liens to a third party by virtue of a private assignment. However, many municipalities will not be able to find anyone who wants to purchase a municipally-owned tax sale certificate for full value. The Tax Sale Law provides other options to municipalities.

Some municipalities are selling less tax sale certificates due to the distressed economy and the inability of the investors to resell foreclosed properties within their municipalities. However, there are actions that municipalities can take to turn unsold tax sale certificates into revenue.

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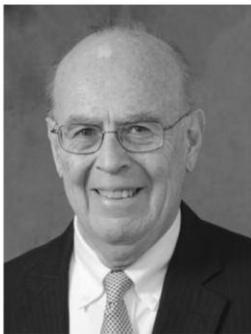
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Hold an Assignment Sale N.J.S.A. 54:5-113.6 allows a municipality to hold an assignment sale. This is different than a tax sale in that these are for the liens that no one else would purchase at the tax sale for the full amount of unpaid taxes. In an assignment sale situation, the municipality is willing to accept less than the full redemption value for an assignment of the lien. The municipality may do this through sealed bids or at a public auction.

The reason that a municipality should be willing to do an assignment sale is that holding tax sale certificates produces no revenue to a municipality. The municipality holds the municipal lien and it is unlikely that the owner is going to continue to pay taxes. Unlike the situation where a third party investor buys the tax sale certificate and then pays subsequent taxes in order to protect its priority position, these dynamics do not apply to a municipally held lien. The municipality will simply continue to hold that lien and over time the delinquency will continue.

Under an assignment sale, a municipality agrees to accept less than the full amount for the unpaid lien. However, if there is a redemption, the third party investor does not get the full redemption monies at the discount. Rather, the redemption money and interest are shared pro rata depending upon how much the third party investor paid at the assignment sale.

More importantly, the third party investor will most likely pay any subsequent taxes that are due and owing in order to keep its priority position. Furthermore, the third party investor will most likely foreclose that lien and put the property back on the tax rolls. A municipality could even put in what is referred to as a Jones Act Reverter which requires that the successful bidder at the assignment sale foreclose the lien within two years or the tax lien reverts back to the municipality. Hence, for the costs of an assignment sale, your tax collector can help turn municipally held tax sale certificates back into money.

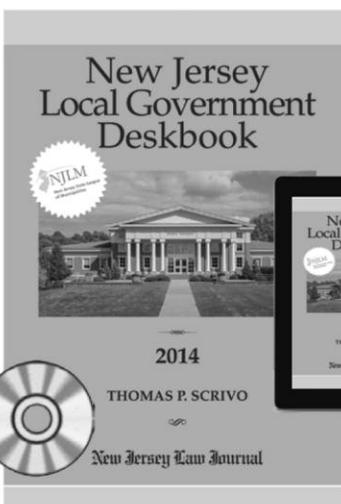
The municipality can also use the In Rem Foreclosure Act to foreclose those non-performing properties. As long as the tax sale certificate is more than six months old and a portion of the taxes have not been paid for 21 months, a municipality can start its own foreclosure. These foreclosures usually take less than a year to complete. Furthermore, the In Rem Foreclosure may compel delinquent taxpayers to actually redeem liens thereby placing monies back into the municipal treasury. Even if the municipality ends up with title, the municipality can sell the foreclosed properties and deposit the proceeds into the municipal treasury.

Identify Foreclosure Counsel In order to foreclose your own liens, a municipality must first identify competent foreclosure counsel. Most municipal Solicitors do not get involved in performing In Rem Foreclosures, but there are several New Jersey attorneys who do this as part of their practice. I would urge a municipality to find someone who has done this before, since In Rem Foreclosures should not take years to complete. Furthermore, since the municipality may be reselling the properties at a future date, it is important to obtain a good and marketable title. A municipality must budget for the cost of foreclosure, but these costs are not significant when one considers the ability of the municipality to recover monies at a later date on the sale of the properties. Furthermore, in the event that a distressed property owner redeems, the municipality normally recovers almost all of its legal fees and costs.

Take Action The Tax Sale Law allows a municipality to have a more stable tax base. Any municipality that owns a significant amount of tax sale certificates because no third party will buy same at the tax sale, needs to try to rectify this situation. The municipality must pay its share of its school and county taxes whether or not it collects that revenue from the taxpayers. Your tax collectors are trained not only on how to perform tax sales but also on how to perform assignment sales. Tax collectors are also trained on how to work with your attorneys on performing In Rem Foreclosures. Accordingly, if you want to investigate this matter further, please contact your tax collector. ▲

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Montgomery Volunteers Turn Trash into Cash



By Julie Lange Groth
 Association of NJ
 Environmental Commissions
 (ANJEC)

How does a municipality increase its recycling tonnage by over 30 percent in just two years? Ask Montgomery Township, a rural Somerset County community that is home to just over 22,000 residents and a variety of businesses.

Former Mayor Ed Trzaska, now a Township Committeeman, will tell you it starts with a strong commitment to recycling. Protecting natural resources is a core community value in Montgomery, as stated on the town's website, and recycling is essential to conservation. But getting citizens to take the mundane chore of recycling more seriously took time and effort on the part of local Environmental Commission volunteers, with the support of municipal staff.

Launching an Award Winning Program Beginning in 2011, they mounted an ambitious public education program that has paid off—with added revenue and statewide recognition. Last fall Montgomery's Environmental Commission, Sustainable Montgomery, earned two awards for the

Township for dramatically improving recycling rates: the Association of New Jersey Environmental Commission's annual Environmental Achievement Award and the Governor's Environmental Excellence Award in the "Healthy and Sustainable Communities" category.

"The volunteers on the Environmental Commission always go above and beyond and truly make a difference," Trzaska said. "Montgomery is a special place because of our residents and their dedication to our community."

How it began When Environmental Commission members learned that Somerset County had the second lowest recycling rate in the state in 2010, they were shocked. Even though Montgomery's recycling rates were improving, they knew that more could be done locally. But first they had to identify factors that kept people from properly disposing of recyclable materials.

An examination of municipal collection records revealed that recycling rates for local businesses were below par.



The Montgomery Township Environmental Commission received the 2013 Governor's Environmental Excellence Award for their recycling education and outreach efforts. Shown at the reception hosted by New Jersey Department of Environmental Protection (NJDEP) Commissioner Bob Martin are (l to r) Governor James Florio, Montgomery Township Environmental Commission Commissioner Irene Stein, Montgomery Township staff members Lauren Wasilauski and Michelle Mistretta, and NJDEP Commissioner Bob Martin.

"These reports are important because they earn the town grant money through the state's Division of Solid Waste program," noted Montgomery Township Administrator Donato Nieman. "The higher the amount of recycled materials in Montgomery, the larger the yearly tonnage grant. These grant funds help offset the costs of recycling pick-up charged to the township by Somerset County.

Reviewing recycling practices To improve proprietors' awareness of which items could be recycled, Commission volunteers visited over 100 establishments to discuss proper recycling practices. In the process, the volunteers discovered another part of the problem—that late or inaccurate reporting by haulers was also pulling totals down.

Volunteers survey haulers To improve reporting, Commission volunteers personally surveyed all the haulers serving local businesses to remind them that state law requires timely and accurate reporting. It was a big job in terms of time and logistics, one that township staff could never have accomplished without volunteer help. Business owners and haulers also seemed to be more receptive to visits from volunteers, rather than township enforcement officials.

"Not only does increasing our tonnage recycling rate help protect our natural resources, but it also helps the town financially," says Mayor Trzaska. "Due to the success of the commission's efforts, Montgomery has received and is consistently eligible for grants. It may be a cliché, but being 'green' also means keeping more 'greenbacks' in the township's bank account."

Commission publications Confusion about what can be recycled can be an obstacle for residents in any community. They may attempt to recycle items that are not acceptable, or may be unaware of recent additions to the recycling stream, such as yogurt containers and clamshells. While Montgomery had already posted information on its website and emailed a bulletin to residents to help them better understand their recycling options and obligations, Commission members expanded on this guidance by creating and distributing two new public education pamphlets.

• "Recycling Beyond Curbside" goes beyond cans, bottles and newspapers by offering ways to donate common household items that can be reused, or that the recycling center does not accept. Commission volunteers reached out to local businesses, charities and nonprofits to identify dozens of new outlets for used items and materials—from baskets to coat hangers, plastic wrap, medical supplies and sports equipment.

• The "Recycling During Construction and Demolition" brochure focuses on larger items, such as refrigerators, cabinets, wood scraps and metal waste.

Free scrap metal recycling Montgomery's Public Works Department has begun offering free scrap metal recycling to residents at the Container Facility without a permit, which had been required previously. Nieman points out that collecting metal waste has become especially profitable

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because of its resale value; Montgomery is earning as much as \$15,000 per year on scrap metal.

While brochures and bulletins can be effective, the Commission has found that combining printed materials with face-to-face activities multiplies their impact.

Earth Day Fair For example, the Commission organizes the community's annual Earth Day Fair, now in its eighth year, run almost entirely by volunteers. In addition to exhibits and activities by community groups, many of the fair sponsors now offer residents a wide variety of recycling opportunities for everyday items such as cell phones, printer cartridges, eyeglasses, bicycles, stockings, X-rays and tennis racquets. The 2013 Fair also collected over seven tons of electronic waste and more than a ton of metal for recycling.

To reduce use of disposable plastic bags, the Commission partnered with the New Jersey Environmental Lobby to screen the documentary film "Bag It" about the impact of plastic on the environment. Attendees received reusable

cloth bags imprinted with a logo designed by a local high school student to support the town's "Shop Local—Bring Your Own Bag" campaign.

The Commission also distributed the campaign shopping bags through a plastic bag exchange at the 2013 Earth Day Fair and at the local farmers' market. Shoppers eagerly turned in their used plastic bags in exchange for a new cloth bag. A local company, All American Poly, accepted the collected bags and made a donation to the Earth Day Fair based on the amount of plastic material recycled.

Plastic wrap collection Last year, one of the Commission members began making the rounds of local businesses, collecting the plastic wrap used to encase shipping pallets. Enough plastic wrap has been recycled to cover 15 basketball courts.

"Montgomery Township is very fortunate to have members of our volunteer boards who really go above and beyond the call in serving our community," says newly elected Mayor Rich Smith, who previously supported the

Commission's initiatives while serving on the Township Committee. "The Environmental Commission has really stepped up here, and our recycling tonnage increases prove their approach has been very effective. They've reached out to share this information with the community in many ways—creating brochures, writing articles and conducting seminars. Our whole town really owes these dedicated volunteers a huge debt of gratitude."

The Mayor added that Montgomery would be happy to share what they've learned with interested New Jersey towns. For more information, contact Lauren Wasilauski at (908) 359-8211. ▲

For 45 years, ANJEC has been increasing the effectiveness of local officials in protecting natural resources and promoting sustainable, resilient communities throughout New Jersey. ANJEC is a nonprofit organization serving thousands of environmental commission members and other municipal officials, whose efforts range from educating residents about recycling, to organizing stream cleanups, restoring wildlife habitat, preparing for flooding, promoting complete streets, conserving water and energy, creating parkland, and planting trees.

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PERC Takes a Step Back on Automatic Increment Payments



By Joseph M. Hannon, Esq.
NJLM Labor Counsel;
Genova Burns Giantomasi Webster, LLC

In a decision that changes the landscape of negotiations in the public sector, on December 19, 2013, the New Jersey Public Employment Relations Commission (PERC) reversed course on the “dynamic status quo doctrine.” See County of Atlantic and PBA Local 243, P.E.R.C. NO. 2014-40, 2013 NJ PERC LEXIS 101 (Dec. 19, 2013).

Under the dynamic status quo doctrine, employers were obligated to pay the increments on salary guides of expired agreements in which a successor agreement had not been reached. Public employers were therefore required to pay employee increments for moving vertically along the salary guide when their collective negotiations agreements expired but an agreement on a successor contract had not been reached yet. While employers had been required to pay such increments at the expiration of a collective negotiations agreement, PERC’s recent decision indicates that employers will no longer be required to do so.

The doctrine was originally based on a PERC decision that did not involve salary increments, but rather examined whether a Board of Education could stop paying medical insurance for employees when the labor agreement expired. The dynamic status quo doctrine was first applied to salary increments in *Galloway Twp. Bd. Educ. v. Galloway Twp. Educ. Assoc.*, P.E.R.C. No. 76-32, 1976 NJ PERC LEXIS 23 (Apr. 28, 1976), rev’d 149 N.J. Super. 352 (App. Div. 1977), rev’d 78 N.J. 25 (1978). The Galloway case was ultimately decided on other grounds, but remained a creation of PERC, which was applied to subsequent decisions, requiring the continued payment of increments even after the contracts expired. Although the doctrine was neither a creature of statute/regulation nor case law, courts have largely applied PERC’s dynamic status quo doctrine, relying upon PERC’s experience and expertise in public labor relations.

Since its application in the Galloway case, the doctrine had not been absolute without exception. For example, in *Bd. of Educ. of Neptune Twp. v. Neptune Twp. Educ. Ass’n*, 144 N.J. 16 (1996), the Supreme Court held that an education

statute, N.J.S.A. 18A:29-4.1 precluded boards of education from adopting salary policies for more than three years for teaching staff members. The practical ramification of this decision was that boards of education could not apply the dynamic status quo doctrine to teaching staff members when the collective negotiations agreements expired, if such

expiring contracts were for three or more years. Additionally, PERC subsequently held that non-teaching staff members who were employed in a mixed unit were also not subject to the dynamic status quo doctrine as it would be unwise for the doctrine to apply to only some, but not all, members of a bargaining unit. *East Hanover Bd. of Educ. and East Hanover Educ. Assoc.*, P.E.R.C. No. 99-71, 1999 NJ PERC LEXIS 12 (Feb. 26, 1999), aff’d 26 NJPER 119 (P31081 App. Div. 2000), cert. den. 165 N.J. 489 (2000).

In addition, in two recent decisions, PERC has reversed orders requiring the payment of increments at the expiration of a collective negotiations agreement in the education setting even where the term of the expiring contract was less than three years. See *Bloomfield Bd. of Educ. and Bloomfield Educ. Assoc.*, P.E.R.C. No. 2011-55, 2011 NJ PERC LEXIS 79 (Feb. 3, 2011); *State Operated School District of Paterson v. Paterson Educ. Assoc.*, P.E.R.C. No. 2012-3, 2011 NJ PERC LEXIS

118 (Aug. 11, 2011). These decisions represent instances whereby the rationale for, and application of, the dynamic status quo doctrine were called into question. However, before Atlantic County, exceptions to the doctrine were not applicable to municipalities.

Further eroding the usefulness of the doctrine to municipalities is the extent to which more recent legislative changes have impacted the doctrine’s original purposes. The ultimate goals behind application of the doctrine was that maintaining the status quo in this manner would encourage negotiations, allow for stability and predictability, continue terms and conditions of employment under which the parties had been operating, and benefit both parties without favoring one or the other. See Galloway. It

While employers had been required to pay increments on salary guides of expired agreements in which a successor agreement had not been reached, PERC’s recent decision indicates that this will no longer be required.

was intended to encourage parties to enter into an agreement, as neither party necessarily would benefit from the doctrine's application. While the doctrine may have been well-suited in the eyes of the Commission at the time of its initial application, more than 30 years of experience and most importantly, recent legislative changes have caused PERC to reconsider its initial position.

Such reconsideration is due, in large part, to the evolving nature of public sector labor relations in the time since the dynamic status quo doctrine was first applied to increment payments upon contract expiration in 1976. The recent economic recession has led to legislation that reduced the tax levy cap upon which municipalities can raise revenues through increases in property taxes. It requires that an employer's tax levy not exceed 2 percent more than the previous year's tax levy. Additionally, recent legislation has placed a hard cap on the amount of increases to base salary items that an arbitrator can award at interest arbitration for police and fire unions,

which sets a ceiling of a 2 percent increase in base salary items per year in the aggregate. These laws, combined with the effect of having to pay automatic increments before a successor agreement was even reached tied the hands of many employers and left little room for creative solutions in negotiating a new contract.

Such fiscal restraints have impacted the effect of automatic increment payments upon contract expiration on upcoming labor negotiations. The cost of such automatic increment payments can constitute a large portion of the amount that public employers can afford in increases, and can constitute an overwhelming portion of the amount an arbitrator is allowed to award at interest arbitration. Additionally, such increments can lead to scenarios whereby the automatic payments benefit only a few union members, at the expense of others. Moreover, an automatic increment payment might stifle more creative solutions, such as increasing the number of steps on a salary guide, which can help reduce employer costs while more evenly dis-

tributing increases in base salary items to more union members.

Given this change in the landscape of public labor negotiations that could not have been anticipated at the time of the dynamic status quo doctrine's inception, PERC found that applying this doctrine hinders prompt settlements and resolutions of labor negotiations, and may not be favorable to either party. See *County of Atlantic*. Due to the fact that the dynamic status quo doctrine was created by PERC, rather than statute or case law, the Commission held that it had the authority to revoke its own doctrine.

In place of the dynamic status quo doctrine, PERC indicated that its goal would still be to maintain the position of the parties going into labor negotiations, but it would replace the doctrine with a "static status quo doctrine." Unless Atlantic County gets overturned, this is the new law on this issue.

Please consult your counsel regarding any further developments on this issue. ▲

Mr. Hannon thanks Brett M. Pugach, Esq. for his assistance on this article.

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Looking for Temporary Workers? Turn to Goodwill



By Mark B. Boyd
President & CEO,
Goodwill Industries of
Southern NJ & Philadelphia

When most people think of Goodwill, they think of the place to donate and to shop. While this is 100 percent true, it is what we do with the items you donate and purchase that define us. At Goodwill, we recycle the items you no longer need; sell them to value conscious shoppers; and use sales revenues to fund our mission of helping local residents with special needs get to work. In a nut shell, Goodwill is a job creator and so are the 250,000+ donors who generously give us their unwanted items every year. Recycle, reuse, renew...this is what we do.

In addition to offering job training programs and career services, Goodwill operates business lines of its own that put people to work. We are an entrepreneurial-minded organization. Rather than rely on state and federal funding, we create our own.

For example, Goodwill Temporary Services (GTS) is a full service temporary staffing agency that specializes in fulfilling government and corporate hiring needs. Whether you are looking for a full or part time temp or seasonal help, Goodwill has a pool of skilled, reliable employees who have an intense desire to work.



Goodwill's recycling program is currently offered in 75+ municipalities throughout New Jersey.

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parks and recreation or administrative help during quarterly tax collections, GTS has someone ready and willing to get the job done.

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Other satisfied GTS customers include the New Jersey Department of Agriculture, the New Jersey Department of Corrections and the Marie Katzenbach School for the Deaf.

If you require security guards for municipality sponsored events and parades, Goodwill Security Services (GSS) can work with our temp division to fill positions for experienced SORA certified guards. Again, we do the recruiting and background checks and offer prompt turn around.

On a different note, Goodwill's recycling program is currently offered in 75+ municipalities throughout New Jersey. By partnering with municipalities, we help to responsively recycle everything from computers, televisions, printers, fax machines and other e-waste to clothing and household goods. This is a tremendous convenience to local residents. We provide year-end tonnage reports so that individual municipalities get appropriate recycling credits from the county and state.

Most recently, Goodwill made Forbes list of America's 24 Most Inspiring Companies. This is an incredible honor and a testament to the positive work Goodwill does in New Jersey and across the nation. But this was not achieved entirely on our own. It is our partnerships and collaborations that enable us to build stronger communities and families, one job at a time. ▲

Mark B. Boyd is the President and CEO of Goodwill Industries of Southern NJ & Philadelphia. Prior to this position, he served as an independent business consultant and as Commissioner of Labor under Governor Christine Todd Whitman. Boyd is also the current Chairman of ACCSES NJ.

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Municipal Electric Utilities Renew Their Fight for Savings



By Jim Jablonski
Executive Director,
Public Power Association
of New Jersey

Nine New Jersey municipalities that own and operate their own electric utilities as departments of local government and the Garden State's only rural electric cooperative continue to seek passage of the Municipal Shared Services Energy Authority Law. This is the third legislative session in which the law will be introduced.

Assemblyman Upendra Chivukula embraced the concept when he first heard of it in 2009. He has championed the bill through his Assembly Telecommunications and Utilities Committee and the full Assembly in the last two sessions. Senator Bob Smith secured approval by his Environment and Energy Committee, but late amendments prevented a Senate floor vote in the last legislative session. The Assemblyman and Senator represent the Borough of Milltown, which has its own electric utility. Assemblymen Chivukula, McKeon, Diegnan and Assemblywoman Jasey introduced the legislation again in this session (A-2385). Senators Smith and Codey have also introduced it again this session. S-944 was reported favorably by unanimous vote in his committee and moves on the the Senate Budget and Appropriations Committee.

The law will give those who choose to join the Authority the opportunity to save money through joint action in today's wholesale electricity markets. The Authority will not change anything that these not-for-profit electric utilities have been allowed to do under existing statutes. It will only change how they fulfill their long-term obligation to serve their customers at the lowest reasonable cost. Unlike New Jersey's regulated utilities that deliver electricity through Basic Generation Service (BGS) or licensed third-party suppliers, they must continue to perform core functions associated with the wholesale supply of power and energy. Joint action will allow them to be more efficient and effective.

They will continue to buy electricity at wholesale. But they will leverage their combined load through the Authority, as a single point of contact, to attract more suppliers and more competitive bids to affect wholesale cost savings. At present, most of the municipal systems issue RFPs together, but must sign individual contracts with each

wholesale supplier. Suppliers have told us that they would prefer to contract with a single entity and avoid the administrative expense and resources associated with multiple contracts and billing. They tell us this would result in at least some additional savings beyond what is expected when more suppliers bid to provide the service.

Wholesale electricity purchased and new generation built through the Authority could save between \$6.6 and nearly \$68 million for member systems and their retail customers.

This approach is very similar to New Jersey's annual BGS auction. Each year since 2002, the four New Jersey Electric Distribution Companies (EDCs)—Public Service Gas & Electric Company (PSE&G), Atlantic City Electric Company (ACE), Jersey Central Power & Light Company (JCP&L), and Rockland Electric Company (RECO)—have procured several billion dollars of electric supply to serve their Basic Generation Service (BGS) customers through a statewide auction process held in February. BGS refers to the service of customers who are not served by a third party supplier or competitive retailer. The difference is that the Authority will not be locked into one purchase at the same time every year. It will go to the market whenever there are opportunities for savings.

Members of the Authority will continue to invest in traditional and renewable generation assets for self-supply. But the Authority will allow them to do so collectively. Those who choose to support a project will share the costs and the savings under contracts specific to each one

proposed by the Authority. And no project will go forward unless enough member systems sign a contract to make it feasible.

The City of Vineland, which established its electric utility in 1899, will serve as our model. Vineland brought a new generation project on line in 2012 and soon thereafter reduced its retail rates twice. Another project is scheduled to come on line in 2015. As for renewables, Vineland was named the leader in 2011 among all electric utilities in providing solar-generated electricity to its customers.

The shared services energy Authority will be positioned to take advantage of various PJM markets, services, and products for the benefit of all members. (PJM Interconnection LLC (PJM) is a Regional Transmission Organization (RTO) that operates the Eastern Interconnection grid electric transmission system that includes New Jersey.) As has occurred in Vineland, generation built by the Authority for self-supply of its members can mitigate highly volatile and costly charges presently paid by members—including PJM's Reliability Pricing Model (RPM) charges. Generation built by the Authority for its members and bid into annual PJM power supply auctions would add much needed resources in New Jersey to reduce RPM charges for all electric utility customers in the Garden State.

The Office of Legislative Services (OLS) estimates that wholesale electricity purchased and new generation built through the Authority could save between \$6.6 and nearly \$68 million for member systems and their retail customers.

Sharing services and joint action at the local level have long been accepted as sound public policy in New Jersey. New and enhanced opportunities for shared services and savings that can result have been adopted. The New Jersey Municipal Shared Services Energy Authority Law extends this sound public policy and savings opportunities to just nine municipalities distinct in their operation of electric utilities as departments of local government. It will give them a tool that has been available for decades to municipal electric utilities in 37

other states. It is a tried and true model for savings.

The law will add a second layer of oversight to that which is already imposed on municipal wholesale purchases and power supply projects to limit exposure to financial risk. Municipalities are, of course, subject to oversight under Title 40A and other statutes. The new law imposes the

same oversight on the not-for-profit Authority. Governing bodies and their customers will be protected.

The Authority will be dedicated to self-supply of wholesale electricity solely for member systems and their own retail customers. The law expressly prohibits retail sales to customers other than their own, but there are other profound disincentives. The tax



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exempt status of any bonds issued would be jeopardized. The exemption from public utility taxes and provisions of the Electric Discount and Energy Competitions Act (EDECA) would be lost. The resulting increase in costs to the customers of member systems would defeat the purpose of the law.

any member may choose to leave the Authority, although they must fulfill all existing contractual obligations. Each member will designate one person to serve as an unpaid commissioner of the Authority and have an equal say in its operations. The governing bodies of each municipality with its own electric utility and the coopera-

tion were owned and operated by municipalities as departments of local government. Today, they serve a combined load of 360 megawatts and sell more than one-billion kilowatt hours of electricity annually. However, they account for less than two percent of the total electricity load and customers in New Jersey. The following municipalities could start or join the Authority: the boroughs of Butler, Lavallette, Madison, Milltown, Park Ridge, Pemberton, Seaside Heights, South River, and the City of Vineland. Sussex Rural Electric Cooperative, a not-for-profit electric utility in Sussex County may join, but cannot be a founding member.

These locally-owned and controlled electric utilities have evolved to meet the challenges of an increasingly complex industry. The Municipal Shared Services Energy Authority will position them to continue to meet the challenges and provide reliable electric service at the most reasonable cost to their customers. ▲

The New Jersey Municipal Shared Services Energy Authority Law extends savings opportunities to the nine municipalities that operate electric utilities as departments of local government.

Membership in the Authority will be optional. The law requires a minimum of three members to establish it. And

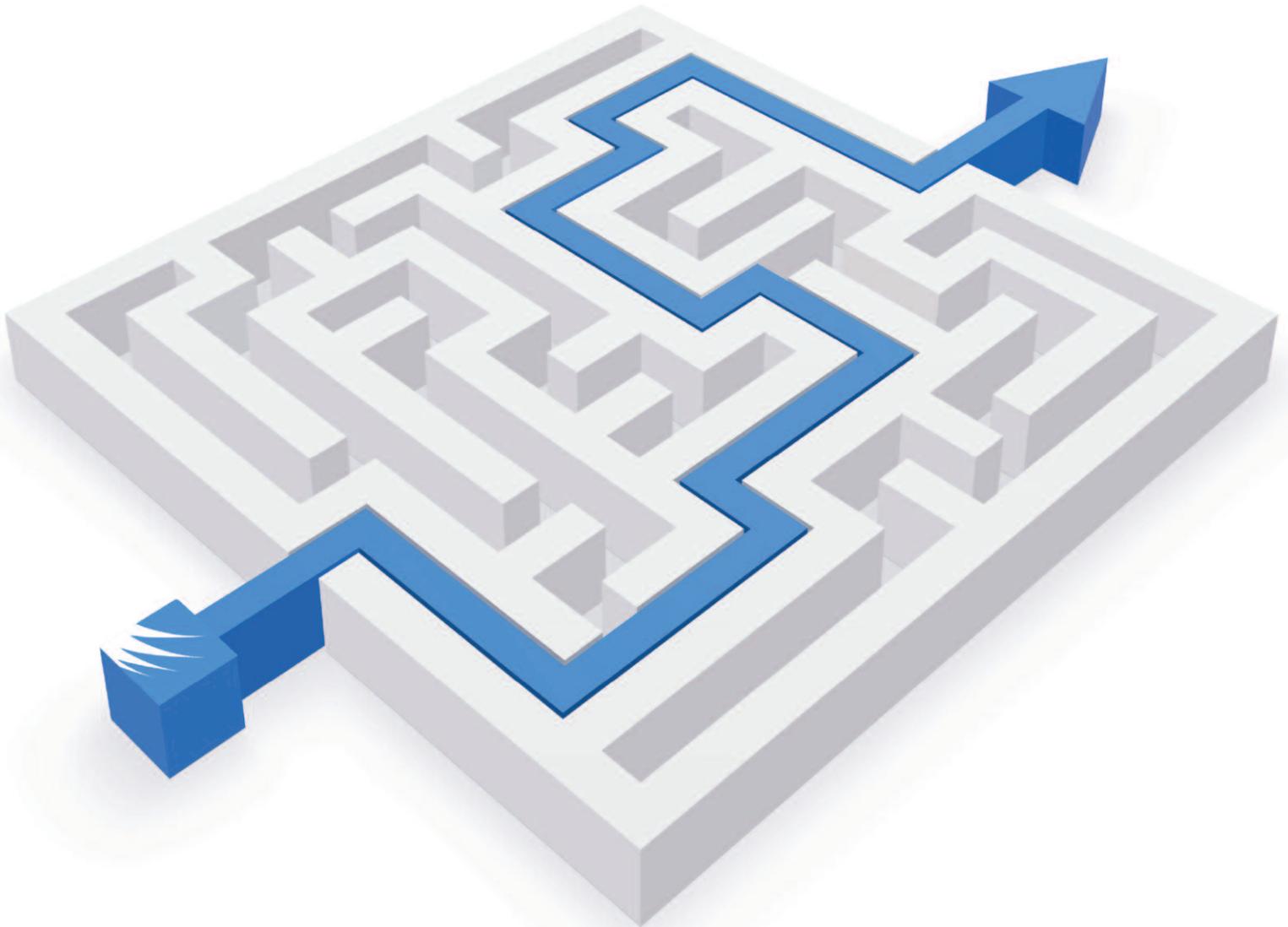
the first electric utilities in New Jersey have passed resolutions in support of the legislation.



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Are You Communicating Effectively with Residents?



By Cass Duffy
Director of Community
Development, Collingswood

Let's say you are preparing for a major infrastructure project on one of your busiest roads. Who do you contact to get the ball rolling? Naturally, you reach out to folks in the public works and police departments, the town administrator and contractors...but do you include a communication person at the table?

Communication efforts should be a component of every project of your municipality. Communication planning and response can save time, headaches and build a dialogue between you and your residents. When citizens are well informed, they can become true partners in building a better community.

The Basics of Effective Communications It's important to consider what you're trying to say, who you're trying to say it to and the best way to deliver that message. These three elements are (1) your message, (2) your audience and (3) your channel. When you need to get the word out about something, it helps to identify each of these three elements. As an example, let's consider the case of a major road project again. The message would be: Extensive work along Main Street. Start times, end dates, who to contact with issues and why the work is being done. The audience would be the residents on affected streets. A secondary audience would be the entire neighborhood and the final audience would be all residents, to showcase tax dollars at work and improvement projects. The channel would be how you plan to get the message to your audience. After considering the best way to reach the audience you might settle on direct mail, mention in a local newsletter, press releases to local editors, a post on the municipal website, and mention on the local television station.

These basics should be the starting point for any communication effort. Your message, audience and channel would be very different for an event directed at seniors, a

campaign to promote downtown shopping or an emergency communication effort. Everything you need to communicate should be crafted considering these factors—otherwise you may not be reaching the necessary people in the most effective way.

Communicating with Municipal Staff Communicating internally is as important as getting a message out to residents or interested parties. Aside from effectively reaching people, providing clear information to municipal employees avoids confusion and lets everyone work efficiently. Once everyone is on the same page, discuss how, when and what you are going to tell the audience that needs to know.

A communication plan makes your messaging centralized and uniform. Department heads should discuss the goals, key points, timeframes and potential issues of any new initiative. This way, employees will be able to clearly communicate the projects goals and features to the appropriate audiences. A plan will ensure that everyone who may be asked for information can respond in a clear and timely way—no matter who gets called.

Prepare for the Audience Response Once you've informed your staff, gotten everyone educated and gotten your message out to the people that need to know, it's time to be prepared to respond. Before you communicate, ask yourself: When people receive this information what is their reaction going to be? What will their questions be?

You should be ready with answers and to respond in a timely manner. Your response is as important as your initial message. Have answers ready for any perceived issues and make sure everyone on your team knows what

they are. (For example, how much are tickets? Why are my taxes going up? How long will that parking lot be inaccessible? How long will my water be discolored?) Responses from the municipality should be cohesive. Your best bet is to provide a single contact person for residents and possibly media.

Keep the lines of communication open and encourage residents to get in touch with you or a representative personally. And when citizens reach out to you respond as quickly as possible. Even if you need to leave some questions unanswered, reply immediately. A quick response provides clarity and shows responsiveness from local government—and that's important to people, especially if they're feeling frustrated. Answering questions accurately and quickly also helps avoid the rumor mill—something that can derail projects and enthusiasm.

Emergency Communication In the event of emergency you need to put an effective communications plan in place quickly. Assemble your emergency team to discuss the most important things to relay, the clearest way to say them and the quickest way to distribute that information. During emergencies like Irene and Sandy, it was essential to figure out how to help to those in need, but just as important to get the word out on those resources to impacted areas.

Your plan should also include methods for gathering information on what is happening in town. During Superstorm Sandy, we relied on reports from neighborhoods about outages, at-risk residents and other immediate problems. We took calls and emails but also had residents check in and give status reports through Facebook. We updated a rolling Mayor's Blog page on Collingswood.com with regular reports on water quality, blockages, etc. (collingswood.com/node/8466).

Many residents used the site to find out what was happening. We also shared those postings on Facebook. Much of the news on the web was shared either virally or from neighbor to neighbor. At the end of the storm we were thanked for providing regular updates. It was important for people to be informed. ▲

How Collingswood Uses Communication

We have a toolkit of platforms to reach out to people and we use them differently according to the purpose and situation. Several of these tools give you an option to track and learn demographic information about your audiences, which can be helpful in reaching more people.

Newsletter A well designed and properly timed newsletter can be a great vehicle to share municipal information. Make the content easy to read and interesting. Include items that will give the piece long shelf value and usefulness to the reader like event calendars, leaf pick up schedules and other important info. It's also a good way to address timely topics with a personal touch by using a 'Letter from the' section.

Social Media Facebook and Twitter can be excellent tools when used correctly. Have a communication plan for these platforms before launching a page. Is this content for residents (tax info) or visitors (shopping and dining specials)? How many times a day will you post? What type of content will it contain? We use Facebook to promote events and our downtown. Our Facebook page also gives us a space to have fun with content (jokes, photos, contests). Social media is two-way and transparent so be ready for reader input and don't let comments or content die on the vine. There are a lot of benefits—but pitfalls too. It can be helpful to

attend a workshop on how to use social media before taking the plunge.

Town Forum Twice a year we host a Quaker-style open meeting in which residents can approach us with anything on their minds. No agendas, no particular topics. It's a great opportunity to make representatives accessible and give residents an opportunity to be heard.

Email Build an email list by collecting email information on all forms. Keep your email communications brief and engaging.

Blogs and video blogs (& public access/streaming video) We have successfully used these to both review projects and issues that needed complicated explanation or had impressive or helpful visuals. Streaming video is often free and gives residents a chance to view from home—consider it when hosting public meetings.

Websites Sites should be uncluttered, organized and up-to-date. If someone is considering moving to your town or visiting for an evening, your website might be their first impression of your town. Visit your home page and consider what it says about your town. Can information about your town even be found easily when searched for? Our page serves a dual purpose since we are also a destination. Consider the page in light of who is using your page and for what.

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Free Speech and Employee Use of Social Media



By Ken Fellman, Esq., Partner
Kissinger & Fellman, P. C.;
member, FCC Intergovernmental
Advisory Committee and Legal
Advisor, Jersey Access Group
& Nancy Rodgers, Esq., Partner,
Kissinger & Fellman, P. C.



As a platform for government communication, social media triggers several legal issues related to free speech, discrimination, copyright/trademark, privacy, and open meetings/open records laws. Careful consideration of these legal issues, even as the law develops, should help municipalities avoid social media predicaments.

Within the last year, developments in the law have clarified issues involving free speech and access to employees' social media accounts.

Free Speech In 1997, the U.S. Supreme Court held that online speech is entitled to the same level of protection as other speech. See *Reno v. ACLU (U.S. 1997)*. A recent federal decision confirms that the First Amendment protects social media comments and even Facebook "likes." *Bland v. Roberts (4th Circuit, 2013)*. However, it is not yet clear what level of Constitutional protection is afforded to social media posts. The government's authority to control speech in public places

The year 2004 saw the launch of NASA's Mars Rover. It was also the year of Janet Jackson's "wardrobe malfunction," the deadly Indian Ocean tsunami and Governor Jim McGreevey's resignation.

It is hard to believe that these events occurred without contemporaneous Tweets, Facebook posts, Instagram pictures, or YouTube videos. But 2004 was only the dawn of social media—and brought us Facebook, Flickr, and Digg. MySpace was a toddler. YouTube was preparing to launch, and podcasting began. In contrast, by the end of 2013, 73 percent of U.S. adults were using social networks, according to Pew Research Center study.

The public increasingly relies on social media for local government news and information, including police activity, emergency and weather alerts, project development updates, road closures notices, and event announcements.

depends upon the type of forum, or place, the speech occurs: a traditional public forum (like a park), a designated or limited public forum (like council chambers), or a non-public forum (like a military base).

There is no definitive court decision establishing what category of forum governmental social media sites fall into. In examining government websites, courts have held that interactive tools, open communication, and permission to express opinions and freely exchange ideas on the website results in the creation of a limited public forum. These rulings indicate that social media sites, which are inherently interactive, are limited public forums or, if access is not limited in any way, a traditional public forum.

There has been one case addressing the deletion of social media comments. In *Hawaii Defense Foundation v. Honolulu (2012)*, individuals filed suit after their comments critical of

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the Honolulu Police Department (HPD) were removed from the police department's Facebook site and they were banned from the site. The plaintiffs argued HPD's Facebook page was a traditional public forum and their right to free speech was infringed. The case ended quickly when the HPD changed its Facebook policy, lifted the ban, and allowed plaintiffs to again comment on the site.

A municipality can use privacy settings so its social media site is not open for endless public commentary but instead is simply a limited platform to discuss certain topics. The municipality could reserve the right to remove off-topic posts or posts inconsistent with the site's purpose. Restrictions, imposed after careful consideration, must be viewpoint-neutral and, for traditional public forums, narrowly tailored to serve a significant government interest. However, increased restrictions may decrease the benefits of an interactive social media site. Conversely, few restrictions may result in critical, cruel, inappropriate and irrelevant comments that degrade the site's purpose.

Free Speech and Public Employees In *Bland v. Roberts* (4th Cir. 2013), the Court held that a Facebook "like" was speech. In *Bland*, reelected Sheriff Roberts terminated six employees for supporting his opponent, as shown by "likes" and photos on the opponent's

Facebook page. After determining the actions were speech as well as symbolic expression, the Court found that the employees' speech was protected speech made as private citizens on a matter of public concern. The case has been remanded for a determination of whether that speech was a motivating factor for the terminations.

Courts will use traditional First Amendment analysis when faced with a free speech claim arising from social media activity. Municipalities should refrain from imposing restrictions or taking action on social media statements or activities that it would not take had the activity occurred on paper or at a public meeting.

Access to Social Media Accounts and Passwords Fourteen states, including New Jersey, have social media password protection laws. New Jersey's law, effective December 1, 2013, prohibits employers (not including state or local law enforcement agencies) from asking or requiring applicants or employees to disclose user names or passwords for, or provide the employer access to, a personal social media account.

The prohibition includes "shoulder surfing" to see social media content, intimidation, mandating social media connections or reduced privacy settings. New Jersey's law also prohibits retaliation based on the employee's refusal to comply with a request. The

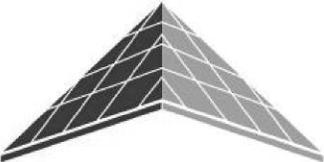
law is limited to personal social media accounts. Social media accounts used "for business purposes of the employer or to engage in business-related communications" are not covered.

The law has an exception for investigating work-related misconduct arising from social media activity. It provides for civil penalties of up to \$1,000 for the first violation and \$2,500 for subsequent violations, and does not create a private right of action.

The law does not prohibit employers from obtaining publically available social media information or information volunteered by a person who has full access to an employee's or applicant's social media account. A New Jersey District Court decision, *Ehling v. Monmouth-Ocean Hospital Service Corp.* (2013), concerned one employee's disclosure to management of another employee's Facebook comments chiding paramedics who saved a gunman, now a patient of the hospital, and the guards who didn't kill him. Management disciplined the posting employee, who then sued based on privacy rights. In finding for the employer, the court found there was no coercion by the employer to get access to the information. The plaintiff voluntarily disclosed her posts to her Facebook friends, including her co-worker and management did not pressured the co-worker to share the plaintiff's comments.

Social media law continues to develop. Municipalities, even those not currently using social media, are best served by examining and creating policies and best practices for social media use, including use by employees. If you have existing policies, they should be reviewed on an annual basis to account for developments in the law. Social media tools can benefit municipalities and, with appropriate policies and planning, the benefits will outweigh the potential risks and drawbacks.

The Jersey Access Group works with a number of consultants and advisors to provide information on communication issues effecting municipalities. Topics like this will be components for discussion at our annual **Eastern Region Communication and Technology Conference**, May 7-9, 2014 at the Hyatt New Brunswick. For details visit www.powerofpartners.org. ▲



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Trout in the Classroom

A Unique Educational Experience



By Holly Reynolds
Education Coordinator,
Freehold Soil Conservation District

The water of the 30 gallon tank has to be maintained at a cool 52 degrees and the balance of chemistry has to be just right. A clutch of 350 eggs from the Pequest Trout Hatchery arrived at schools in mid to late October, known as "Egg Day." Immediately, students must get to work, picking out any unfertilized or dead eggs with an eye dropper, to prevent the spread of fungus to the healthy eggs.

And this is only the beginning. The middle schoolers will be responsible for these trout until they are fry. Within a few weeks, the eggs will start to hatch into alevins or sac fry. They will feed off their yolk sacks until it is completely absorbed. Once young fry hatch, they start swimming about the tank and need special food, which the NJ DEP provides to each school. The trout need careful monitoring—different foods are required for each stage of the lifecycle.

In 2005, the Freehold Soil Conservation District initiated a "Trout in the Classroom" partnership with Trout Unlimited and the New Jersey Department of Environmental Protection Division of Fish and Wildlife. Trout in the Classroom (TIC) is a hands-on educational opportunity for students that connects them to real-life water quality and wildlife issues.

Eisenhower Middle School in Freehold has participated in the program for the last seven years. The students in Lexine Erndl's sixth, seventh and eighth grade classes are learning that raising young trout can be unpredictable. When asked about the most challenging aspect of the TIC program, she said, "You really never know what challenge you may face each year. It could be a fungus that took over the whole tank, a total loss of fish due to a power outage, or a tube may come loose in the middle of class and spray water all over the room. We have had it all happen."



Students watch as the trout they raised from eggs to fry are released into the Toms River in Jackson.

Volunteers deliver the fresh eggs to each school, under the direction of New Jersey Division of Fish and Wildlife Resource Interpretive Specialist Jessica Griglak.

The Freehold School District hosts the program in 19 schools and one environmental center. Throughout New Jersey 138 schools participate. We also host a tank in our office to educate visiting builders, engineers, developers and residents about delicate trout habitats.

“If a student gains the appreciation for taking care of a living thing by understanding their needs, then I feel the program has done its job,”

—Lexine Erndl

The program starts early in the school year, when equipment is set up in both new and returning schools. A complete set of equipment, from tank to chiller (valued at more than \$1000 each) is provided to both urban and suburban schools in Monmouth and Middlesex counties.

In January, teachers submit their mid-project reports. On average 60 trout survive in each tank, which is about the industry standard. Our students get a great deal out of the experience. They learn science and report feeling a “sense of ownership and responsibility” toward the fish. Their lessons and activities on the trout project include: growth measurements; water cycle; anatomy; dissection; life cycle; stream ecology; art projects; creative writing; journals; and non-point and point source pollution; and aquaculture. Each day they test the tank water for pH, ammonia, nitrites, nitrates and dissolved oxygen.

In Eisenhower Middle School, Lexine Erndl assigns three students in every class period to work on the tank for the first five minutes of class. Each week a new person is cycled in and the two experienced students teach the new student what to do. “I love seeing the students take ownership of the program,” said Erndl. Everyone eagerly watched the growth and habits of the young trout. Many were dismayed to witness the cannibalism, which is part of their life-cycle.

In May, permits are secured from NJDEP for approved locations to release their fish. In May and June students release their fish into one of these approved locations. The Freehold and Ocean County Soil Conservation Districts work in partnership with the New Jersey Division of Fish and Wildlife and Trout Unlimited, a national non-profit organization with local chapters, to hold the TIC field day. Trout in the Classroom Field Day is jointly sponsored by the New Jersey Division of Parks and Forestry, Trout Unlimited, New Jersey Division of Fish and Wildlife, New Jersey Forest Resource Education Center, Ocean County Soil Conservation District, Freehold Soil Conservation District, NJ Watershed Ambassadors, and Dry-Fly Classics.

Field day is held at the Forest Resource Education Center in Jackson at the end of May. Students say good-

bye to the fish they raised, as hundreds of three to four inch long trout fingerlings swim off into the Toms River. After releasing their trout, students spend the rest of the day doing soil, water, forestry and trout life activities. They learn about our ecosystem and how to protect it. Lexine Erndl says “If a student gains the appreciation for taking care of a living thing by understanding their needs, then I feel the program has done its job.”

The Freehold Soil Conservation District TIC participants in Monmouth and Middlesex Counties for the 2013-2014 school year are: Allentown High School, Bright Beginnings Learning Center (Piscataway), Central Elementary School (East Brunswick), Dunellen High School, Eisenhower Middle School (Freehold), Greenville School (Howell), Howell Middle School South, Jonas Salk Middle School (Old Bridge), Manasquan Reservoir Education Center (Howell), Middlesex County VoTech High School (East Brunswick), Middletown High School South (2 tanks), Samuel Shull School (Perth Amboy), Sayreville Middle School, St. Jerome School (W. Long Branch), St. Rose High School (Belmar), Swimming River School (Tinton Falls), Voorhees Elementary (Old Bridge), Voyagers Community School (Farmingdale) and Warnsdorfer School (East Brunswick). ▲

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NJM Thanks Isherwood; Welcomes Dworkin



Darryl Isherwood



Ben Dworkin

New Jersey Municipalities magazine's Under the Gold Dome column is moving from the capable hands of Senior Political Reporter for nj.com Darryl Isherwood to Rider University Professor Ben Dworkin.

"We greatly appreciate Darryl's work over the past year. His columns kept local officials informed on the issues of the day under the Gold Dome," said Bill Dressel, NJM Editor in Chief and League Executive Director.

The column's new author, Ben Dworkin is an Assistant Professor of Political Science (Adjunct) at Rider University and Director of the Rebovich Institute for NJ Politics at Rider University. He is a Ph.D. candidate in Political Science

at Rutgers University and veteran of New Jersey politics.

"We are pleased that Ben Dworkin has agreed to share his perspective with our readers," said Dressel.

He has extensive experience in campaigns and elections, government and legislation, lobbying and issue advocacy, as well as teaching and media relations. He has been frequently quoted by major newspapers including the Philadelphia Inquirer, Star-Ledger, Press of Atlantic City, Asbury Park Press, the Home News-Tribune and others. He is also a frequent guest on NJ12's "Power & Politics" television news program.

The column's first author was Jim McQueeney, President of Winning Strategies and a former Pulitzer prize winning journalist for the Star Ledger. ▲

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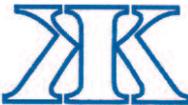
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Garden STATEments

If your community has a unique program or story, write to Taran Samhammer c/o The League of Municipalities, 222 West State Street, Trenton, NJ 08608 or via email at tsamhammer@NJSLOM.org.



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

Pequannock recently received a grant from Sustainable New Jersey to support its rain garden program. This spring the township will offer training on how to construct a rain garden, and upon successful completion participants will receive a RGS Certificate from the New Jersey Agricultural Experiment Station. The course will consist of one day in a classroom and one half day of hands-on training. Rain gardens not only benefit the area aesthetically, but also help catch excess rainwater and runoff, which reduces the amount of water washing into storm drains. During a heavy rainstorm, 30 percent more water will soak into the ground surrounding a rain garden than into a lawn, decreasing flooding and river bank damage. As water penetrates into the ground, pollutants are naturally filtered out, including pesticides, which are broken down by microorganisms. This decreases the amount of pollutants carried into the local water system. The gardens also create a habitat for birds and insects.



To open up volunteer spots to a larger pool of candidates, **Riverdale** amended its ordinance regarding volunteer firefighter requirements. The borough will now accept non-residents as volunteers. Before changing the ordinance, Riverdale had more open spots than it could fill, and is hoping to now attract persons from neighboring municipalities currently on wait lists for spots in other towns.



Linden and **Roselle** have entered into a new shared service agreement, whereby Linden will conduct tree maintenance operations for Roselle. The agreement will result in cost savings for Roselle and a new revenue stream for Linden, as Linden is able to provide this service to Roselle at a less expensive price than previous estimates received by the borough. The municipalities also currently share animal control services.



Bordentown Township recently introduced an ordinance that would provide standards for renewable energy facilities. Its goal is not to prevent these facilities from building in the township. Instead, the ordinance would ensure that such facilities are built in compliance with the township's master plan and state laws. The ordinance would also help to minimize the potential for conflicts with surrounding properties. The ordinance aims to preserve established rural and forested areas, and minimize visibility in residential areas, protecting residents from potential glare. The new ordinance would also only allow those with proper training

within designated areas of an electrical installation and ensure that installations comply with fire safety guidelines.



Wayne's my-waste app has made managing household waste easier for residents. The app provides a detailed collection calendar customized to the user's address, and is available for Apple and Android devices. Users may set-up reminders for routine collections and keep track of special collection events, such as Prescription Disposal and Document Shredding. The app also provides instructions on how to dispose of specific items.



Asbury Park voters approved the recommendations of the city's Charter Study Commission to change from the 1923 Municipal Manager form to the Faulkner Act Council-Manager plan. Under the new plan, four council members will be elected at-large for staggered four- and two-year terms in a nonpartisan November election. If necessary, runoff elections are authorized.



In other election news, **Plainfield's** Charter Commission's proposed changes will be written into legislation slated for introduction in 2014. If enacted, Plainfield voters, or the Mayor and Council, depending on the language of the bill, will then vote on the changes.



Events

- March 4.** . . Budget, Ethics, and Procurement Updates, Conference Center at Mercer, West Windsor
- March 7.** . . Municipal Websites, Social Media, and Internet Security Webinar, Online Webinar
- March 12.** . 22nd Annual Mayors Legislative Day, State House Annex, Trenton (rescheduled from Feb. 5)
- March 18.** . Implications of Social Media, Robert Meyner Reception Center, Holmdel
- March 19.** . Women in Municipal Government Day, Princeton Marriott, Plainsboro

Visit njslom.org/seminars for changes and updates.
For more information on seminars, contact Danielle Holland-Htut at dholland@njslom.org or (609) 695-3481, Ext. 118.



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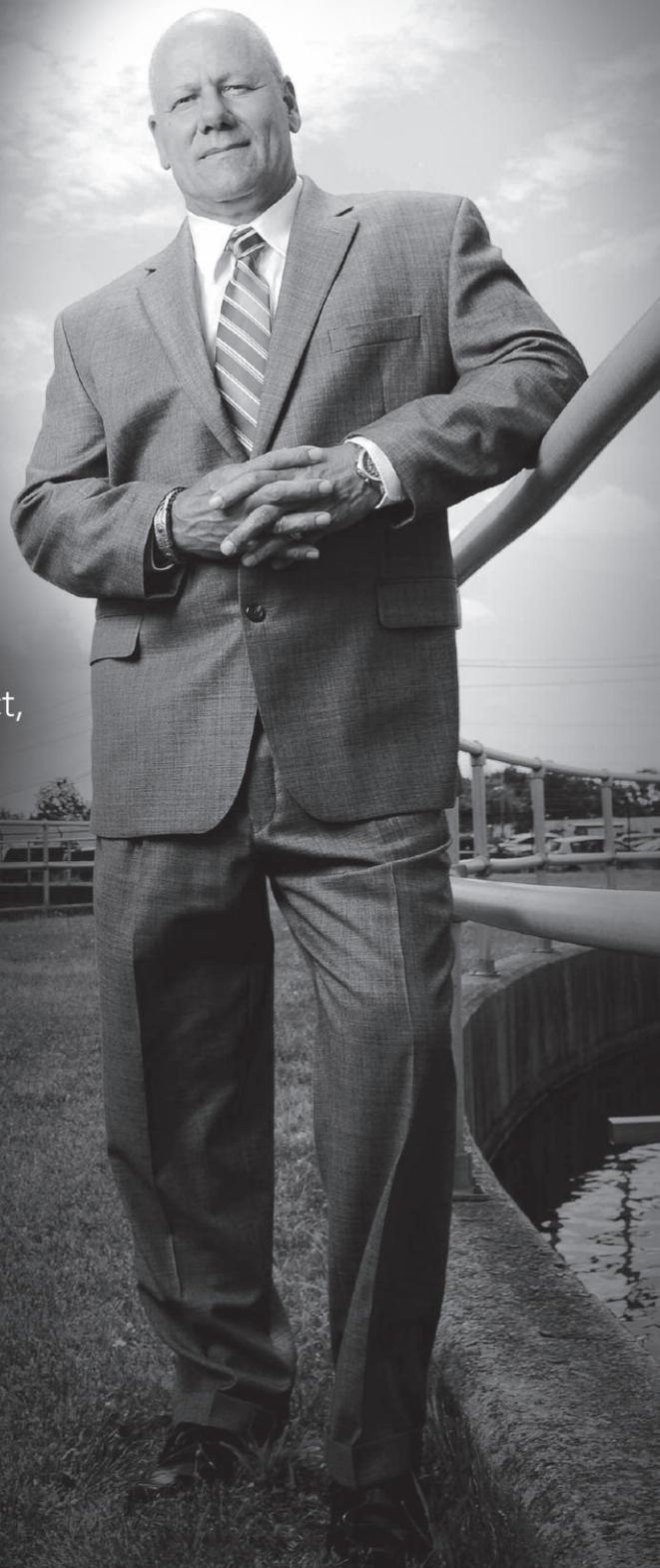
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