

# nj

# municipalities

Official Publication of the New Jersey State League of Municipalities

May 2014

# Energy

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alternative conservation  
sources

environment  
technology  
replenishable  
wind  
tidal  
natural  
biofuels  
human

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power

CO2  
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**GoodEnergy**

Confidence builds in New Jersey  
Government Energy Aggregation  
as Good Energy Buying  
Groups jump in size.  
See opposite  
page 84.



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# nj



# 16

# 48

## nj Focus ENERGY

### 16 Saving Money—and the Planet

Residents of Lambertville and West Amwell can now buy electricity from renewable sources while enjoying the savings of a Community Energy Aggregation  
By David Delvecchio, Mayor, Lambertville

### 20 A Bright Idea in Bayonne

Residents are saving on their electric bills thanks to energy aggregation  
By Mark A. Smith, Mayor, City of Bayonne

### 26 Meet the Consultant

Why signing the right one is the first step to a successful municipal energy aggregation program  
By Joel L. Shain, NJLM Utility Counsel; Shain, Schaffer & Rafanello, P.C.

### 30 Welcome to Property Assessed Clean Energy

A new law empowers towns to support a variety of clean energy projects  
By James J. Florio, Esq., Member, Rutgers Climate Adaption Alliance Advisory Board; Member, Board of Directors of Regional Plan Association; Founding Partner, Florio Perrucci Steinhart & Fader, L.L.C.; former Governor of New Jersey

### 38 Unlock Easy Energy Savings

Buying through the Sustainable Joint Meeting has cut Dover's municipal energy bill by 10 percent  
By James P. Dodd, Mayor, Dover Town

### 42 New Jersey Solar Unscathed

We can rely on our solar panels when the grid is down  
By Jeanne M. Fox, Commissioner, New Jersey Board of Public Utilities

### 48 Powering through the Next Storm

New Jersey's water and waste utilities are exploring energy innovations to create power that can stand up to storms like Hurricane Sandy  
By Peggy Gallos, Executive Director, Association of Environmental Authorities

### 52 The On-site Resiliency Solution

Combined Heat and Power (CHP) systems can power critical facilities, even when the grid is down  
By Richard Sweetser, Senior Technical Advisor, Mid-Atlantic CHP Technical Assistance Partnership, US Department of Energy & Gearoid Foley, Senior Technical Advisor, Mid-Atlantic CHP Technical Assistance Partnership, US Department of Energy

### 60 Harnessing Energy from Biogas and Cooking Fat

The Bergen County Utilities Authority's renewable energy project is saving tax dollars and the environment  
By Robert E. Laux, Esq., Executive Director, Bergen County Utilities Authority

# contents

Volume 91 | Issue 5, May 2014



## FEATURES

### 64 The Road to Resilience

A new network will connect municipalities with the resources and know-how to rebuild stronger and smarter

By Linda B. Weber, Program Director, New Jersey Resiliency Network; Sustainability Institute and Sustainable Jersey, The College of New Jersey

### 70 NJLM President Weighs In on the State Budget

Arbitration limits, utility taxes and open space funding were among the issues raised with state lawmakers

By Suzanne Walters, NJLM President; Mayor, Stone Harbor

### 74 Maximizing the Morris Canal

This hidden gem's potential as a historic destination is limitless

By Gerry Scharfenberger, Director, Office for Planning Advocacy, New Jersey Business Action Center, Department of State

### 78 Is Your Town's Data Secure?

Municipalities need to develop sound policies to protect public information and their computer networks from a variety of threats

By Marc Pfeiffer, Assistant Director, Bloustein Local Government Research Center; member; NJ-GMIS



## DEPARTMENTS

### 5 From 222 West State

By Bill Dressel

### 6 NJ NOW

By Taran Samhammer & Kyra Z. Duran

### 24 Member Op Ed

By J. Christian Bollwage, Mayor, Elizabeth

### 36 Washington

By Rush Holt, Congressman, 12th District

### 46 Gold Dome

By Ben Dworkin

### 56 Legislative Update

By Lori Buckelew, Michael F. Cerra, Jon R. Moran & Edward Purcell, Esq.

### 68 Legal Q and A

By Edward Purcell, Esq.

### 84 NJLM Events & Supporters



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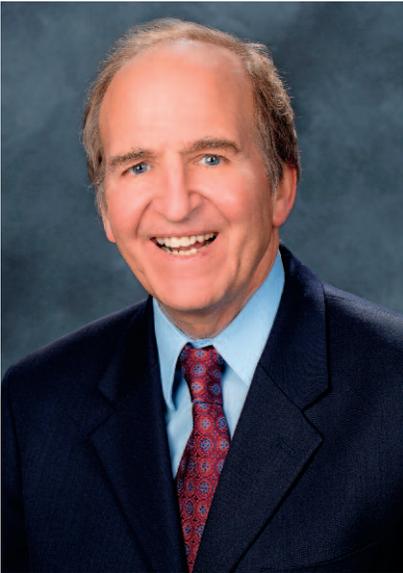
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“After reading this issue, you will be poised to grasp the energy opportunities that make this such a complex, but exciting time to be a local official.”

## Powering Up on Energy

John F. Kennedy once said, “leadership and learning are indispensable to each other.” This is especially true when it comes to the complex field of energy. We all have a lot to learn when it comes to understanding the changing energy options available to municipalities.

Energy encompasses so much. It’s an economic, safety, public health and an environmental issue. This month, we’ve asked the experts to address these many aspects.

For example, over the past year many municipalities have chosen to implement government energy aggregation (GEA) programs. GEA can save money for citizens. Elected officials, though, also need to ensure that they are getting a good deal in their energy contracts and that they can clearly explain the program to the public. In this issue, two mayors share their success with aggregation. You may be surprised to learn that moving towards these goals may also help your town become better prepared for the power outages that can accompany severe weather.

Another hot area right now is back up power, or distributed generation (DG). Partly in response to Superstorm Sandy, the state is gearing up to help municipalities fund DG projects. These projects have tangible benefits—and may provide opportunities to cut costs and go green.

An understanding of energy policy has economic growth implications as well. Companies require reasonably priced,

reliable electricity in order to house data centers or run automated industrial plants. The availability of low-cost, reliable power could make the difference between a company providing jobs in your town or moving out of state.

In addition to this special issue, the NJLM Educational Foundation will be hosting an Energy Seminar on June 17. It will address how the electrical grid and energy aggregation work. There will also be a discussion of how to prevent and manage storm-related power outages. And, also you will have an opportunity to talk with experts in the field and learn from the experiences of other officials.

Another League resource is the publication “An Electrical Energy Policy Primer for New Jersey Municipalities,” which covers state policy, money saving strategies and how to improve reliability. To order, visit [njslom.org/Publications](http://njslom.org/Publications).

If after reading this special issue on energy you need more information, visit [njslom.org/bureau](http://njslom.org/bureau) for additional resources.

A basic understanding of energy policy requires some commitment, but your League is here to help. It is our hope that after reading this issue, you will be poised to grasp the energy opportunities that make this such a complex, but exciting time to be a local official. ♣

*Bill Dressel*

## NJLM'S 22<sup>ND</sup> ANNUAL LEGISLATIVE DAY

### New Jersey Mayors Meet with State Leaders

On March 12, 175 Mayors and other local elected officials gathered in Trenton for the League of Municipalities' 22<sup>nd</sup> Annual Mayors' Legislative Day program.

Hosted by League President and Stone Harbor Mayor Suzanne M. Walters, the program opened with presentations by Department of Community Affairs Commissioner Richard Constable, Board of Public Utilities President Dianne Solomon and Chief Advisor to the Commissioner of the Department of Environmental Protection Ray Cantor.

The final speaker, Lieutenant Governor Kim Guadagno discussed the Administration's economic development initiatives. She also invited Mayors to let her know what New Jersey can do to help specific local businesses—large and small—to prosper and expand employment opportunities.

Next, veteran NJ 101.5 State House News Correspondent Kevin McArdle moderated a panel discussion on state policy. The panel included Mayor Walters, Assemblywoman Bettylou DeCroce, Camden Mayor Dana Redd, East Windsor Mayor and Immediate Past President Janice Mironov, Princeton Mayor Liz Lempert, Senate President Steve Sweeney, Assembly Speaker Vincent Prieto, Senator Sam Thompson, and Hope Mayor and League Past President Tim McDonough. 📌



Lt. Governor Kim Guadagno addresses Mayors and other local officials on March 12 in Trenton at the Mayors Legislative Day.



League President and Mayor of Stone Harbor Suzanne Walters welcomes participants to the 22<sup>nd</sup> Annual Mayors Legislative Day.

## VINELAND

### Have a Coffee with the Mayor



(L-R) Vineland resident Eddie Velez takes the opportunity to discuss his concerns with Mayor Ruben Bermudez during a recent "Have a Coffee With The Mayor" session.

Vineland Mayor Bermudez held his first "Have a Coffee with the Mayor" event in February. Residents were invited to speak with the mayor about their issues and concerns, and to learn more about their local government. Residents were invited to join Mayor Bermudez for a cup of coffee at City Hall between 1pm and 4 pm on a Wednesday afternoon. 📌

## ELECTED OFFICIALS HALL OF FAME

# New Members Announced

The New Jersey State League of Municipalities inducted 23 new members into the Elected Officials Hall of Fame during the 22nd Annual Mayors Legislative Day March 12, 2014 at the State House Annex in Trenton.

The honor is reserved for local municipal governing body members who, as of December 2013, served for more than 20 years in elected municipal office.

The president of the State League of Municipalities, Mayor Suzanne M. Walters of Stone Harbor Borough, said, "The Elected Officials Hall of Fame recognizes these officials who have selflessly guided their communities through the good times and difficult times often with little recognition of their public service. This small token of appreciation focuses a light on their sacrifices over lengthy tenures, demonstrating how much they care and serving as excellent examples of civic pride for all citizens to emulate."

There are currently 532 inductees in the Elected Officials Hall of Fame, which can be viewed at [njslom.org](http://njslom.org).

### The 2014 honorees were:

Fairview Borough Mayor **Vincent Bellucci, Jr.**

Wrightstown Council President **Mike Borsavage**

Secaucus Councilman Emeritus **John Bueckner**

Mannville Mayor **Angelo Corradino**

Pine Beach Mayor **Lawrence Cunco**

Sea Isle City Mayor **Leonard Desiderio**

South Brunswick Mayor **Frank Gambatese**

North Wildwood Mayor Emeritus **William Henfey**

Burlington Twp. Councilman **George Kozub**

Netcong Councilwoman Emeritus **Cecilia Laureys**



NJLM President and Mayor of Stone Harbor Suzanne Walters (right) poses with member of the 2014 Local Elected Officials Hall of Fame in Trenton on March 12.

Wrightstown Council Member **Laurance Lownds**

Sandyston Mayor **Fred MacDonald**

Wanaque Mayor **Daniel Mahler**

Winslow Mayor Emeritus **Dominic Maiese**

Glen Gardner Councilwoman **Carol Morton**

Point Pleasant Beach Mayor Emeritus **Jack Pasola**

Lebanon Twp. Committeewoman **Patricia Schriver**

Allentown Council President **Michael Schumacher**

Lawnside Councilman **Clifford Still, Sr.**

West Caldwell Mayor; League 2<sup>nd</sup> Vice President  
**Joseph Tempesta, Jr.**

Glen Gardner Councilman **Steven P. Yaros**

Jefferson Twp. Council President **Richard Yocum**

Southampton Mayor **James Young, Sr.** 🇺🇸

**SANDY VICTIMS ARE STILL STRUGGLING**

**Belmar's Mayor Shared Their Stories with a Senate Subcommittee**



US Senator Robert Menendez poses with Belmar Mayor Mathew J. Doherty in the Senator's office following a meeting of the Senate Subcommittee on Housing, Transportation, and Community Development.

On March 12 Belmar Mayor Matthew J. Doherty presented moving testimony before Senate Subcommittee on Housing, Transportation, and Community Development on the continuing struggle facing the victims of Hurricane Sandy.

He thanked members of the New Jersey Congressional delegation for their efforts to secure much-needed aid. "Having gone through this experience I can tell you that without Federal assistance both my community, and the rest of the Jersey Shore, would be at risk of becoming a relic of the past."

He outlined the efforts of the federal and state governments to restore infrastructure, businesses and residential properties damaged by the storm. He also offered suggestions for the future allocation of federal resources for Sandy recovery based on his experiences as the Mayor of Belmar.

He noted that the boardwalk reconstruction was completed in time for the summer season and praised FEMA for their assistance. The rebuilding of the boardwalk was eligible for 90 percent reimbursement, he said. He also told the subcommittee that most of the businesses have been able to recover.

In contrast, Mayor Doherty reported his residents are not having an easy time recovering. "In many communities along the Jersey Shore there are still families that have been displaced, as of today, for 500 days," he testified. According to Doherty, the "stress of driving children to school 17 miles a day", navigating "bureaucratic rules and regulations" and of "not knowing when, or even if, they will ever get back home again" are taking their toll.

"In our small town alone we have 90 families that have applied for the Reconstruction, Rehabilitation, Elevation, and Mitigation (RREM) grant and only one in five were approved and funded. The rest are either waitlisted or ineligible."

His advice to members of Congress included allowing communities to begin projects while waiting for federal funding, and reimbursing them later. He also asked lawmakers to provide additional money for the repair of housing and infrastructure and to compel the National Flood Insurance Program (NFIP) to settle with clients through arbitration. Finally, he encouraged cooperation between all levels of government on behalf of middle class families. ♣

@ For the complete testimony, go to: [banking.senate.gov/public/index.cfm?FuseAction=Files.View&FileStore\\_id=3f9c6660-a841-4954-a504-6acdoe502d9b](http://banking.senate.gov/public/index.cfm?FuseAction=Files.View&FileStore_id=3f9c6660-a841-4954-a504-6acdoe502d9b)

**PUBLIC INFORMATION**

**Mercer County Holds Public Document Search Class**

Mercer County Clerk Paula Sollami Covello and Mercer County Community College will hold a one-day class this spring focused on searching for public records in the Mercer County Courthouse. Responding to an overwhelming response to last year's sold-out course, the County Clerk's Office has renewed its course offering.

"The class is designed by the Clerk's Office to allow more local residents to navigate the search room and take advantage of our open county resources and records," noted Sollami Covello. The course offering comes on the heels of the County Clerk's Office's recent installation of a cutting-edge computer system for researching and recording land and property records. "The search system presents the county's land records in a new and simple, user-friendly format," added Sollami Covello.

The non-credit, half-day course will assist local residents in researching deeds, liens, and other property information, current or historical, back to the 1800s. ♣



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**SIEMENS**



## Website Info Becomes a Smartphone App

Maplewood has created a smartphone app, available for Android and Apple devices, to improve communication between the township and its residents. The app contains all content posted on the township's website, including access to township news, online payment forms and township facilities' hours of operation and contact information. The app will make it easier for residents to obtain township information during a power outage when they may be unable to access this information using a computer. 📱



## New Brunswick and Belfast Team Up

New Brunswick and Belfast, Ireland are exploring the possibility of a formal partnership. Delegates from New Brunswick recently visited their counterparts in Belfast, with an eye on locating similarities and forming partnerships in areas of mutual interest. For example, both cities are home to a university, and the delegates compared notes on the research efforts at their respective institutions. Delegates also discussed their redevelopment efforts and how each city is using public art to make their city more inviting. The partnership is expected to help each city in its efforts to promote economic development. 📍



## KEAN UNIVERSITY, OCEAN COUNTY COLLEGE

## Sharing a Sustainable Building



The Gateway Building in Toms River is the result of a strategic partnership between Ocean County College (OCC) and Kean University and is designed to enhance the educational strengths of both institutions.

“The Gateway is a transparent, natural and modern building that allows two institutions to share space without losing their individual identities,” said Kevin Blackney, architect from Blackney Hayes. “It is also a sustainable, 21st century learning environment with dramatic views of the landscape and ocean.”

Designed to achieve LEED Silver, the five-story, 74,000 square foot facility is the tallest in Ocean County. It houses a 210-seat lecture hall; four seminar rooms; a graphic design studio; offices; classrooms; conference rooms; a multipurpose room; a student lounge; and administrative offices for Kean University and Ocean County College.

“This unique partnership enables OCC students and area residents to complete the upper division courses required for Kean undergraduate degree programs,” said OCC Executive Vice President James McGinty. “We worked hard with Kean to design half of the building to reflect their needs and the other half to reflect ours.”

Kean is the third-largest university in New Jersey with 16,000 students, 13,000 of whom are undergraduates. Ocean County College is a two-year, public, community college with a student population of 10,000. Based in Toms River, the college has more than 20 satellite sites throughout Ocean County. This building is the first installment in the Kean Ocean partnership. 📍



**MONMOUTH UNIVERSITY  
SANDY POLL**

## Mental Health Issues Persist

**M**any victims of Superstorm Sandy continue to suffer from psychological stress more than a year after the storm. This finding comes from a Monmouth University Poll tracking survey of New Jersey residents who suffered significant property damage from the storm.

A majority of those who are still displaced from their homes demonstrate mild to serious emotional distress. Mental health is better among those who have returned to their homes, but even this group demonstrates significantly more widespread stress than New Jersey residents as a whole. Interestingly, the survey does not find the same variations in well-being for reports of physical health.

Nearly one quarter (24%) of Sandy victims suffer from serious distress and a similar number (23%) suffer from mild to moderate distress. Just over half (53%) do not exhibit distress according to the scale used. The extent of mental health concerns indicated is significantly higher for Sandy victims than it is for the state population as a whole. According to the 2012 BRFSS (Behavioral Risk Factor Surveillance System) survey, just over 1-in-10 New Jerseyans exhibit either serious (4%) or mild to moderate (8%) distress.

In other words, the Sandy victims surveyed are nearly four times as likely as the typical New Jersey resident to suffer at least mild psychological distress.

The survey also found a significant gap in mental well-being among Sandy victims who remain displaced from their pre-Sandy homes and those who are back in those homes. Those who are displaced (63%) are nearly twice as likely as those who are living in their pre-Sandy homes (35%) to self-report symptoms of psychological distress.

“As a pollster, I rarely see this type of disparity between two groups with similar demographic profiles. The pace of Sandy recovery is having an undeniable impact on the emotional health of residents who have not been able to return to their homes,” said Patrick Murray, director of the Monmouth University Polling Institute.

The survey also found that one’s experience with the state’s reNew Jersey Stronger Sandy assistance program is related to variations in mental health reports for this group. Residents living in their pre-Sandy homes who say they have been denied state assistance (49%) are more likely than those who have been approved for assistance (34%) or who never applied for assistance (28%) to show signs of mental distress. Interestingly, the relationship between mental well-being and state aid experience is not evident among those who are currently displaced from their homes. ❧

 For more information: [www.monmouth.edu/polling](http://www.monmouth.edu/polling)

## Newark Deploys ‘Pothole Killers’



**T**o combat the extraordinary number of potholes left behind after this winter’s extreme weather, Newark has unleashed a fleet of Pothole Killer Trucks.

Traditionally, it takes three or more workers about 15-20 minutes to repair a pothole. In contrast, pothole killer trucks can make a repair in as little as 90 seconds. The trucks require only a driver, who can make the repair without leaving the driver’s seat.

The truck operator uses a joystick to operate the repair equipment. First he or she blows loose debris and water out of the hole. Next the operator applies a bonding material or adhesive base and then fills the hole with asphalt emulsion. After the application of a dry stone barrier, vehicles are able to immediately drive over the area. Repairs typically last several years. ❧

## Body Cameras for Police

**A**tantic City Police Department officers will soon be equipped with body cameras as part of a city pilot program. The small cameras, mounted near the officers’ shoulders, will record video while the officers are on duty. The footage will be used to resolve disputes that may arise during crime investigations. ❧



#### FDU CLIMATE SURVEY REVEALS PARTISAN DIVISIONS

## Baby, It's Cold Outside... And Maybe We're to Blame

For many in the Garden State, this past winter ranks among the coldest and snowiest in recent memory. It's not clear whether the extreme weather is affecting residents' attitudes toward climate change, according to a recent statewide survey by Fairleigh Dickinson University.

According to the University's PublicMind, a majority of New Jersey residents (56%) believe solid evidence of climate change exists, with an additional third (35%) who remain dubious. Similar numbers believe the earth's warming is attributable to human activity (51%) as opposed to natural patterns in the earth's environment (37%).

New Jersey is slightly less convinced that climate change is occurring relative to the nation. In October of 2013, the Pew Research Center for the People and the Press asked the same question nationally and found 67 percent of adults have seen sufficient scientific evidence to support the claim that the average temperature on Earth has been getting warmer over the past few decades.

Across all questions related to weather, Republicans and Democrats understand weather patterns and their causes very differently. Almost three-quarters of Democrats (70%) believe solid evidence exists for the earth's warming, with less than half that number of Republicans (33%) who say the same. Rather, Republicans are largely of the belief that sufficient scientific evidence does not exist (57%).

Republicans and Democrats also differ on the question of whether extreme weather is the new normal. Although a majority of both Republicans (56%) and Democrats (85%) expect the frequency of extreme weather events to pick up as a consequence of global warming, an almost 30 percentage point gap separates partisans. 📌

@ To learn more go to [publicmind.fdu.edu](http://publicmind.fdu.edu).

#### FARM DISPUTE RESOLUTION

## New Handbook Promotes Agricultural Mediation

The State Agriculture Development Committee (SADC) has published the New Jersey Agricultural Mediation Program Handbook to promote the use of mediation in resolving agriculture-related disputes.

"Many farm-related conflicts stem from miscommunication or a lack of communication," said Secretary Fisher. "Mediation can help bridge the gap by providing a trained mediator to guide discussion and resolution of issues quickly and amicably, saving farmers and everyone else involved time and money."

The New Jersey Agricultural Mediation Program Handbook explains how the program works and provides examples of successful mediations. Mediation can be used as an alternative to the state Right to Farm Act's formal conflict resolution process or to the federal appeals process for resolving U.S. Department of Agriculture (USDA) program disputes. It also can be used to resolve agricultural credit issues with private lenders.

To obtain a printed copy of the New Jersey Agricultural Mediation Program Handbook, contact the SADC at (609) 984-2504 or [sadc@ag.state.nj.us](mailto:sadc@ag.state.nj.us). The handbook and more information on agricultural mediation are also available on the SADC's website at [nj.gov/agriculture/sadc/agmediation](http://nj.gov/agriculture/sadc/agmediation). 📌



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# Newark Council President to Head Women in Municipal Government



Council President Mildred C. Crump of Newark was elected 2014 president of the Women in Municipal Government (WIMG) constituency group at the group's annual leadership luncheon at the National League of Cities' (NLC) Congress of Cities and Exposition on November 15 in Seattle, WA.

Mildred C. Crump was sworn in as Newark's first African-American Councilwoman on July 1, 1994. A long time community activist, she has been a consummate and consistent advocate for women, children, senior citizens, the disabled, working families and those in need.

On July 1, 2006, she was again sworn in as Councilwoman at-Large. She created history once again when she was elected as the first female president of the Newark Municipal Council. She was re-elected Council President in November of 2013.

Ms. Crump is the co-chair of NJLM's Women in Municipal Government Committee and a member of the Legislative Committee.

She retired from the New Jersey Commission for the Blind and Visually Impaired in 2003 after 42 years as a Braille Teacher and Education Consultant.

Councilwoman Crump is the founder of the Newark Women's Conference, Inc., an organization whose purpose is to promote the empowerment of women in and around Newark. This two-day conference has hosted more than 6,000 participating women of all ages, social and ethnic backgrounds.

She is also the host of a local Cable Television Show entitled, "Straight Talk with Mildred Crump," which addresses issues that affect the quality of life in the city.

Other officers elected during the WIMG luncheon include:

**1st Vice President:** Mary McComber, Councilmember, Oak Park Heights, MN;

**2nd Vice President:** Mary "Dot" Lamarsh, Vice Mayor, Farragut, TN; and

**Communications Officer:** Patsy Kinsey, Councilmember, Charlotte, NC.

Mary Brown, councilmember, Gary, IN will serve as the group's **Immediate Past President**.

WIMG sponsors the Women's Leadership Award program, which recognizes a female local official for unique and outstanding leadership in local government.

WIMG is a constituency group of the National League of Cities. It was formed in 1974 to serve as a forum for communication and networking among women municipal officials and their colleagues interested in addressing women's issues. It strives to raise awareness about issues of concern to women and encourages women to seek public office. ♣

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The South Hunterdon Renewable Energy Cooperative is the first in New Jersey to generate savings for residents and provide the opportunity to make greener electricity choice.

# Saving Money—and the Planet

Residents of Lambertville and West Amwell can now buy energy from renewable sources at only a one percent premium over the current utility tariff price, and non-renewable energy for 13 percent less.

By David Delvecchio, Mayor of Lambertville;  
former President, NJLM

For over a decade utilities have been offering consumers the option of paying more to purchase electricity that comes from renewable sources. But for most households, the price difference was a deterrent.

Now, thanks to a Community Energy Aggregation, residents of Lambertville and West Amwell are saving money on their electricity. And, those who are interested, can choose renewable power for just 1 percent more than what they were paying for regular power before.

In addition to Lambertville and West Amwell—whose aggregation project is just beginning—residents in Plumsted, Toms River, Monroe, Montgomery, and West Orange, among others, will save more than \$14 million through Community Energy Aggregation programs. In the face of rising costs in almost every other area of public service, anything that can bring residents relief should be considered by local governments.

**Savings and sustainability** Many New Jersey residents are interested in purchasing electricity from clean, renewable sources. This growing interest will help New Jersey meet its goal of getting just over 20 percent of its electricity from renewable sources by 2021. This is known as the Renewable Portfolio Standard, or RPS. Today we are at approximately 13 percent. However, many residents want to accelerate this goal and support, through their purchasing power, electricity from sources that are greener and cleaner than the required RPS.

The South Hunterdon Renewable Energy Cooperative (SHREC) was formed by Lambertville and West Amwell to consider joint purchasing opportunities for energy projects, including solar power projects that could offset grid purchases for municipal and local school district facilities and create taxpayer savings.

**The South Hunterdon Renewable Energy Cooperative** In 2013, Lambertville and West Amwell decided to expand SHREC's initiatives to include joint purchase of electric power for residents of the municipalities under the state's Government Energy Aggregation (GEA) law. In putting a residential GEA program together, we wrestled with accommodating the primary goal of saving money while recognizing the desire of some residents for greener and cleaner electricity. Under the guidance of Gabel Associates, SHREC pioneered an innovative aggregation model, successfully reviewed by the Board of Public Utilities and the Division of Rate Counsel, to save our residents



money and provide the opportunity to make a cleaner and greener electricity choice.

Lambertville and West Amwell's aggregation project will save our residents money and provide the opportunity to make a cleaner and greener electricity choice.

**Ensuring a competitive process** Given that this hadn't been offered before, we wanted to ensure that the process would be competitive. One of the important factors in selecting our energy consultant was proven experience with aggregation in the New Jersey market. We were determined to have a number of suppliers participate in the bid process.

We had suppliers bid on the standard, 'RPS-compliant' (i.e. approximately 13 percent renewable energy) product. This competitive bid produced excellent results, with six bidders. The

## Energy Aggregation

winning bid was roughly 13 percent below the current utility tariff price for power supply, and should save each resident an average of \$100 on their utility bill over the next 15 months. As is standard for all Community Energy Aggregation programs, all residents will enjoy

We are very pleased that our program is the first in the state to include this option.

these savings, unless they opt out of the program, or they are already with a third-party supplier.

The added and innovative feature of

our program is an option to receive electricity that comes exclusively from renewable sources. Thanks to bulk purchasing, even with the “green premium” associated with the 100% renewable option, the price will be only about 1 percent more than the current utility tariff price.

The result is an electricity product that brings the benefit of a competitive process and firm contract terms to both the “regular” and “green” electric power purchasers. Regardless of their choice, residents will save money and enjoy a higher level of consumer protection.

**Sustainable Jersey** Finally, both Lambertville and West Amwell are Sustainable Jersey communities, certified through Sustainable Jersey’s program for municipalities. As Sustainable Jersey considers actions for its Gold Certification level in the area of energy, we are pleased to have provided a proof of concept model for their consideration. ♻️





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# A Bright Idea in Bayonne

Residents are saving on their electric bills thanks to Energy Aggregation

By Mark A. Smith,  
Mayor, City of Bayonne



**M**unicipalities rarely get a chance to cut their residents' expenses. But Bayonne recently did just that, slashing consumers' electric bills citywide by about 10 percent. The lower energy rate—achieved through a government energy aggregation program—is expected to save Bayonne residents approximately \$2 million over the two-year contract period.

Government energy aggregation (GEA) is a tool created by the New Jersey Board of Public Utilities and the Rate Counsel (formerly the Ratepayer Advocate) to support energy deregulation. Prior to new GEA rules in July 2012, only 15 percent of New Jersey consumers had taken advantage of deregulation and switched energy suppliers.

Now, with improved GEA guidance from the state, municipalities like Bayonne are helping residents make this cost-saving change. GEA enables municipalities to do the homework for consumers and, most important, obtain better rates than residents could get on their own. That's because GEA enables bulk buying (via aggregation) of electricity and natural gas.

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## Energy Aggregation

Another advantage of GEA: the municipality—not the power supplier—structures the contract. Done properly, this eliminates the “fine print” that’s often found in third-party energy contracts. For instance, the municipality can ensure that no fees or penalties can be charged to residents who opt out or leave the program, and that rates won’t rise during the contract period.

**A quick, painless process** For us, the GEA process was relatively quick, painless and, best of all, free. The key

was using a highly-skilled and experienced energy consulting firm, Commercial Utility Consultants (CUC) in Barrington.

CUC handled all phases of the process at no cost to the city or taxpayers, including:

- Two municipal resolutions to develop our GEA program.
- Creation of a co-op for us with two other towns—Willingboro and Glassboro—to further boost each municipality’s

buying power. For Bayonne, the co-op nearly doubled our clout in the marketplace, adding 50,000 consumers to our 64,000 residents.

- A highly efficient online rate auction, through which CUC took bids from state-licensed energy suppliers. In our case, a one-day, open-bid auction helped drive prices down, as suppliers viewed their competitors’ bids. CUC also offers the option of a sealed-bid auction, which is preferable under certain market conditions.

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- CUC provided public outreach, including public meetings; print, online and electronic communications; and media-relations services. Our program was featured in local cable news and newspaper stories, including the role of elected officials in reducing energy costs.

The winning bid from TriEagle Energy was almost 10 percent less than the current rate from the local utility, PSE&G. In fact, this is the best rate that's been obtained to date through GEA in PSE&G territory.

another energy auction—and likely lock in lower rates for the next 12 to 24 months. In this way, GEA will continue to increase competition in the residential energy market.

We're thrilled with our first foray into GEA, knowing we'll be saving our residents significant, hard-earned cash every

month. By pooling the energy needs of our entire city and our two partner towns, we were able to get much lower rates than an individual resident could obtain on his or her own. Working with an experienced energy consulting firm was critical to the program's success and ease of implementation. ♣

The lower energy rate is expected to save Bayonne residents approximately \$2 million over the two-year contract period.

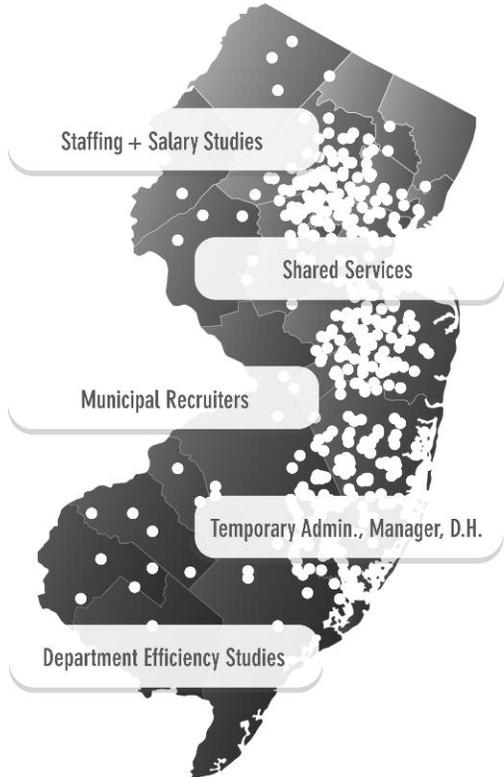
Additionally, many residents are reassured to learn that PSE&G will continue to handle their account, maintain service and respond to outages after the switch. The only changes are the energy supplier, the lower energy costs, and the supplier information on residents' utility bills.

**The opt-out feature** All Bayonne residents who had not previously chosen a third-party energy supplier were automatically included in the GEA program, as required by state regulations. However, residents can opt out at any time without any fee or penalty, by simply calling CUC's toll-free number or using the opt-out feature on CUC's website.

When the TriEagle contract nears its end late next year, Bayonne could hold

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# Resilience Must Be a Local Priority

By J. Christian Bollwage, Mayor, Elizabeth;  
NJLM Past President

**I**mproving resilience—our ability to bounce back—is a critical issue for America, and local officials must take the lead. Communities around the country are on the front lines of four closely related challenges that are a direct or indirect result of climate change.

The first is extreme weather. Record-breaking and destructive extreme weather fueled by a changing climate cost the US \$110 billion in 2012. No less than 11 disasters caused over \$1 billion in damages, following a record 14 major disasters in 2012.

The second is energy security and it's related to the first. A power grid taxed by hotter temperatures, energy sources whose carbon emissions exacerbate climate change, and reliance on costly foreign energy all weaken our resilience.

The third is the investments and decisions required by our aging and unreliable infrastructure (water, energy, transportation, etc.). This problem is exacerbated by extreme weather and energy challenges.

The final area we must contend with as local leaders is ongoing economic uncertainty, which has left millions out of work and communities starved for investment. Disasters, extreme weather, and energy disruptions further hamper our recovery.

In Elizabeth, we are committed to making every effort to mitigate climate change at the local level. In an effort to reduce our dependence on foreign and/or non-renewable fuel sources, we strongly advocate for pedestrian and public transportation over the use of personal automobiles. New Jersey Transit has committed to an extensive renovation of our midtown train station. We expect that use of this public transportation hub will only increase in the upcoming years. The statewide trend of transit development and urban car-less living continues to take shape in our midtown area.

We've also committed time and resources to make our city more walkable. The NJ DOT's Complete Streets program has been a valuable resource. Likewise, the construction of the Elizabeth River Trail has allowed for an oasis within an urban setting.

Our support is unwavering for the development of alternative and renewable energy sources. Elizabeth is engaged in a \$2

million photovoltaic project that, when complete, will provide renewable, sustainable energy to six municipal buildings.

Of course, sustainability must go hand in hand with conservation and energy efficiency. To that end, Elizabeth is nearing completion of an extensive audit and retrofit project. We've calculated the energy consumption and carbon footprints of every municipal facility. To further leverage resources, we are releasing an RFP to engage Energy Services Companies in the NJBPU's Energy Savings Improvement Program. Elizabeth has also continued its partnership with Sustainable Jersey and is committed to making concrete environmental improvements in the day to day lives of residents.

**The hardship of an extended power outage for our residents is just too great and the economic loss is unacceptable.**

We continue to analyze our approach to land use and municipal planning. In the Elizabeth of old, it would have been difficult to construct a residential solar panel project or wind turbine. Today, we've taken the necessary steps to streamline the approval process for these types of projects. LEED certification, decreased carbon footprints and sustainable materials are hallmarks of recently completed Elizabeth economic development projects.

Additionally, we continually ratchet up our flood prevention measures and have made major sewer upgrades to an increasingly aging infrastructure. We've also been big advocates for more resilient power grids. The hardship of an extended power outage for our residents is just too great and the economic loss is unacceptable. Local governments must work with the utilities to achieve this goal and it must be a priority.

While we have done much, there is still much more for us to do. Mayors have long been the leaders on climate action and sustainability, and we have the ability to take effective, wide-ranging local actions to increase our resilience. ♻️

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# Meet the Consultant

Why signing the right one is the first step to a successful municipal energy aggregation program

By Joel L. Shain, NJLM Utility Counsel;  
Shain, Schaffer & Rafanello, P.C.



Unless a municipality has the expertise in-house, it is essential to retain the services of an energy consultant who is approved by the Board of Public Utilities.

**E**nergy Aggregation is in vogue. It is a process that enables a municipality to negotiate a bulk purchase of energy supply on behalf of its residents and businesses at prices lower than that of the utility company that currently services the municipality. Energy aggregation programs have reduced energy costs across the USA and are often referred to as “Consumer Choice” programs. In New Jersey, the few local governments that have established energy aggregation programs have created savings that pleased their residents. Many others are now considering starting similar programs.

And why not? With little risk, municipalities can facilitate this money-saving consumer cooperative. The municipality only acts as an agent for the end users and is held harmless from any liability. Set-up costs, including attorney fees, are fully refunded by the new energy supplier; and the local utility retains responsibility for reliably delivering the product (electricity and/or natural gas), the metering, and the billing. Residents are free to opt out at any time for any reason, and the

program is strictly regulated by the New Jersey Board of Public Utilities (BPU). Finally, contracts for supply are only awarded if there are actual savings.

To get started, municipalities seek the expertise needed to successfully implement an energy aggregation program under the enabling statute and the BPU rules. Unless a municipality has the expertise in-house, it is essential to retain the services of an energy consultant who is approved by the Board of Public Utilities.

This is no different from what municipal leaders have been doing in other areas where expertise is required, such as hiring consulting engineers for sewers, roads and bridges or architects for municipal buildings. For Energy Aggregation, most towns will need to find an energy consultant.

Meet with BPU-registered Energy Consultants to learn how they will support the unique needs and demographics of your residents and local businesses.

**Determine how complex your program will be** Since this is the most important decision in the process, make sure you make the right choice. Meet

with BPU-registered Energy Consultants to learn how they will support the unique needs and demographics of your residents and local businesses. Some communities will opt for a simple program, while others will implement a customized program, including multiple price options and green energy or services components. Another option is to include support programs, such as multi-lingual customer service and web reporting.

**Seek a qualified energy consultant** Depending on your program requirements, you can make a determination under the professional services or extraordinary unspecifiable services (EUS) exceptions to the local public contracts law; or, with the help of your municipal attorney and/or special counsel, put out a Request for Proposals. The RFP should detail the scope of services required, as well as the qualifications, experience, accreditations and depth of knowledge you are seeking. The proposal should also address the issue of costs.

**The interview** Once you have a list of candidates, hold an in-person interview. This is essential, because the consultant must not only structure the program properly, but also become the program's face to the public.

Your consultant will be required to collect and analyze data, develop bid specifications, organize public outreach and marketing programs, and deal with the BPU, Rate Counsel and third-party energy suppliers. Also, the consultant must advise the municipality on applicable energy market conditions and be knowledgeable about energy deregulation, market opportunities and energy procurement. Further, the consultant must be able to develop commercially reasonable terms and conditions for third-party energy supplier agreements, analyze bid results and competently recommend an award of a contract to the selected supplier. Lastly, the consultant must be capable of developing, supporting and administering the bid process on behalf of the municipality.

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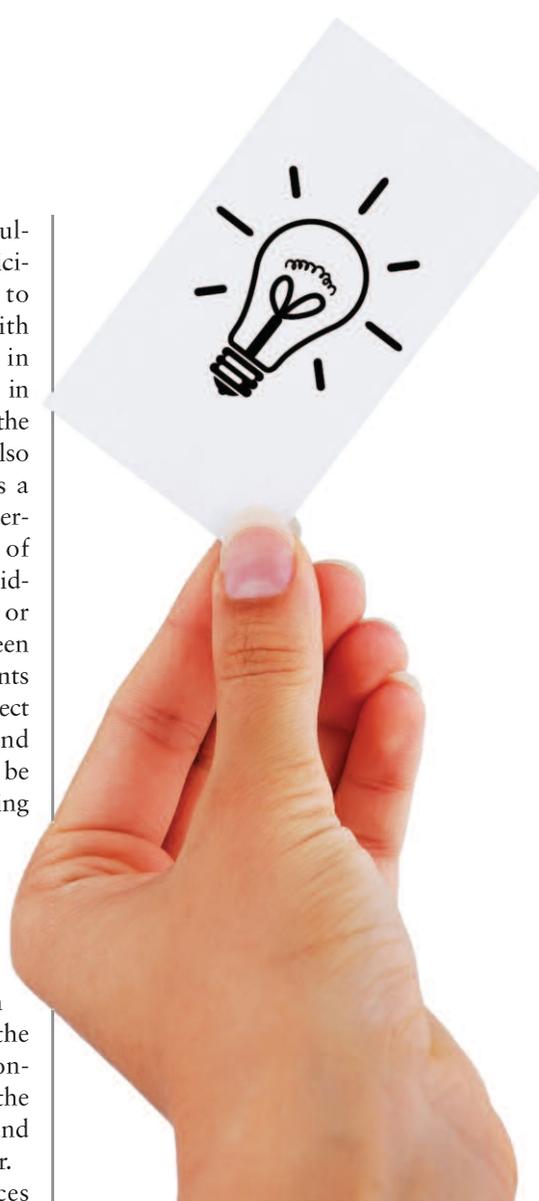
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## Choosing an Energy Consultant

**Issues to consider** Given the consultants' breadth of responsibility, municipalities must consider their ability to attend local meetings; experience with government aggregation programs in New Jersey (some of which have been in place for a decade); and knowledge of the rules governing energy procurement. Also consider whether the consultant holds a Certified Energy Procurement (CEP) certification through the Association of Energy Engineers; and, if you are considering a more complex program, his or her experience and knowledge of green energy and Power Purchase Agreements (PPAs). Finally, the consultant you select must have strong public speaking and communication skills, since they will be explaining the program and underlying policy to your citizens.

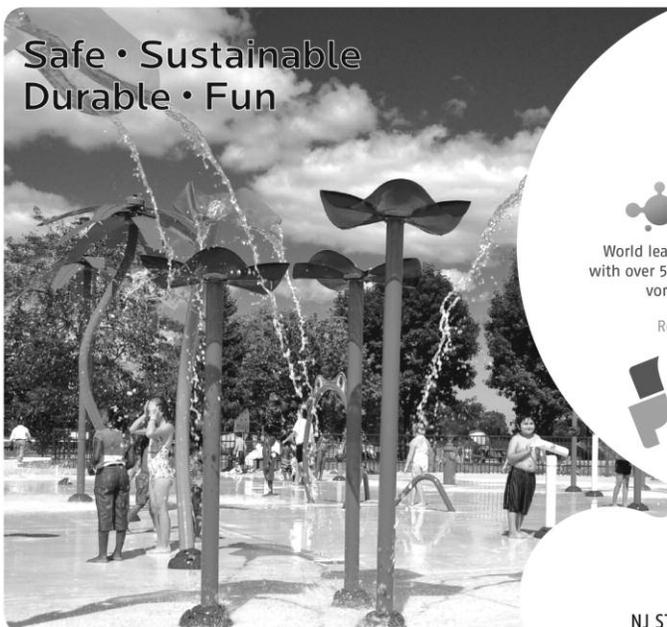
**Signing a contract** Once you've determined the top candidate, the municipality must negotiate a contract between itself and the consultant, with the aid of counsel, which must be approved by resolution of the governing body. The term of the contract should be for the duration of the agreement between the municipality and the selected third-party energy supplier. The scope of the consulting services



must be set forth in detail. At a minimum, they should include meetings with staff and residents to determine the program objectives; development of an outreach program to customers; interaction with the BPU, Rate Counsel and the local utility company; the collection of data; communication with potential third-party suppliers; development of bid specifications; the crafting of the contract with the chosen third-party supplier; the administration of the bid process; the implementation of the energy aggregation program; tracking and reporting of program performance and results; and a provision for ongoing energy advisory services. Also of major import are provisions that require the consultant to meet with representatives of the municipality on a regular basis during the whole process; to monitor the performance of the third-party supplier during the life of the contract; and to handle all customer inquiries. Other required terms of the contract would, of necessity, deal with compensation, standard of care, insurance, indemnification and termination if the consultant does not perform the contractual obligations.

Payment Consultant fees are typically earned only after the successful award of an energy supply contract. Most are structured as a unit rate per kilowatt hour (kwh) or btu of energy purchased and are paid directly by the awarded supplier to the consultant each month. The fee is an add-on to the unit supply costs. Unit fees are transparent and are included in the bid specifications. This approach rewards the consultant for successful performance and eliminates the risk to the municipality of paying for services regardless of outcome.

**Get Started Today** A well-designed energy aggregation program is the most promising avenue through which municipalities, their residents and businesses can take advantage of lower energy pricing. And, keep in mind as you work to save your constituents money that without the persistent efforts of the New Jersey State League of Municipalities, there would be no legislation permitting a municipality to act as an energy aggregator. The League also stands ready and willing to support you in these efforts. 🦋



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# Welcome to Property Assessed Clean Energy

A new law empowers towns to use their borrowing power to support clean energy projects

By James J. Florio, Esq., Member, Rutgers Climate Adaption Alliance Advisory Board; Member, Board of Directors of Regional Plan Association; Founding Partner, Florio Perrucci Steinhardt & Fader, L.L.C.; former Governor of New Jersey



In these tough fiscal times, we should be doing everything we can, at every level of government, to encourage private investment in societal goals.

**W**hen it comes to our energy future, the Garden State has a plan in place, as well as an innovative new initiative designed to help us raise the money to meet our goals. New Jersey’s Energy Master Plan (EMP), last revised in 2011, sets out the Garden State’s strategic vision for the use, management, and development of energy in our state over the next decade.

The EMP puts an emphasis on keeping energy costs down and continues to promote clean, alternative energy production and preparing for future climate challenges.

The EMP has five major goals:

- driving down the cost of energy for all customers;
- promoting a diverse portfolio of new, clean, in-state generation facilities, including 1,500 megawatts from ultra-efficient Combined Heat and Power (CHP) plants by 2021;
- rewarding energy efficiency, conservation and reducing peak demand;

- capitalizing on emerging technologies for transportation and power production; and,
- maintaining support for the renewable energy portfolio standard of 22.5 percent of energy from renewable sources by 2021.

**Improving energy efficiency** The most cost-effective way to reduce energy costs and consumption is to become more efficient. This is both good for energy consumers and the environment. Energy efficiency is the “low-hanging fruit”—the cheapest and cleanest alternative is always to cut consumption.

WHEN IT COMES TO MUNICIPAL ELECTRICITY  
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## Property Assessed Clean Energy

We are probably all using too much energy. Americans consume twice as much energy per capita as the citizens of any other industrialized nation. The silver lining of this startling statistic is that our high consumption leaves a lot of room for cost-effective investment on many fronts.

The less energy that consumers use from the grid, the less utilities have to have to pay for expensive and inefficient peaker plants to ensure capacity during high usage periods. Those savings go directly to ratepayers in the form of lower capacity costs. Towns are just getting involved in this idea by planning high-energy tasks for low cost times of day to lower energy costs. This concept can be taken even further by boosting the amount of local energy that comes from renewable sources, such as solar and wind power. Put another way, the more electricity that is produced on the customer's side of the meter, the less electricity that is needed to be supplied by the



grid, which in effect lowers capacity costs for ratepayers.

**Funding improvements** One of the major obstacles to these energy improvements, however, is the lack of upfront capital. We are living in an era of increasingly constrained public-sector budgets. Funding for energy efficiency and renewable energy installations from government sources is becoming harder to come by. If we are to make progress

as rapidly as is necessary to meet our stated strategic goals, let alone forestall global warming, more private capital will be needed.

There is encouraging news on this front from other states. And a relatively new program—PACE, is about to take off here in New Jersey. PACE, which stands for “Property Assessed Clean Energy”—has taken hold in Connecticut, California, and Florida. The program has provided funding for thousands of necessary energy efficiency

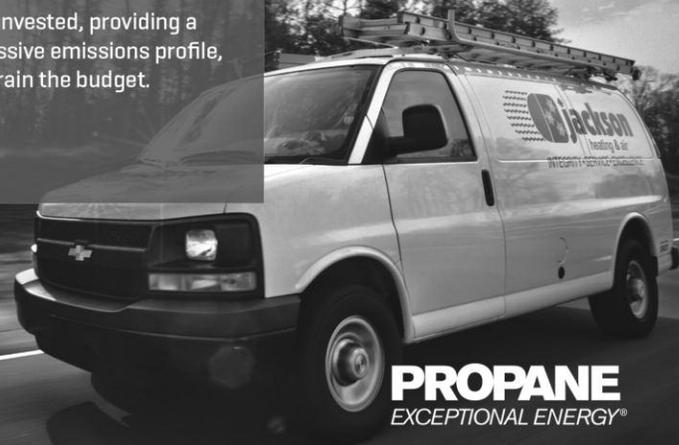
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and green energy projects with private capital in other states. And a project in Livingston, New Jersey, is now in its early stages.

**PACE** By using a “clean energy special assessment” to attach the financing to the property, instead of to the owner, PACE makes private investment more effective. This assessment mechanism uses a municipality’s ability to provide financing, but ultimately does not cost the municipality a dime.

PACE uses a municipality’s ability to provide financing to fund energy improvements that don’t end up costing the municipality a dime.

PACE works by providing financing for approved projects and arranging the repayment through a Special Assessment attached to the property. It is, in effect, leveraging the increased asset value of the property to finance the improvements over time.

The advantage to owners is that the financing does not add to their balance-sheet liabilities and provides otherwise unavailable credit for improvements such as energy upgrades, fail-safe power backups, onsite renewable generation, and micro grids.

Should the property owner sell or transfer the property, the PACE assess-

ment remains with the property, and is passed on to the new owner (along with the remaining useful life of the improvements).

New Jersey’s PACE law, P.L. 2011 c.187, was signed by Governor Christie on January 17, 2012. The law’s innovation is to graft energy projects onto New Jersey’s Local Improvements Law.

N.J.S.A. 40:56-1 et seq. The original bill gave the Economic Development Authority (EDA) the ability to establish low cost sources of financing. Governor Christie conditionally vetoed that language, leaving municipalities with other financing mechanisms.

The first of these financing mechanisms is that the law gives county improvement

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## Property Assessed Clean Energy

authorities the ability to issue bonds at the governing body's request. Alternatively, the municipality can issue bonds themselves. In either event, the important point to remember is that these bonds will be paid by the property owners through the "clean energy special assessment." Ultimately, this will not cost the municipality anything.

**The clean energy assessment** From a practical perspective, the use of these clean energy special assessments does not differ a great deal from the types of assessments most of you are used to. But, instead of having property owners pay for sidewalks or curbs they didn't ask for, the money will be paying for an energy project they want.

The law states that the clean energy assessment must be paid in quarterly installments by the homeowner. N.J.S.A. 40:56-1.4. The law limits the length of time that the assessment is to be paid,

## Benefits to Municipalities

- Municipalities retain and attract businesses that want capital improvements without the expense.
- PACE-funded projects can serve as an economic development tool, creating local jobs and investments.
- Lowered capacity costs, which result in cheaper electricity.
- Green teams can use the energy and pollution savings to reach their sustainability goals.

like any other assessment financed by bonds, to the period over which the bonds were issued, not to exceed 20 years. N.J.S.A. 40:56-35.

The other terms of a PACE project protect the municipality's investment while still providing the homeowner with necessary upfront capital. An assessment becomes a first lien on the property. Like

other assessments, the municipality can charge interest on any amount not paid within two months from the date of confirmation. N.J.S.A. 40:56-32. This is a fair deal for municipalities who put up the money for these projects.

In most cases, energy efficiency projects end up more than paying for themselves through energy savings. In addition, many provide homeowners and businesses with greater self-sufficiency and reliability, as well as more comfortable and more resilient buildings. Not to mention, the lowered capacity charges that result from the lowered demand of electricity from the grid.

**How to get involved** A new non-profit—New Jersey PACE—is launching a statewide initiative to offer a PACE program to each of the state's 565 municipalities. NJPACE will bring together property owners, contractors and investors to facilitate "deep retrofits," as well as renewable energy systems, for commercial, industrial, and major non-profit property owners such as hospitals and universities. The aim is to have projects pay for themselves with energy savings resulting in no out-of-pocket expense to the property owner—an obvious win-win.

In these tough fiscal times, we should be doing everything we can, at every level of government, to encourage private investment in societal goals. PACE and programs like it offer hope. 💡

@ To learn more visit [newjerseypace.org](http://newjerseypace.org).

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# WASHINGTON

## Optimism Should Guide Energy Policy

By Rush Holt, Congressman, 12th District

In the 19th Century, the United States faced an energy problem. We were a young nation, hungry to grow—yet we lacked the timber to fuel our fires, the coal to power our trains, and the infrastructure to move these resources from America’s inner expanses to its coastal cities and towns.

Faced with this challenge, policymakers acted forcefully. Congress passed land grants to give vast swaths of land for energy production—a subsidy estimated by DBL Investors to be equivalent to at least \$25 billion a year as a percentage of today’s budgets. Congress also gave land grants and subsidies to support the construction of a rail network to carry timber and coal. State governments played a role, too, granting corporate charters to promote mining and railroads and sponsoring geological surveys to map energy resources.

Today, in the 21st Century, the United States faces a new energy challenge. We’ve learned the dangers of climate change, which already is threatening millions of lives across the planet. We’ve discovered that old forms of energy—especially coal, but also natural gas and nuclear power—are inadequate to meet tomorrow’s challenges.

So how will we respond? Will we act as our predecessors did, boldly, forcefully and urgently? Or will we stand to the side as outdated energy sources destroy the air we breathe, the water we drink, and the land we cherish?

At the state level, lawmakers have taken promising steps. Municipalities across New Jersey have stood up against old, carbon-intensive forms of energy by passing resolutions against “fracking,” a method of drilling for natural gas where the practice has gotten far ahead of our understanding of its cost to our environment and health. Further, New Jersey committed to an aggressive plan that requires 20 percent of our electricity come from renewables, such as wind and solar, by 2020. Already New Jersey is second to only California in installed solar photovoltaic capacity.

Yet recently, New Jersey’s commitment to renewable energy has faltered. Governor Christie, who once acknowledged the obvious connection between human activity and climate

change, now dismisses as “esoteric” the question of whether climate change contributes to disasters such as Hurricane Sandy. The Christie Administration also has delayed efforts to harvest offshore wind energy. If New Jersey cannot construct even a small five-turbine demonstration project, then wind power will never fulfill its promise as a major power source for New Jersey.

**Choosing to invest in renewable energy and sustainability is one of the most important and optimistic decisions we can make.**

To make matters worse, the federal government also has wavered in its support for new energy. Tax incentives for wind power production, such as the Production Tax Credit and the Investment Tax Credit, have been allowed to expire. And Congress has not appropriated spending commensurate with the promise of future energy technologies—as evidenced by inadequate support for Princeton Plasma Physics Laboratory’s fusion energy research.

Why does America’s commitment to finding new energy sources seem so shaky today? Partly, no doubt, because oil, gas, and coal companies have, for self-interested reasons, sown doubt about the well-established fact of man-made climate change. A bigger reason, however, is that many in Congress now question whether the government can or should play a role in shifting our country’s energy future. These skeptics demand a shrunken government with a diminished ability to address our nation’s challenges.

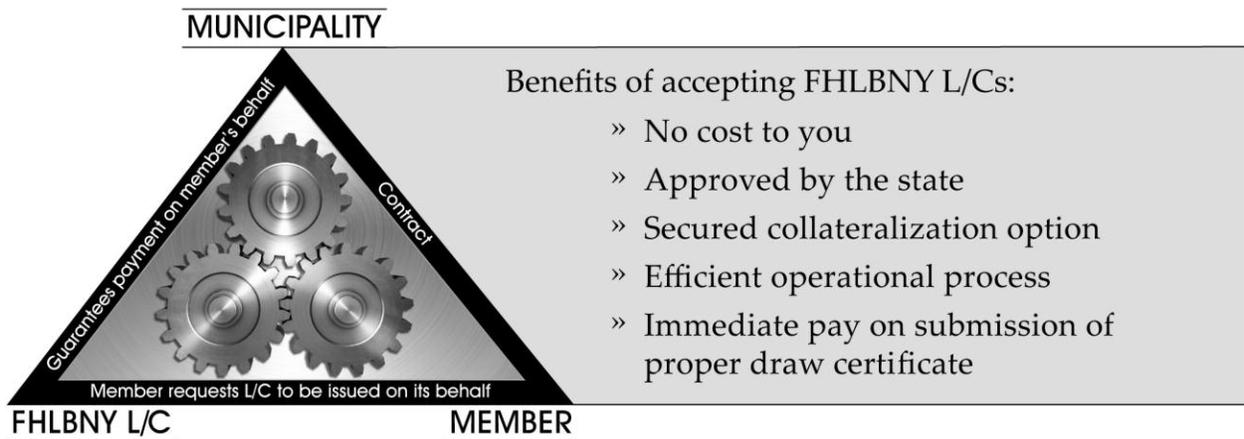
Such an attitude ignores the historic fact that our government has already shaped today’s energy landscape with its vast subsidies for oil, gas and coal. Worse, this attitude denies America’s always-optimistic vision for our future. Choosing to invest in renewable energy and sustainability is one of the most important and optimistic decisions we can make. 📌



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## Unlock Easy Energy Savings

Buying through the Sustainable Joint Meeting has cut Dover's municipal energy bill by 10 percent

By James P. Dodd, Mayor,  
Dover Town

**W**hile Government Energy Aggregation combines the buying power of residents and businesses of one or more municipalities, New Jersey's Sustainable Joint Meeting (NJSTEM) and similar programs enable towns and other government entities to buy energy for their own use through joint purchasing.

Under this type of energy aggregation program local government entities pool their electric and natural gas accounts together in order to get the best possible price.

**New Jersey's Sustainable Joint Meeting** NJSEM was formed in 2007 out of the New Jersey Environmental Risk Management Fund (E-JIF). Part of the MEL/JIF system, the joint meeting has produced taxpayer savings over \$1 billion. Since 2007, NJSEM membership has grown to more than 185 member municipalities and authorities statewide.

Since its formation, the NJSEM has adapted to changes in the energy marketplace and state regulations. They've also addressed environmental stewardship concerns.

**Meeting the Requirements of LPCL** Municipal purchases in New Jersey must comply with the Local Public Contract Law (LPCL), which seeks to assure transparency and fairness for vendors and the public. As municipal officials know all too well, compliance with LPCL requirements, while essential and important, can be cumbersome for municipalities and vendors alike.

# TRUST

## A message from your friends at NJSEM

NJSEM *are* your neighbors. Our membership includes over 180 municipalities and local authorities, and we continue to grow. Our leadership consists of member-elected municipal officials. We have a track record of saving our members money through responsible, governmentally approved bidding strategies and procedures. Our consultant, Gabel Associates, Inc., has pioneered many of the innovations in our industry by advocating for fair practices, consumer rights and progressive, cost effective products and services. Our fees are transparent. Through our electricity and natural gas procurement programs we have achieved energy cost savings for members while upgrading the renewable energy content of our portfolio, helping members meet their sustainability goals.

**There are no shortcuts to smart long-term planning and in-depth market analysis. There is no one tool for saving money.**

Every industry has its innovators and opportunists. Telling them apart is the challenge. *Innovators* take advantage of every option at their disposal, changing regulations, changing marketplaces, new strategies, new technologies and time proven methodology. *Opportunists*? Well, they're here today, gone tomorrow. NJSEM doesn't rely upon glossy paid endorsements, just real testimony, affirming the mission of NJSEM: to save our members money the *right* way. Yesterday, today and tomorrow.

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**NJ Sustainable Energy Joint Meeting**

Find us at [www.NJSEM.org](http://www.NJSEM.org)



## Easy Energy Savings

Aggregation of a large number of entities in a single bid process spreads transaction costs over a large pool of customers, thereby saving money and effort for small towns such as Dover.

Buying your energy with a large aggregation group provides similar benefits to other bulk purchasing arrangements.

Programs such as pilot e-bidding, administered by the Division of Local Government Services, allow local units to conduct on-line bids for electricity and natural gas. These bids provide for a more streamlined bidding process that suits the needs of the volatile energy markets. NJSEM has been at the fore-

front in taking advantage of the e-bidding program. The joint meeting also protects towns like mine by making sure each supplier is bidding on equal footing with well written bid specifications.

This protection helps ensure that the low bidder is actually offering the best deal. Stories abound of local units awarding a contract to an apparent low bidder, and later being hit with unexpected charges that were omitted from the original bid.

**Economies of Scale** Buying your energy with a large aggregation group provides similar benefits to other bulk purchasing arrangements. In addition to economies of scale, NJSEM supports energy and legal professionals who can provide advice to members. By spreading these costs over a large aggregation group, local units incur no up-front, out-of-pocket expenses for professional services, and the cost per member for these services is minimal.

Another important benefit is greater flexibility in the contract. For example

these contracts typically allow for a certain level of variance (20 percent or so) in usage by a customer as compared to historical usage. Because NJSEM spreads the usage risk over the entire pool, your municipality is less likely to be penalized if it is forced to close an obsolete facility.

**Renewable Energy** NJSEM also has a renewable energy component. In its most recent electric power supply bid, NJSEM required that 20 percent of the winning supplier's power portfolio include green power, which meets the state-mandated goal for 2020. Meeting this standard is consistent with my town's commitment to the environment. It may also qualify us for Sustainable Jersey credits.

Most importantly, even with this 20 percent renewable energy component, we were able to save roughly 10 percent on our municipal power bill (compared to utility rates). These tens of thousands of dollars have helped us meet the 2 percent budget cap and improve our services to residents. ♣

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- **24<sup>th</sup>** in Public Policy Analysis



# New Jersey Solar Unscathed

We can rely on our solar panels when the grid is down

By Jeanne M. Fox, Commissioner,  
New Jersey Board of Public Utilities



**A**t approximately 8:00 p.m. on October 29, Hurricane Sandy slammed directly into the New Jersey coastline near Atlantic City. Sandy's 90-mile-per-hour winds also coincided with a full moon and high tides. Over 2.7 million, or 68 percent, of New Jersey electric utility customers were without power at the peak of this storm. As a result of Sandy, there were approximately 9,000 downed utility poles and 116,000 fallen trees. Thousands of homes and businesses were destroyed, refineries were shut down and 70 percent of gas stations were offline.

As a state, we mourn these losses and have come together to rebuild. Superstorm Sandy also impacted the operations of solar and highlighted the fact that solar, as currently designed, does not operate if grid power is down. In 2001, there were only six solar projects for a total of 9 kilowatts in New Jersey. These six facilities produced approximately 10,800 kilowatt-hours of

electricity per year. At the end of December 2013, there were almost 25,873 solar installations across New Jersey for almost 1.2 gigawatts of solar capacity, which generated over 1 percent of the electricity used in the state. Today, there are about 4,200 projects in various stages of installation for almost 350,000 additional kilowatts of solar capacity in the pipeline.

## WHY BIGGER IS NOT ALWAYS BETTER IN ENERGY— UNDERSTANDING AGGREGATION

Energy procurement can be a complex and overwhelming task—from the time-consuming and costly RFP process, to navigating the energy market, to understanding government regulatory compliance. As a result, many municipalities and other governmental agencies have joined an aggregation program to help streamline their procurement process. However, this approach does not always provide the best value for your energy dollar. Here are three important points to keep in mind when weighing your options:

**1. Bigger is not better.** The concept of an aggregation, or buying in bulk, was popularized by stores like Walmart and Costco, which use their buying power to reduce prices from suppliers and pass the savings on to consumers. However, buying electricity or natural gas is not the same as buying household goods. Energy markets are complex and volatile. Informed decisions come only from vast industry expertise and a keen sense of where energy prices are headed. Buying energy in larger amounts does not guarantee a lower rate. *In the energy market, timing is everything.*

**2. The risk of cross-subsidies.** Aggregations are better suited for smaller energy consumers who become more attractive when grouped with larger energy consumers. Unfortunately, larger energy users with multiple meters, such as municipalities and utility authorities, typically do not benefit from aggregations because they end up paying higher rates to compensate for other members who use less energy or have a low load factor.

A similar situation occurs in the healthcare industry. In a health insurance pool, the cost of covering a healthy 25-year-old is less than the cost of covering a 55-year-old. If they both pay the same premium, then the younger member is essentially subsidizing the cost of covering the older member.

**3. Energy Firms make procurement virtually painless through technology.** One of the benefits of consulting with an Energy Firm that provides Reverse Auction Technology is the ability to take advantage of a more competitive

bidding process. Another advantage is that most Energy Firms will assess the usage patterns and contractual needs of a municipality for items such as billing terms, and build those factors into the RFP. When the reverse auction is held, a municipality and its board members can watch live via an online portal as the top participating energy suppliers outbid each other during the event. Some firms will also offer legal assistance to help the municipality finalize the terms of the contract with the winning supplier.

Aggregators and less-qualified broker firms do not provide transparent technology or risk management services when forming an aggregation.

Whichever approach you take, it's helpful to have an experienced firm guide you through the procurement process and make sure you're getting the best energy rate and terms possible. Reputable Energy Firms working with New Jersey Government will:

- Be DCA-certified
- Be a licensed consultant by the New Jersey BPU
- Offer cutting-edge technology that provides a real-time market for current energy supplier rates
- Have experience in negotiating contracts that comply with New Jersey state law requirements
- Provide access to legal and risk management professionals to help you make informed decisions
- Promote a proactive approach for constantly evaluating your market position, and looks to capture savings opportunities—before and after a contract is signed

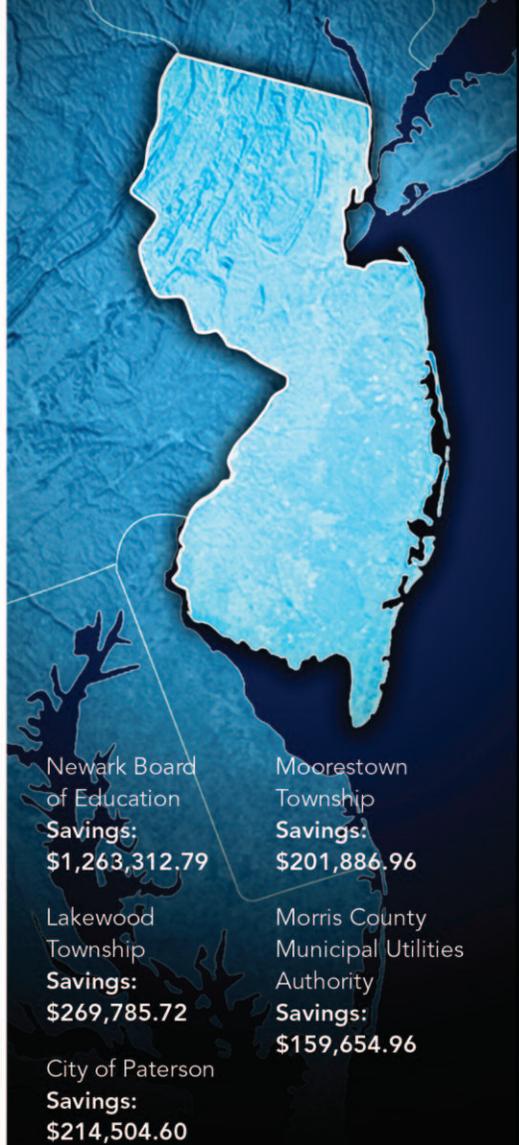


**Todd Segmond**  
Chief Executive Officer

Todd Segmond is the founder and CEO of Energy Market Exchange (EMEX, LLC). He has been associated with the energy industry for more than 20 years and has been a part of deregulation since its inception. Throughout his tenure with EMEX, Segmond's vision has manifested into groundbreaking technology that has revolutionized the energy procurement process. Segmond is a self-made business man and entrepreneur with an extensive background in trading energy commodities.

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## Solar

After Hurricane Irene there were no reports of any significant solar panel damage. Likewise after Sandy, while there was damage to some projects, there were no reports of massive panel damage. Even some panels that were on buildings that were destroyed by the storm survived intact. The 1 gigawatt of

A smarter grid can help us make the most of all our energy investments in the days and weeks following a powerful storm.

installed solar did not assist in the aftermath of the storm, but a change in design could address this issue. When grid power to a home is down, the solar inverter senses the loss and shuts down the system. This happens by design and is required by code.

**Why solar shuts down** Most solar systems are not designed to operate independently of grid power. The distribution grid under net metering acts as the storage component for the system. When the solar generator does not use the solar electricity, it is virtually stored on the distribution grid to be used later. When the sun goes down, the solar generator gets back the solar electricity that was stored on the distribution grid. The solar generator's electricity is not really stored on the grid, but under net metering the grid functions like storage for the generator. This standard design works well, except when a majority of the grid power is out from a storm. The solar generator loses the ability to store solar electricity.

Solar can be designed to operate as a part of a storm emergency response solution with two system changes. One is through use of an inverter that senses the grid power is offline and switches the solar to isolate the photovoltaic system. This isolation needs to include a transfer of critical loads within the building. The switching (which is what happens when an emergency diesel generator comes online) is a little more difficult with solar because of the variability of the solar gen-

eration. This transfer has to be able to match critical loads to account for the variable generation of solar.

The other way solar can operate following a storm is through an onsite storage system, since the grid is no longer the storage system. Currently, this storage is in batteries onsite, but the onsite batteries only have to support the critical loads and not the full building load. In the future, within a smarter grid, this may be improved through community storage or distributive storage.

**Off-grid solar** There continue to be advances in the area of off-grid solar. New Jersey has invested in companies that design and build these types of systems. One is Princeton Power Systems in Lawrenceville. The Board of Public Utilities and our Economic Development Authority have funded the growth of this clean-energy company since 2005. Princeton Power designs and builds inverters that can operate as grid tie systems, but more importantly as off-grid systems. They have designed and operated several solar systems that can be isolated from the grid to operate when the grid is down.

New Jersey is currently evaluating other systems that can operate in a storm-response mode when the grid is down. Solar with storage could be included in that mix. Designing solar for off-grid with storage is currently more expensive than the standard design. When viewed in retrospect after a hurricane, however, this redesign could add significant value.

**Smart grid** One of the keys to advancing off-grid solar in a storm response mode is smart grid. Smart grid is more than just installing advanced meters at homes or businesses. Smart grid is enhancing the intelligence of the distribution grid so that it is able to add innovative technologies such as storm-responsive distributive generation.

A smarter grid can help us make the most of all our energy investments in the days and weeks following a powerful storm. 🌩️

This article was reprinted from the March/April 2013 issue of EnergyBiz Magazine.



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# GOLD DOME

## Déjà Vu Pension Politics

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

**D**uring Governor Christie's first term, pension and health benefits reform was his signature achievement. Politically, it was a master stroke. Christie presented himself to the national GOP as having the courage to take on public employee unions, pillars of the Democratic Party, by making them pay more into the system and receive less overall benefits.

Christie also scored political points for taking a Democratic leadership idea and making it his own. By doing so, he cemented his close relationship with Senate President Steve Sweeney (who had been pushing for such reforms for years) and divided Democratic opposition.

The pension system was underfunded by more than \$50 billion in 2010—largely the result of successive Democratic and Republican administrations in Trenton failing to fully pay the state's obligated contributions. For years, politicians from both sides of the aisle kicked the can down the road.

And so, in 2011, as part of overall pension reform, Democratic legislative leaders demanded that the state pay up. New Jersey now has seven years to catch up on what it owes. In bi-partisan fashion, the full set of reforms became law and were lauded by everyone involved as having saved the system.

Financiers Richard Ravitch and Paul A. Volker, along with former New Jersey Democratic Party chair Tom Byrne, were among the few who focused on the state's balloon payments that would total between \$4 and \$5 billion by FY2018, potentially swallowing up 15-percent of the state budget.

The stage was set for Governor Christie's 2014 budget address when he surprised many with his demand that the solvency of the pension system be a top priority. The system is underfunded, he said. It is a burden on our overall economic health. We have to make major changes.

It was as if the 2011 reforms never happened. As Yogi Berra would say, "it was déjà vu all over again."

In subsequent comments, Christie pushed forward with his new/old agenda item. If the Democrats don't cooperate on additional changes to the system (again), he would use "extreme measures." At this point, no one outside the Governor's inner circle has any idea what those measures will entail.

Several factors will shape the coming debate.

**The Foil** For Christie, who is facing current year budget shortfalls exacerbated by a less-than-robust economy, the pension issue provides a convenient foil. He can deflect critics who decry the lack of state investments in infrastructure, services and education by saying, "It's the out-of-control pension system, not me!"

**A Dry Well** Legislative Democrats, including Senate President Sweeney, Majority Leader Loretta Weinberg, Budget Chair Paul Sarlo, Assembly Speaker Vincent Prieto, Majority Leader Louis Greenwald and Budget Chair Gary Schaer were unified and adamantly opposed to the Governor's plan to re-open the pension system for additional changes.

First, they believe that the current seven-year plan will resolve most outstanding issues. Furthermore, politically, they see no reason to go back to that well a second time—especially when the key political beneficiary would be the lame-duck and politically-weakened Chris Christie.

The Governor knew what the payment schedule would be when he signed the deal, they say. He can't get out of it now.

**Post-Christie New Jersey** Two Democrats are actively positioning themselves for a 2017 gubernatorial run: "the Steves"—Senate President Steve Sweeney and Jersey City Mayor Steve Fulop. To win, they are likely to need strong union support.

Therefore, Sweeney will face significant political pressure to avoid making union members pay even more and receive even less in a new round of pension changes. Fulop, who has been attacking Democrats who have worked too closely with Christie (such as Sweeney), is even less likely to join the Governor's crusade.

Without legislative agreement on the Governor's pension agenda, we are back to deciphering what the Governor meant by "extreme measures." Will he shut down the government at the end of the fiscal year if his demands are not met? Will he impose restructuring through executive orders (an option that will likely end up in court)? Will he veto every Democratic bill that arrives at his desk to force action? The possibilities are endless.

Only time will tell if the Governor's threat is real, or if the issue will be dealt with down the line—déjà vu all over again. ❧



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# Powering through the Next Storm

NJ's water and waste utilities are exploring energy innovations to create power that can stand up to storms like Hurricane Sandy

By Peggy Gallos, Executive Director,  
Association of Environmental Authorities



“That’s not noise, that’s innovation,” remarked Cape May Freeholder Morey, referring to the sound coming from a new landfill gas generation system at the Cape May County Municipal Utilities Authority (CMCMUA). Freeholder Morey helped throw the switch for the system last October.

**Landfill gas fuels the grid** Gas created by the CMCMUA landfill powers engines that generate two megawatts (MW) of electricity. Power not consumed on site is sold to the grid. This creates revenue for CMCMUA and helps maintain the reliability of the regional electric grid operated by PJM Interconnection, which coordinates the movement of electricity in New Jersey, 12 other states and the District of Columbia.

In contrast, the latest innovation at the Atlantic County Utilities Authority (ACUA) doesn’t announce itself with the volume the CMCMUA project does, but it is also important.

**Using stored wind and solar energy** ACUA is developing a battery storage system for its wastewater treatment plant, which serves 14 municipalities. The site is also home to wind turbines with a 7.5 MW capacity and a 500-kilowatt (kW) solar array. ACUA partner Viridity Energy will install one MW of battery storage there later this year.

This is the kind of innovation that is getting a great deal of attention—ever since Oct. 29, 2012. Superstorm Sandy interrupted power to significant portions of New Jersey. The storm crippled some wastewater plants and pump stations, although



Customers who have invested in renewable energy are finding new value through energy storage, such as in this 1 MW Saft battery. By pairing renewable energy with energy storage systems, a greater economic and environmental benefit is earned through real-time integration with energy markets.

the U.S. Department of Energy (DOE), the DOE's National Renewable Energy Laboratory (NREL), and FEMA to analyze HMGP requests for energy solutions. Opportunities to build energy resiliency include retrofitting existing solar photovoltaic systems to provide continuous power during a disaster; exploring fuel cells, combined-heat-and-power (CHP); or other resilient technology. Some of these systems could result in monthly energy savings and be "islanded" from the electrical grid during disasters.

public is given priority. Water and wastewater facilities are considered critical infrastructure, because they protect public health and maintain a sense of normalcy during a disaster. The State of New Jersey partnered with

Where there are contiguous critical infrastructures, a micro grid could supply power to these public assets.

CMCMUA and ACUA are but two forward thinking utilities authorities. Many installed advanced energy systems long before Sandy, supported by the

New Jersey's public clean water and solid waste utilities authorities and municipal departments will be fertile ground for improving grid reliability and energy resilience.

several plants were able to continue operations because of back-up power systems based on combined-heat-and-power technology. The state has been studying these experiences, to find ways to improve the state's energy resilience.

**Energy resilience** Through the Hazard Mitigation Grant Program's (HMGP) Energy Allocation Initiative, \$25 million is being allocated to 147 jurisdictions and public entities, including utilities authorities, to support energy resilience projects using FEMA funding. Critical infrastructure required to protect the



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## Energy Reliability & Resilience

New Jersey Environmental Trust and the Clean Energy Program. They are well-positioned to deliver the results that the state is looking for.

Through the Hazard Mitigation Grant Program's (HMGP) Energy Allocation Initiative, \$25 million is being allocated to 147 jurisdictions and public entities.

### The Cape May County Municipal Utilities Authority path to the grid

Getting this project off the ground was a challenge. In 2009 CMCMUA applied to PJM to enter its Wholesale Participation Market, or "queue." The application was predicated on determining how much electricity interconnection to the grid could be sustained and understanding whether system emissions would meet New Jersey

Department of Environmental Protection (NJDEP) standards.

By mid-year 2012, NJDEP permits had been granted and other state and federal requirements were met. Construction began and in October 2013, the engines started. Nearly all the design and construction was completed in-house, avoiding millions of dollars in added costs. CMCMUA expects to generate over \$1 million in revenue this year; the overall payback on the investment is less than five years.

### Atlantic County Utility Authority banks on a battery

The battery at ACUA will be part of PJM's frequency regulation program, which balances local grid supply and demand. The battery, being developed in partnership with Viridity Energy, will be within the ACUA micro-grid system. It will first pull any available wind and solar power. Power from solar and wind is "intermittent," available only when the sun shines or the wind blows. That means electricity from these sources cannot be factored into "baseload" generation, as natural gas, nuclear, or coal-powered generation are. Storing the energy from solar and wind in a battery—an approach called frequency regulation—

solves the problem of intermittency. Frequency regulation matches the grid's real-time supply and demand.

"The instant dispatch capabilities of batteries make them an excellent solution to intermittency," said ACUA President Rick Dovey. "The State of New Jersey currently ranks third in the nation with 1.1 MW of installed solar capacity. With battery storage technologies added, New Jersey can better leverage existing solar capacity to reduce the need for traditional fossil fuel generation."

Battery technologies help operators reliably manage the grid without calling for more generation from power plants or asking customers to reduce consumption. They also respond instantly to grid signals. If there is excess supply, the batteries can charge up, and then switch to supply power back to the grid on a moment's notice. While battery storage systems are well-suited for solar or wind facilities, they can be used if there is sufficient transmission infrastructure.

**Additional funding** New Jersey's public clean water and solid waste utilities authorities and municipal departments will be fertile ground for improving grid reliability and energy resilience.

In addition to the hazard mitigation grants mentioned above, a Housing and Urban Development (HUD) program includes a New Jersey Energy Resiliency Bank (ERB), offering \$200 million in loans to help build energy resilience through financing of distributed energy projects. The first phase will fund wastewater treatment plants and hospitals. Projects eligible for ERB loans will be selected based upon technical feasibility, resilience benefits, financial attractiveness, and criticality of the asset. ERB funding could begin by the end of 2014. ♻️

Atlantic County Utilities Authority serves 14 municipalities and utilities. Cape May County MUA provides services in 16 municipalities. The Association of Environmental Authorities of NJ (AEA) is a trade association of publicly owned government agencies and private-sector businesses that provide or support clean water and solid waste utility service for approximately eight million New Jerseyans.

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# The On-site Resiliency Solution

Combined Heat and Power systems can power critical facilities every day, even during electric grid outages

By Richard Sweetser, Senior Technical Advisor, Mid-Atlantic CHP Technical Assistance Partnership, US Department of Energy  
& Gearoid Foley, Senior Technical Advisor, Mid-Atlantic CHP



**D**uring Superstorm Sandy there were multiple high profile cases of emergency generators that did not function properly. For example the back-up generator at New York University’s Langone Medical Center and the fuel pumps for backup generators at Bellevue Hospital failed after the basement flooded. These hospitals were forced to evacuate patients to other medical centers during the storm.

During the Northeast blackout in 2003, half of New York City’s 58 hospitals suffered backup generator failures. During the same event, the lack of backup power allowed 145 million gallons of raw sewage to be released from a Manhattan pumping station.

Combined Heat and Power (CHP), a type of distributed generation that is located at or near the point of consumption, offers an on-site resiliency solution that can replace or work in conjunction with traditional back-up generators.

In some cases, Combined Heat and Power systems provide backup power when the grid goes down. CHP systems have been used throughout New Jersey for many years in a variety of applications including assisted living facilities, YMCAs and wastewater treatment plants.

**The Benefits of CHP** Combined heat and power (CHP), also known as cogeneration, is the production of electricity and useful thermal energy (which can be used for heating and/or cooling) from a single fuel source. Typically it runs in parallel with the electric grid and it can also be configured to run in 'island mode' without the grid. In addition, CHP can provide energy cost savings that can help pay for the expense of its installation over time.

A CHP system that runs every day and saves money continuously is more reliable in an emergency than a backup generator system.

Under the clean energy program incentives are available for Combined Heat and Power systems that are permanently installed, fuelled with either natural gas or bio-fuels and meet minimum efficiency criteria. Visit [njcleanenergy.com](http://njcleanenergy.com) to learn more.

CHP in New Jersey has the potential to improve electric grid resiliency and maintain critical facilities through grid interruptions, while also helping spur economic growth and reduce greenhouse gas emissions. With long-term operation, the energy cost reductions resulting from the CHP project can provide a payback that covers the cost of installation as well as providing energy cost savings.

**Economic and policy benefits** In addition, combined heat and power can positively impact the health of local economies and supports national policy goals in a number of ways. Specifically, CHP can:

- Enhance our energy security by reducing our national energy requirements and help businesses weather energy price volatility and supply disruptions;
- Advance our climate change and environmental goals by reducing emissions of CO2 and other pollutants;
- Improve business competitiveness by increasing energy efficiency and managing energy operating costs;
- Increase resiliency of our energy infrastructure by limiting congestion and offsetting transmission losses;
- Diversify energy supply by making better use of domestically produced and renewable fuels; and
- Improve energy efficiency by capturing heat that is normally wasted.

**CHP can power critical facilities**

Municipal critical infrastructure services like fire and police departments, prisons, municipal offices, and sewage and water treatment facilities must operate despite power outages caused by storms, cyber attacks or other grid disruption events to properly serve their communities. CHP systems can be configured to meet

the specific reliability needs and risk profiles of various customers, and to offset the capital cost investment for traditional backup power measures.

**Advantages over backup generators**

Critical infrastructure facilities typically have backup generators onsite to supply electricity in the case of a grid failure; however, CHP systems offer several advantages over backup generators. In some sectors, such as hospitals, the presence of a CHP system may not override the necessity of having a backup generator due to legal requirements. Nevertheless, CHP systems provide regular benefits to their host facilities, in addition to its ability to supplement or provide emergency power.

Some advantages that CHP systems have over backup generators include:

- Backup generators are seldom used and are sometimes poorly maintained, so they can encounter problems during an actual emergency. Most CHP systems run daily and are typically better maintained.
- Backup generators typically rely on a finite supply of fuel on site, often only enough for a few hours or days, after which more fuel must be delivered. Many CHP systems have a permanent source of fuel on demand; because most natural gas infrastructure is underground and rarely impacted by severe weather events.

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## Combined Heat & Power Systems

- Backup generators may take time to start up after grid failure and this lag can result in the shutdown of critical systems. Backup generators that are not permanently located on-site can lead to further delays. CHP systems are the permanent and primary source of electricity for the sites they serve, and if properly sized and configured, are not impacted by grid failure.

Combined heat and power positively impacts the health of local economies and supports national policy goals.

- Backup generators typically burn diesel fuel; while CHP systems typically burn natural gas, a cleaner fuel, and achieve significantly greater efficiencies, lower fuel costs, and lower emissions.



Combined Heat and Power systems can, in many cases, provide backup power when the grid goes down. CHP systems have been used throughout New Jersey for many years in a variety of applications including assisted living facilities, YMCAs and wastewater treatment plants.

- Backup generators only supply electricity; whereas, CHP systems supply heating and/or cooling, in addition to electricity.

Overall, a CHP system that runs every day and saves money continuously is more reliable in an emergency than a backup generator system that only runs during emergencies. ⚡

## Benefits of CHP

CHP plays an important role in meeting the United States' energy needs as well as in reducing the environmental impact of power generation, including:

**Efficiency Benefits** CHP requires less fuel to produce a given energy output, and avoids transmission and distribution losses that occur when electricity travels over power lines.

**Reliability Benefits** CHP can be designed to provide high-quality electricity and thermal energy to a site regardless of what might occur on the power grid, decreasing the impact of outages and improving power quality for sensitive equipment.

**Environmental Benefits** Because less fuel is burned to produce each unit of energy output, CHP reduces air pollution and greenhouse gas emissions.

**Economic Benefits** CHP can save facilities considerable money on their energy bills due to its high efficiency and can provide a hedge against unstable energy costs.

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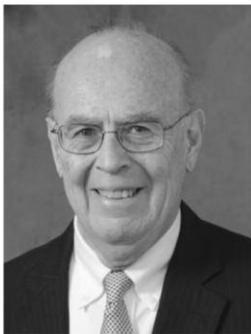
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# LEGISLATIVE UPDATE

By Michael F. Cerra, NJLM Director of Government Affairs;  
Lori Buckelew & Jon R. Moran, NJLM Senior Legislative Analysts  
& Edward Purcell, Esq. Staff Attorney-NJLM Associate Counsel

## S-928/A-2716



### The Economic Opportunity Act of 2014 Part I

**Sponsors:** Senate: Lesniak and Pou  
Assembly: Watson Coleman and Cryan

**Status:** Passed Senate; Assembly Commerce and Economic Development Committee

On March 27, the New Jersey Senate approved S-928, the Economic Opportunity Act of 2014 Part I. This legislation, a follow up to last year's Economic Opportunity Act, 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 be economically infeasible, 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 \$200 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.—MFC

## A-1475/S-875



### Expanding the Government Records Council

**Sponsors:** Assembly: Diegnan, Giblin, Coughlin,  
and Vainieri Huttle  
Senate: Vitale and Kean

**Status:** Unanimously passed the Assembly and awaits consideration by the Senate State Government, Wagering, Tourism and Historic Preservation Committee

The League of Municipalities supports A-1475, which provides that the President of the Municipal Clerks' Association of New Jersey and one additional public member shall serve as members of the Government Records Council.

Municipal clerks are on the front lines of the Open Public Records Act (OPRA) in New Jersey. They are, by statute, the records custodian and are the first point of contact for those requesting records. It only makes sense that the Municipal Clerks' Association should have a voice on the Government Records Council, the administrative body charged with enforcing and interpreting OPRA.

By adding one additional public member along with the President of the Municipal Clerk's Association, A-1475 addresses the Governor's concern that an appropriate balance be maintained by ensuring government employees do not dominate the Government Records Council.—LB

## A-366/S-1713



### Clarifies Telecommunication Taxes

**Sponsors:** Assembly: Caputo  
Senate: Smith

**Status:** Assembly Telecommunications and Utilities Committee  
Senate Community and Urban Affairs Committee

These companion bills clarify the application of the business personal property tax on local exchange telephone companies. The Tax Court in *Verizon New Jersey Inc. v. Hopewell Borough*, decided June 26, 2012, incorrectly construed the plain meaning of the language of the statutory change made in 1997. That statutory change was intended to grandfather into the local property tax base the business personal property of all incumbent local exchange companies that were then subject to that tax and were a telecommunications carrier then meeting the one time definition, not an annual redefinition, of providing dial tone and access to 51 percent of a local telephone exchange.

In 2009, Verizon claimed itself exempt from the payment of Business Personal Property Taxes in five municipalities, based on its own interpretation of a 1997 law. It unilaterally determined that it no longer provided dial tone access to at least 51 percent of the local telephone exchanges. Hopewell Borough (one of the five) challenged Verizon's claim to the Mercer County Board of Taxation and prevailed. Verizon appealed that decision to the Tax Court.

While the Tax Court deliberated, 28 municipalities were denied Verizon BPPT in 2010, 31 more in 2011 and 45 more in 2012. This unintended erosion of the local property tax base will impact all other local property taxpayers in these and possibly more municipalities. The business personal property tax base was not intended to be eroded by an annual test. This bill will restore the intended local property tax status quo as was intended by the 1997 law.

After the Tax Court issued its preliminary decision in favor of Verizon, in 2012, Hopewell Borough, joined by the League as *amicus curiae*, asked the Appellate Division to review the ruling. The Appellate Division denied that request, effectively denying the taxpayers in over 100 municipalities the opportunity for relief. In response to that decision, legislation was introduced by Assemblyman Ralph Caputo and Senator Bob Smith. Their bill provides clear direction to the courts regarding the Legislature's intent to protect residential taxpayers.—JRM

This legislation would authorize municipalities to penalize creditors who fail to address code violations of vacant residential properties in foreclosure.

Specifically, A-347/S-288 allows a municipality to include a description of the conditions that led to the code violation and require that a municipality

provide a period of not less than 30 days for the creditor to remedy the violation. If the creditor fails to remedy the violation, the municipality is authorized to impose penalties pursuant to NJSA.40:49-5.

The Governor has until mid-May to act on the bill.—MFC

## A-347/S-288



### Penalties for Code Violations on Foreclosed Properties

**Sponsors:** Assembly: Caputo; Prieto, Tucker, Eustace, Wimberly

Senate: Rice, Stack

**Status:** Passed both Houses, on the Governor's Desk

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**A-2280/S-1305**



**Mandates Video Recorders for Traffic Enforcement**

**Sponsors:** Assembly: Moriarty

Senate: Norcross

**Status:** Assembly Appropriations Committee

Senate Budget and Appropriations Committee

Companion bills that impose new costs on municipalities have been advanced. Please share your thoughts on these bills with your legislators.

The League of Municipalities opposes A-2280 and S-1305, which would require new or used municipal police

vehicles used for enforcement of motor vehicle laws to be equipped with mobile video recording systems. The bills provide that a mobile device video recording system, worn or otherwise used by a police officer, would qualify as an alternative to a device placed in a vehicle.

In addition, the bill increases by \$25 the surcharge imposed on persons convicted of driving while intoxicated. The additional surcharge is payable to the municipality where the conviction was obtained to support the cost of the video recording systems required by this bill. If the summons is issued by a county's law enforcement agency or a state law enforcement agency, the additional surcharge will be directed to the entity that issued the summons.

We appreciate the sponsors' desire to better document the administration of justice during traffic stops. And we appreciate the surcharge provisions,

which are intended to protect our taxpayers from the costs associated with this new mandate.

However, according to the Fiscal Estimate, prepared by the Office of Legislative Services the "... total municipal costs associated with the enactment of this bill will likely be higher than the municipal share of revenue raised by the increased fee on DUI convictions." Passage of this initiative would, therefore, result in the imposition of an unconstitutional unfunded mandate, pursuant to Article VIII, Section II, paragraph 5, of the State Constitution.

For that reason, the League of Municipalities opposes A-2280 and S-1305. The Assembly Law and Public Safety Committee has already approved A-2280 and that bill awaits further consideration in the Assembly Appropriations Committee. Likewise, the Senate Law and Public Safety Committee has endorsed S-1305.—JRM

**S-321**



**Expands Options for Smoking Ban Enforcement**

**Sponsor:** Senate: Gordon

**Status:** Senate Health, Human Services and Senior Citizens Committee

The League's Legislative Committee supports S-321, which would permit a municipality to impose a civil penalty, in lieu of a petty disorderly person's offense, for smoking lighted tobacco products in a public place.

Often, violations of the smoking ban are committed by students in public places or on busses, in connection with school-related activities. The resulting presence of a disorderly person's offense on the student's record can negatively affect their future employment, advanced education and the award of scholarships and other financial assistance. The local governing body can best decide whether local violators of a local ordinance should be subject to a civil or a disorderly person's penalty,

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which can include incarceration.

Members of NJLM's Legislative Committee expressed the hope that local governing bodies will, in future legislation, be given the opportunity to similarly regulate the growing use of e-cigarettes; and we would welcome the opportunity to work with any interested parties on that matter.—JRM

## S-316



### Facilitates Consolidations

**Sponsor:** Senate: Gordon

**Status:** Senate Community and Urban Affairs Committee

The League of Municipalities supports S-316, a bill designed to facilitate municipal consolidations.

We want to thank the sponsor, Senator Robert Gordon, for his leadership on

this issue, and for including our suggested provisions in this bill.

This bill includes a requirement for voter approval of a proposed consolidation. It includes a requirement that state agencies consider local circumstances in making decisions regarding consolidations. Further, the legislation contains a provision that directs the Department of Community Affairs to provide an analysis of the fiscal impact of a consolidation proposal.

Our Legislative Committee strongly believes that the citizens need to have final say on a consolidation proposal. We also believe that the citizens need to be given the information they need—including an independent fiscal analysis—in order to make an informed decision.

Other provisions in the bill would allow, but not require:

- The applicants for consolidation to develop their own process for the equalization of property assessments in the new municipality, subject to the approval of the Director of the Divi-

sion of Taxation in the Department of the Treasury.

- Districts based on old or newly established boundaries with unique planning mechanisms, services, and ordinances in the new municipality.
- The apportionment of debt among the taxpayers of the consolidating municipalities as debt within special taxing districts in any manner that the parties mutually agree upon in the consolidation plan.
- Severance pay for employees of the consolidating municipalities if they are to be terminated by the new municipality to encourage them to stay in their positions until the consolidation is effectuated.

The bill would also provide greater clarity with respect to the petition process and the consolidation process by providing that it shall be implemented in accordance with the consolidation plan under the oversight of the Local Finance Board.—JRM



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# Harnessing Energy from Biogas and Cooking Fat

The Bergen County Utilities Authority's renewable energy project is saving tax dollars and the environment

By Robert E. Laux, Esq., Executive Director,  
Bergen County Utilities Authority



**T**he Bergen County Utilities Authority (BCUA) has been taking waste and processing it to create power. The energy generated lowers the amount of electricity that the Utilities Authority needs to purchase, saving money and reducing air pollution from power plants.

BCUA operates a combined heat and power (CHP) cogeneration facility at the Water Pollution Control Facility (WPCF) in Little Ferry. The CHP facility consists of two 1.4 megawatt engines that can burn both biogas and natural gas to generate heat and electricity.

Since June 2008, the BCUA has saved over \$11 million on the cost of electricity and natural gas that would have been purchased if there was no CHP operation. And, we are plan-

ning on expanding the CHP facility to add a third 1.4 megawatt engine.

In 1995, the BCUA installed two 1.3 megawatt engines to power blowers which blow air into the aeration tanks needed to process the wastewater (the Little Ferry WPCF has a wastewater process capacity of 109 million gallons per day). These engines were the first to burn both natural and biogas generated from the anaerobic digesters.

**Burning cooking oil and grease** In 2012, BCUA conducted a pilot study adding waste fats, oils and grease (FOG) generated at restaurants, cafeterias and other establishments throughout the county to the sludge processed through the

The five anaerobic digesters at the Little Ferry WPCF process between 350,000 and 500,000 gallons daily and generate up to 700,000 cubic feet of biogas each day (or roughly 1.8 cubic feet of biogas per gallon of sludge). The study showed that if six truck loads of waste fats, oils and grease (FOG) are delivered daily to the BCUA for processing, the additional biogas generated would warrant installing a third engine for the CHP facility.

Based on those findings, the BCUA will also implement a program to accept brown grease from local food establishments that the Authority will use to create additional renewable energy to run our facilities.

**Funding a third engine** In order to fund the project, we have aggressively pursued grants that allow us to further invest in renewable energy projects through the Renewable Energy Incentive Program (REIP) operated by the New

Jersey Board of Public Utilities (NJBPU). The Authorities grant application included estimated energy generation, the BCUA study on FOG processing in the anaerobic digesters, current purchasing of electric and natural gas at the Little Ferry WPCF and engine specifications. It also included a project cost estimate of approximately \$6.5 million. In August 2013, NJBPU awarded the BCUA a \$2.5 million REIP.

The BCUA has also applied for a low interest loan through the New Jersey Environmental Infrastructure Financing Program (NJEIFP). This loan will provide the balance of the estimated project costs. The New Jersey Department of Environmental Protection (NJDEP), which assists in ranking loan applications to NJEIFP has expressed great interest in this project, citing its consistency with the State Energy Management Plan's objective to enhance micro-grid and sustainable energy development. The BCUA is currently

Since June 2008, the BCUA has saved over \$11 million on the cost of electricity and natural gas that would have been purchased if there was no CHP operation.

anaerobic digesters. The study revealed that for every gallon of FOG added to the sludge processed, an additional 8.2 cubic feet of biogas is generated.

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## Harnessing Energy

working with the different divisions of the NJDEP on permits.

**Renewable energy pays off** The BCUA is focused on responsible renewable energy efforts. It takes a lot of energy to run our facilities. Our efforts to produce renewable sources of energy will save money for taxpayers and help reduce our overall carbon footprint.



The study revealed that for every gallon of FOG added to the sludge processed, an additional 8.2 cubic feet of biogas is generated.

In 2013 the CHP Cogeneration facility generated over 13 million kilowatt hours of electricity and about 39,000 million BTU of thermal energy. This resulted in annual cost savings of \$984,072 for electricity and \$305,833 for natural gas that would have been

In 2013 the CHP Cogeneration facility generated over 13 million kilowatt hours of electricity and about 39,000 million BTU of thermal energy.

purchased. The BCUA also earned \$20,516 in Renewable Energy Credits due to the cost savings. The operation of the third engine would provide an addi-

tional annual cost savings of \$534,094 for electricity and \$101,944 for natural gas that would have been purchased. This also will reduce costs for transportation of FOG which currently is trucked to distant locations in New Jersey for incineration.

The goal of our renewable energy efforts is to generate savings for ratepayers by operating our water pollution control facilities more efficiently with less reliance on energy purchased from the grid. Our efforts also benefit the environment.

The Bergen County Utilities Authority has received awards from the NJBPU and NJDEP for the CHP cogeneration facility and received the Excellence in Management Award from the National Association of Clean Water Agencies' for its commitment to sustainable, successful programs. Bergen County residents will continue to benefit from a forward thinking approach to sustainable energy. ♻️

Robert E. Laux, Esq. is the Executive Director of the Bergen County Utilities Authority. He has previously served as Counsel and Administrator to the County of Bergen.

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The Engineers Labor-Employer Cooperative (ELEC) is comprised of: International Union of Operating Engineers Local 825, Associated Construction Contractors of New Jersey, Construction Industry Council of Westchester & Hudson Valley and the Construction Contractors Labor Employers of New Jersey.

*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.*

# The Road to Resilience

A new network will connect municipalities with the resources and know-how to rebuild storm-ravaged areas, stronger and smarter

By Linda B. Weber, Program Director, New Jersey Resiliency Network; Sustainability Institute and Sustainable Jersey, The College of New Jersey



**B**ecause of the extreme damage done to New Jersey by Superstorm Sandy, it will take a long time to rebuild New Jersey's affected communities. The silver lining to this long timeframe is that we have an opportunity to rebuild in a way that will make it easier to weather future storms.

In addition, many public, non-profit, and philanthropic entities that have a stake in New Jersey's recovery have stepped up to help communities to not just rebuild, but to become more resilient. These recovery practitioners include the federal agencies deployed to the Joint Field Office in Lincroft, (now Sandy Recovery Field Office), as well as many state agencies, non-profit organizations, universities and philanthropic supporters.

In early 2013, FEMA deployed Community Recovery Assistance (CRA) specialists to a dozen communities in Ocean, Monmouth, and Cumberland counties. The teams—comprised of planners, engineers, economic developers, and policy specialists—worked with local officials and community stakeholders to identify problems hindering recovery and develop strategies to resolve those problems. Soon after, local recovery

planning managers were sent to assist by New Jersey Future, a Trenton-based planning advocacy group.

This first phase of recovery assistance culminated with a multi-agency, multi-organization resource and funding summit held on December 11, 2013. Many other recovery partners—including Sustainable Jersey, the League of Municipalities, and the Council of New Jersey Grantmakers, as well as a multitude of state and federal agencies—supported the December summit by attending and fielding questions from community representatives. Despite the progress made to date, there remains much more to be done.



Local officials listen to presentations by federal agencies about Sandy recovery resources at a funding summit held this past December.

The complexity of the damage caused by Superstorm Sandy is reflected in the number and diversity of resource providers. To help municipalities make the most of the assistance available, the New Jersey Resiliency Network was formed in 2013 by a group of nonprofits.

**Is your community becoming more resilient?** As if recovering from Superstorm Sandy weren't enough, municipalities also need to prepare to survive the next big storm. There are steps that your town can—and should—be taking to minimize future risks and vulnerabilities.

To become more resilient, a community needs to understand its risks and vulnerabilities. "Getting to Resilience" is an excellent tool developed by the New Jersey Department of Environmental Protection for helping officials identify vulnerable populations, businesses,

infrastructure, and natural resources through a questionnaire and assessment ([prepareyourcommunitynj.org](http://prepareyourcommunitynj.org)). The results reveal a variety of local actions that can be taken to become more resilient.

It is critical that this effort include all of the local players involved in disaster recovery, including certified floodplain managers, planners, engineers, emergency management officials, environ-



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## Road to Resilience

mental planners, planning board representatives, code enforcement officers, and others. Once your municipality has assessed its risks and vulnerabilities, there are a variety of tools they can use to reduce them.

**How can we access municipal assistance?** Remember that disaster assistance typically (1) arrives in droves immediately following a disaster, and starts to dissipate 12-24 months later; and (2) the assistance is provided by a multitude of organizations. The complexity of the damage caused by Super-

storm Sandy is reflected in the number and diversity of resource providers. To help municipalities make the most of the assistance available, the New Jersey Resiliency Network was formed in 2013 by a group of nonprofits. Led and staffed by Sustainable Jersey, the goal of the Network is to help communities sort through the maze of available resources, and to connect resource providers with municipalities that needed their help.

pated as community needs are identified, and as new tools, services and grants are made available. The quickest way to get help through the Network and its partners is to complete the Community Needs Assessment.

**Where can we go to complete the Community Needs Assessment?** The Assessment is a ten-minute online survey on the type of assistance that may be needed for both recovery and resilience. While the assessment can be completed by any public official or representative, it is important to have one “official” assessment from the Mayor or his/her designee. The assessment will help the Network’s partners understand and develop the resources and will be shared with public policymakers to help inform new and existing programs. To take the Community Needs Assessment, visit [njresiliency.com/community-assistance](http://njresiliency.com/community-assistance).

Randall Solomon, Co-Director of Sustainable Jersey said, “The Network is a solid and helpful tool for communities to leverage as they seek not only recovery assistance, but a means to become more resilient in preparation for the next extreme event. The needs assessment is the critical path to determining what local resources are necessary, and is vital for policymakers because it provides information direct from the communities themselves.”

Planning for resilience is a dynamic process that will evolve as new scientific data or physical changes occur in your communities. For municipalities that have not yet started on the path towards resilience, now is the best time to start—given the availability of public, private and philanthropic resources. ♣

Linda Weber is a professional planner with over 25 years of municipal planning experience in the public and private sectors. She recently served as a Community Recovery Specialist with the Federal Emergency Management Agency (FEMA) and is currently the Program Director of the NJ Resiliency Network.

@ To learn more about the NJ Resiliency Network, visit [njresiliency.com](http://njresiliency.com), or to request assistance, please contact [info@njresiliency.com](mailto:info@njresiliency.com).

The network’s goal is to help communities sort through the maze of available resources, and to connect resource providers with municipalities that needed their help.

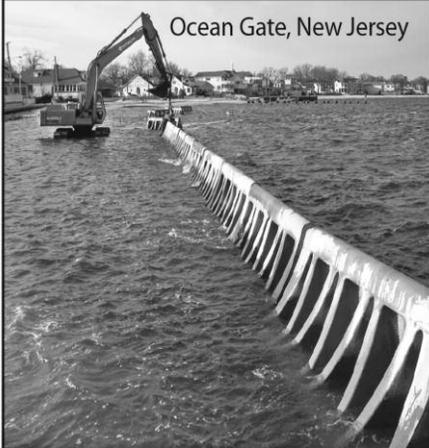
The Network staff is now meeting with municipal officials. The resources are provided by the Network’s partners—public agencies, academic institutions and private and non-profit organizations—and consist of a broad spectrum of tools, model plans/ordinances, technical consultation, trainings, and access to grant sources, to name a few.

Currently, the Network’s partners include nearly three dozen organizations, public agencies and universities that have contributed resources and expertise to municipalities for long-term recovery and resiliency planning.

The New Jersey League of Municipalities has been a key partner in the Network’s efforts and will continue to provide assistance and resources as the program moves forward. Additionally, new partners and resources are antici-

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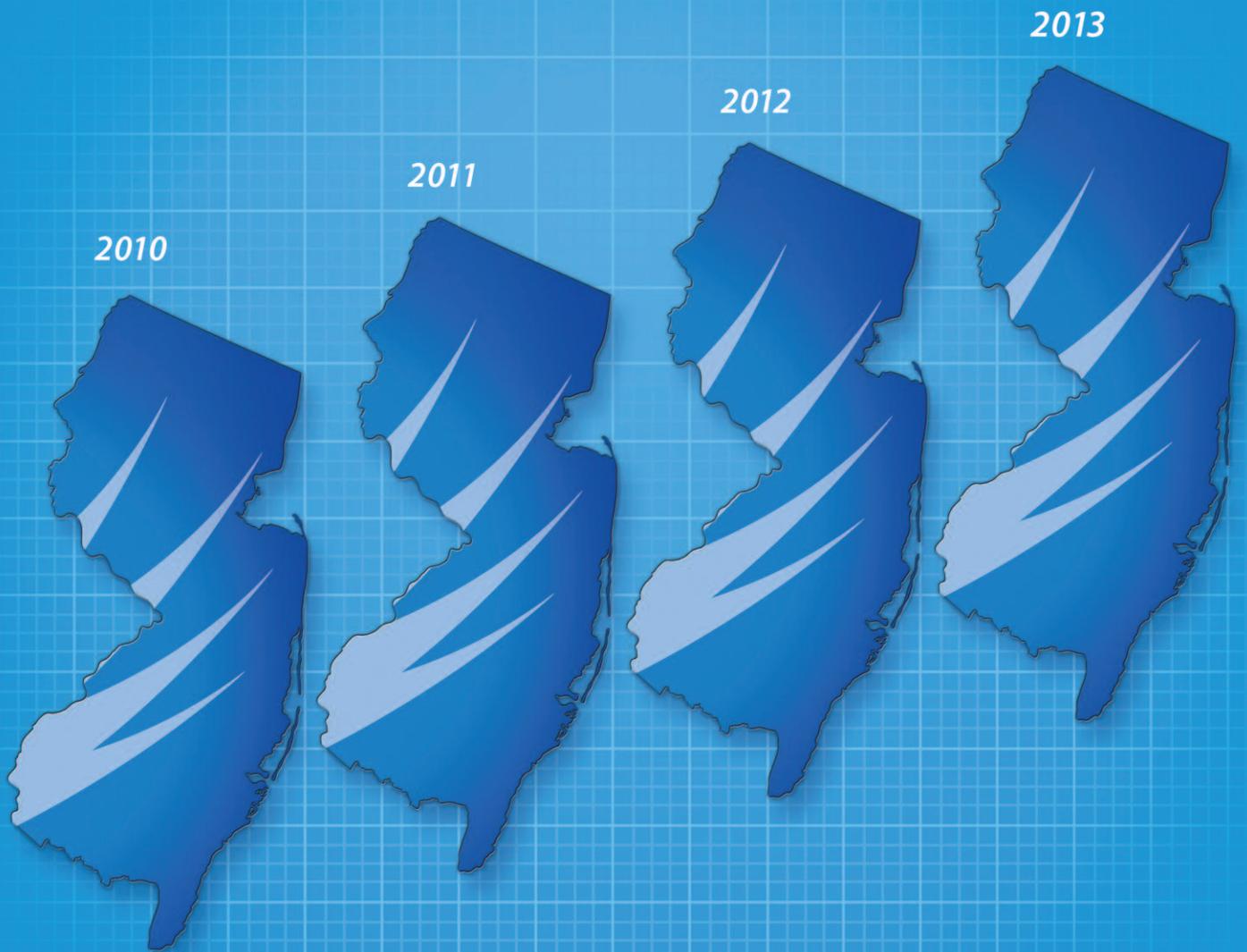
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# Pinelands Protection Act and Collective Negotiations

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

*I am a new councilwoman in a municipality located in the Pinelands. Can you give me a rough overview of what the Pinelands Protection Act is? I know that it deals with environmental protection, I just don't know much about it.*

In 1979 Governor Brendan Byrne signed the Pineland Protection Act into law. The goal of the Act is to limit, or at least better coordinate, development in some 52 municipalities in seven counties located within the Pinelands. To that end, the law established land preservation areas and the Pinelands Commission, which has the authority to create a master plan for land management and development within the region. The master plan provides for two areas—those areas to be preserved in their current state and those areas in which limited development is possible. In developing the master plan the Commission receives recommendations from the Pinelands Municipal Council, a body which consists of chief executives of each of the affected municipalities.

Municipalities, and counties, are required to bring their own master plans and land use regulations into conformity with the Pinelands master plan. A municipality may adopt and enforce more restrictive standards than the Pinelands Commission, but it cannot go below them.

The Commission also has the authority to review, on its own initiative, any municipal or county approval of a development application. The law also allows for an applicant to obtain a certification from the Commission, prior to municipal approval, that the application appears to be in conformance with the Pinelands master plans. This is generally done in order to provide certainty to a developer.

Finally, the law also limits the sale of real property, which is over ten acres, within established preservation areas in the Pinelands. If a seller intends to sell such property, they must notify the Department of Environmental Protection of their intent. If a seller does not comply with this portion of the law, the land sale is voidable.

*I am the township Mayor. We are in the middle of negotiations with our police officers. Our labor counsel refers to this a collective negotiation, not collective bargaining. He tells me that collective bargaining is a term used in private labor contracts and that collective negotiation is a term used in public labor contracts. Is this true? What is the difference?*

This is one of those legal distinctions that lawyers love. It may not have a lot of practical value for lay persons (at first) but when you are an attorney arguing before PERC or the Appellate Division about a public labor employment contract, it becomes invaluable.

Article I, paragraph 19 of the New Jersey Constitution states that, “Persons in private employment shall have the right to organize and bargain collectively...Persons in public employment shall have the right to organize, present to and make known to the state or any of its political subdivisions or agencies, their grievances and proposals through representatives of their own choosing.” This distinction, between private and public employees, means that public employees do not have a right to strike. *Board of Ed. of Vocational School in Sussex County v. Sussex County Vocational-Technical Teachers Ed. Ass'n, Inc.*, 170 N.J. Super. 426 (N.J. Sup. Ct. App. Div. 1979). Rather, public employees, and their employers, are subject to mandatory arbitration under the New Jersey Employer Employee Relations Act (NJEERA). N.J.S.A. 34:13A-1 et seq.

Where this really gets interesting is when issues come up as to the negotiability of labor provisions. Elected officials have to make policy decisions and courts have stepped in and declared negotiations over areas concerning public policy are not, in fact, negotiable under NJEERA. In re local 195, IFPTE, 88 N.J. 393 (N.J. 1982). ♣

*This column is for informational purposes only, and is not intended as legal advice.*



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# NJLM President Weighs In on the State Budget

Arbitration limits, utility taxes and open space funding were among the issues raised with state lawmakers

By Suzanne Walters, NJLM President;  
Mayor, Stone Harbor



*The following article is a summary of testimony League President Suzanne Walters presented before the Senate Budget and Appropriations Committee on March 19. She presented similar testimony to the Assembly Budget committee on March 18.*

**T**hank you, Chairman Sarlo and Members of the Committee. My name is Suzanne Walters and, for the last 17 years, it has been my privilege to serve the people of Stone Harbor Borough as their Mayor. This year, it is my honor to serve all of my colleagues in local government as President of the New Jersey State League of Municipalities.

New Jersey local officials recognize the challenges you face. On their behalf, I welcome the opportunity to work with all of you during my time as League President.

**Tough decisions** We hope you agree that Mayors working with local governing bodies over the past six years deserve credit for making the tough decisions in tough times. We have pruned budgets, pursued savings, engaged in tough negotiations, reduced the workforce, shared services, cut spending, applied best practices, emptied reserve accounts and deferred investments. We did this as property values declined, tax

appeals increased, development and economic activity stalled, employment slumped and property tax relief funding was diverted to the State Budget.

In the face of these challenges, keeping property tax increases down would not have been possible without real bipartisan reforms enacted by the Governor and the Legislature. For things like the 2 percent cap on arbitration awards and pensions and benefits reforms, the Governor and Legislative leaders deserve our thanks and recognition. It took political courage to advance those reforms.

Looking at the Governor's budget proposal, again, makes the need to continue these policies more obvious than ever. As the first order of business, we call on state policymakers to take action to ensure that the limit on police and fire contract arbitration awards remains in place.

In recent years, legislators on both sides of the aisle have recognized that the decision to redirect municipal revenues for state use increases local property taxes.

**Arbitration Award 'sunset'** Unless the Legislature acts to extend the April 1 'sunset' of the limitation on arbitrator awards

for police and fire personnel salaries, steps and longevity payments to an average of 2 percent annually over the life of a contract, our taxpayers will lose that essential protection. Any awards in excess of that limit would immediately threaten funding for all other municipal services. And, in the not-too-distant future, such awards could force local budget makers to reduce public safety staffing levels, as fewer local employees steadily take home higher percentages of local funds.

I want to thank you, again, for the bipartisan pension reforms that were enacted in 2010 and 2011. Those reforms, coupled with full funding of municipal obligations over a number of years, are starting to produce real savings.

While property tax relief funding would not be reduced with the Governor's proposed plan, New Jersey municipalities would, once again, need to balance their budgets without the benefit of all the property tax relief funding that is their due.

**Utilities taxes** For over a century, public utilities have been taxed for their use of municipal rights-of-way. For as long as the taxes were paid directly to municipalities, that is exactly what happened.

In the 1980s, however, the state decided to collect the utility taxes, with the promise that the proceeds would be returned to the host municipalities. Almost immediately, however, some of the money was annually diverted to the state's budget.

Municipalities lost \$331 million in combined Energy Tax and Consolidated Municipal Property Tax Relief Aid (CMPTRA) funding in Fiscal Years 2009, 2010, and 2011, while also being denied scheduled incremental funding. That \$331 million has been used in each succeeding year to balance the state's annual spending. The proposal before you would continue this practice for yet another year.

In recent years, legislators on both sides of the aisle have recognized that the decision to redirect municipal revenues for

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## State Budget

state use has been a major contributor to increases in local property taxes. We are grateful for the past support that members of this committee have given to this effort. Respectfully, we ask that you again consider to at least begin to restore the \$331 million, in this budget.

On other parts of the Governor's proposal, we are glad to see an increase in Transitional Assistance and we are interested in hearing more about the Consolidation Implementation funding.

**PILOT funding** We are also glad to see the Open Space PILOT funding appropriation, which will provide level relief for towns in 2014. The preservation of Open Space benefits all New Jersey citizens. However, it imposes costs on the citizens of the host municipality; denying them the economic and budgetary benefits of a developed ratable. In recognition of these facts, the State of New Jersey has pledged to provide host municipalities with Payments In Lieu Of Taxes (PILOTs).

These PILOTs serve two crucial public

policy purposes. They provide property tax relief and promote environmental protection. In recognition of those dual benefits, and of the lost opportunity costs imposed on the host municipalities, a long line of Governors, Treasurers, Legislatures and Commissioners of Environmental Protection have seen the fairness of consistently making the promised Payments In Lieu of Taxes. Further, these municipalities were forced to absorb PILOT cuts averaging around 30 percent in 2010. We would welcome an increase in PILOT funding, to get these municipalities back to where they used to be. But in the meantime, we appreciate the level funding included in the Governor's proposed budget.

**Tax increase for EUZs** The Governor's proposed budget includes a proposed change in Urban Enterprise Zone (UEZ) business-to-business sales tax. Instead of a tax-free transaction, the Governor proposes that the UEZ retail sales tax rate of 3.5 percent will be applied on business-

to-business sales. The Urban Enterprise Zone Program has been the catalyst for billions of dollars in business investments throughout New Jersey. The program has been used to create and retain jobs, to promote smart growth and investments; while providing tax relief through the financing of infrastructure, sanitation and public safety initiatives; which in many cases would not be fundable solely through municipal budgets.

This is a time when municipalities need to continue fostering economic redevelopment and encouraging job creation through the growth and expansion of private sector opportunities; therefore we respectfully ask you to carefully consider this tax policy change.

As we continue to review the complete budget proposal, we look forward to working with the Administration and the Legislature over the coming months to try to provide further property tax relief and protection for our local residents and businesses. 



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# Maximizing the Morris Canal

This hidden gem's potential as a historic destination is limitless

By Gerry Scharfenberger, Director,  
Office for Planning Advocacy, New Jersey  
Business Action Center, Department of State

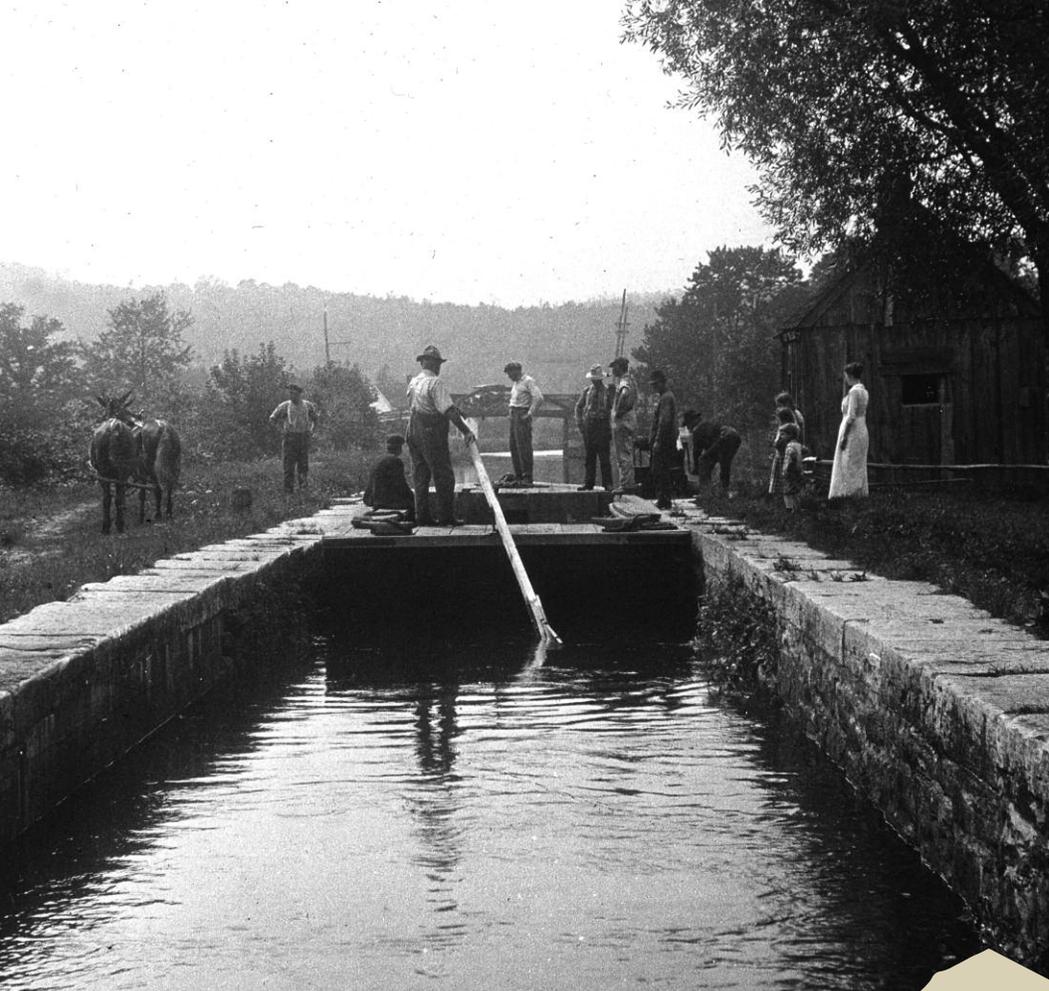


Visitors enjoy a mule-powered ride down the Morris Canal at Waterloo Village.

**T**he Morris Canal is one of New Jersey's hidden, historic gems. Built between 1825 and 1831, the canal covered 122 miles and traveled through some of the state's most scenic mountains. The potential of this somewhat overlooked resource as both a historic resource and economic driver is virtually limitless given the proper exposure and promotion. For example, trails and museums would attract weekend visitors and vacationing families to B & Bs, restaurants and shops. To explore ways to attract heritage tourism to the area, the North Jersey Transportation Planning Authority (NJTPA) formed the Morris Canal Working Group (MCWG) in 2012.

The working group includes federal, state, county and municipal representatives, in addition to non-profit organizations and interested citizens. Its goal is to establish a plan to preserve the Morris Canal and its associated features, encourage heritage tourism, generate economic development opportunities for the municipalities along the canal corridor, and create a greenway using the Morris Canal's right-of-way as a framework.

Greenways are undeveloped linear tracts of land conserved for recreation and transportation. Greenways often follow natural or manmade terrestrial or water features, and serve to connect open spaces and other public facilities with the population in a given region. Other goals of the MCWG include raising awareness of the value of the Morris Canal among New Jerseyans, and expanding its presence in school curricula.



Flat bottomed work scow, or repair boat docks at Morris Canal Lock 1 East in Ledgewood, circa 1925.

## Maximizing a Historic Gem

neered its route through the mountains, spurring growth in small towns such as Dover, Montville and Boonton. The canal encouraged an export economy based on grain, lumber, flour, limestone, and iron products in northern New Jersey.

The turnpikes and canals made it possible to transport goods more efficiently to urban markets, especially Newark and New York. Soon a vast railroad network was underway. During the mid- to late-nineteenth century, led by the Morris and Essex Railroad; the Delaware, Lackawanna, and Western Railroad; and the Lehigh Valley Railroad, provided even more transportation options and increased freight capacity for industry in the region. The expansion of the railroads eventually led to the demise of New Jersey's canal system.

However, the Morris Canal continued to play an important role in the economy of northern New Jersey until the beginning of the 20th Century. Commercial traffic decline in the late 1870s and ended by 1915.

The leisure and hospitality industry, which includes heritage tourism, is New Jersey's third largest industry, accounting for more than \$35 billion in annual revenues.

**The History** The Morris Canal dates back to the first quarter of the 19th century. Construction took place between 1825 and 1831, following a flurry of turnpike construction, including the Union Turnpike (1804), the Washington Turnpike (1806) and the Newark and Morris Turnpike (1811). The builders of the Morris Canal engi-

The Morris Canal corridor provides an excellent economic development opportunity for nearby municipalities that are not well-suited for large-scale commercial development.



## Maximizing a Historic Gem

In 1922, the canal was taken over by the State of New Jersey. In 1924, it was declared obsolete, and many of its 102 miles of channel were filled in. By 1929, much of the Morris Canal had been destroyed.

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Boonton's Inclined Plane 7 East with a canal boat and cradle car about to be pulled up the plane, circa 1900.

Today, parts of the remaining Canal corridor are either publicly or privately owned. There is still water left in some portions of the Morris Canal. In some places, the Morris Canal has been preserved with the water (Clifton, Wharton for example) but this is more the exception than the norm. In the vision statements of the completed Morris Canal plans, refilling the canal is not mentioned. However, the issue will be addressed in the NJTPA Morris Canal Greenway study which will start in August or September of 2014.

Today, the Morris Canal corridor provides an excellent economic development opportunity for nearby municipalities that are not well-suited for large-scale commercial development. Neighboring towns are being encouraged to promote tourism along the canal route with bed-and-breakfast inns, restaurants, transportation links, recreational opportunities and events. Thirty-

seven diverse municipalities line the Morris Canal corridor. They range from urbanized, densely-populated cities such as Jersey City and Newark to more rural, sparsely-populated towns such as Phillipsburg and Washington Township.

**The Value of Heritage Tourism** The leisure and hospitality industry, which includes heritage tourism, is New Jersey's third largest industry, accounting for more than \$35 billion in annual revenues. According to a recent study by the New Jersey Historic Trust, \$2.6 billion can be attributed directly to heritage tourism. Of this, \$1.5 billion consists of direct labor income to approximately 38,000 workers. Moreover, in 2012, heritage tourism generated an overall tax impact of \$715 million, of which \$335 million was comprised of state and local taxes. The unique niche of heritage tourism allows municipalities to benefit financially from

the rich historic assets within their borders, while providing clear economic benefits to the entire state.

Drawing visitors from outside municipal boundaries is one of the most financially rewarding components of economic development centered on heritage tourism sites. According to the New Jersey Historic Trust, approximately 46 percent of the more than ten million visitors who come to New Jersey's heritage tourism sites come from a distance of 50 or more miles. This translates into a significant demand for goods, services and accommodations at the municipal level,

Neighboring towns are being encouraged to promote tourism along the canal route with bed-and-breakfast inns, restaurants, transportation links, recreational opportunities and events.

paid for with dollars brought in from outside the region. Coupled with local visitors, heritage tourism sites typically draw visitors throughout the year to support the resource and its economic infrastructure. A great example of the volume of visitors that can be drawn to a historic site is Twin Lights, a double lighthouse constructed in 1862 for sea safety and national defense in Atlantic Highlands. The site attracts more than 100,000 visitors each year.

**Conference at Frelinghuysen Arboretum**

The MCWG is committed to the preservation of the Morris Canal and assisting municipalities in embracing the many economic development opportunities created by proximity to the canal. The first Morris Canal Greenway meeting

was held on March 27 at the Frelinghuysen Arboretum in Whippany. A series of outreach meetings are also underway to inform municipalities about the MCWG initiative. The municipal outreach meetings will be held in May and June. As meetings are scheduled, they will be posted on the Morris Canal Greenway website.

In the meantime, MCWG continues to meet to discuss and devise initiatives to advance the group's mission. 📍

@ To learn more about the Morris Canal Working Group visit [morriscanalgreenway.org](http://morriscanalgreenway.org).

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# Is Your Town's Data Secure?

Municipalities need to develop sound policies to protect public information and their computer networks from a variety of threats

By Marc Pfeiffer, Assistant Director, Bloustein Local Government Research Center; member, NJ-GMIS



A security system is only as strong as its weakest link. Regular training is the only way to make sure all users understand the risks of improper computer use.

**W**hy do we need information security? We need information security because in the digital world we trust data we know little about. Without protections, data can easily enter our computers from untrustworthy sources.

**Are your computers protected?** An unprotected computer is one that *does not*:

- 1) have antivirus or spyware protection software installed and updated regularly;
- 2) have installed hardware or software firewall to manage communications between and among networks;
- 3) require the user to use a password to log on (known as authenticating); or,
- 4) have operating system and software patches installed and regularly updated.

To be considered protected your computers and networks should meet all four criteria!

**What can happen when we trust data from unauthenticated sources?** We can unknowingly install destructive programs on our computer network or confidential information could be accessed. For example, if a keystroke logger (a type of software that records keyboard strokes) were unknowingly installed (perhaps following a click on a link from a malware infested email), it could capture keystrokes with logons to websites, like a bank site, and then use your log-on credentials to steal your money.

## Cyber Security Terms

**Data** – electronically stored information, regardless of format

**Authenticated** – you know the source of the information. If you're not sure, it's unauthenticated.

**Firewall** – a security system that uses hardware and/or software to prevent unauthorized users from accessing an organization's internal computer network.

**Malicious Software** – software used or programmed by attackers to disrupt computer operation, gather sensitive information, or gain access to private computer systems. This includes spyware, adware, viruses and general malware.

**Software Patches** – software that corrects a problem.

This type of information theft can be prevented by making sure any computer used to access bank accounts is only used for that purpose, and not for any other. That computer should not be used for reading email or web surfing. I recommend that every municipality take this precaution.

hat” hackers use tools used by “white-hat” security workers.

For example, popular websites have information that helps the good guys, but can be abused by bad guys. Some websites include techniques on how to break into a password-protected computer (and how to prevent it from happening to you) and how to crack a wifi password.

**How can we protect our systems and ourselves?** It's a never-ending process that begins with implementing a sound policy. Towns should also invest in quality “best of breed” anti-cyber theft technology solutions. Once the policy and technology is in place the final keystroke to cyber security is ongoing education of everyone who uses the system.

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We can unknowingly have destructive programs installed on our computer network or confidential information could be accessed.

Hackers attack computer systems for many reasons, including political espionage, retaliation, internal threats, “just because I can,” or more importantly, financial gain. And sometimes, “black



### What should we consider when developing cyber security policies?

Every organization with computers needs a cyber security policy. The depth and detail of the policy depends on the scope and structure of organization.

Generally speaking, there are five things a cyber security policy should do. The first is to put someone in charge of cyber-security. This individual should be responsible for developing and implementing plans and policies. Second, make sure you maintain and keep the plan up-to-date. Third, promote the use of security precautions and provide ongoing training. A security system is only as strong as its weakest link. Regular training is the only way to make sure all users understand the risks of improper computer use.

The fourth item is to communicate the critical role your organization and its employees play in protecting both public and internal information. Fifth, establish communication procedures so that everyone knows what to do when faced with a cyber-security incident or problem. They must know how to react and to whom they should report problems.

### What should be included in an effective cyber security plan?

There are many elements to a sound information security plan. One is an ongoing effort to identify risks, threats, vulnerabilities and consequences and take appropriate action to prevent or mitigate them. This effort includes enforcing password policies (including password strength and requirements for regular updates), and risk-manager review of appropriate insurance coverage. Another activity that has spin-off benefits is to ensure hardware and software asset inventories are maintained.

**What about disaster recovery?** Finally, prepare for the inevitable by supporting a robust disaster recovery planning process, including protecting the availability and recoverability of the organization's information.

**What should you do?** Unless your organization already has a sound plan, the first thing the person in charge of technology in your municipality should do is

download: "Cyber Security—Getting Started: A Non Technical Guide" from [msisac.cisecurity.org/resources/toolkit/oct13/documents/Getting\\_Started\\_Print.pdf](http://msisac.cisecurity.org/resources/toolkit/oct13/documents/Getting_Started_Print.pdf).

Read it; see how it applies in your municipality; adapt it, then implement it. Then talk to your risk manager to see what else you should be doing. If you like the guide, the MS-ISAC organization has additional non-technical information and guides at: <http://msisac.cisecurity.org/resources/guides/>.

### If all this is done, will all security problems go away?

No! No security system is 100 percent perfect, since threats are always evolving. Keeping up on viruses, malware, and intrusions through regular software upgrades and education is the cornerstone of stopping web attacks, bank theft, and key loggers. Keep your protection services and operating systems updated and design them to be easily updated and simply distribute them in your environment.

Finally, if you run your own system with servers, etc., the folks in charge should join MS-ISAC, a federally sponsored organization focused on cyber security for government agencies ([msisac.cisecurity.org](http://msisac.cisecurity.org)). MS-ISAC also has links to sample government cyber-policies.

In next month's article we'll discuss what individual users can do at work and at home to prevent a cyber attack and the risk management practices agencies need to take to protect their organizations. 📧

NJ-GMIS, an association of New Jersey public sector technology leaders, is the League's technology support association. It provides an organizational structure, network, and activities to enhance coordination within and among state, county, local government, authorities, public school agencies, and higher education. Learn more and join at [njgmis.org](http://njgmis.org) or email us at [njgmis@njgmis.org](mailto:njgmis@njgmis.org).



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## Basic Technical Safeguards

There is no single thing that can protect a computer or network from intrusion. Staying cyber-safe requires a combination of hardware and software tools. The following tools are used by most organizations.

**Firewalls** Every computer connected to the internet needs its firewall turned on. What's a firewall? A system designed to prevent unauthorized access to or from a private network. A firewall is the first line of defense; just as, in another context, the US Border Patrol works to prevent unauthorized access to the country. All Windows computers have a built-in software firewall that should be turned on all times.

**Anti-virus, -spam, and -malware software** These are programs that scan potentially suspicious emails and files the way the Border Patrol agents inspect vehicles or people acting suspiciously. Even the best anti-virus software will flag a good email from time to time because of possible suspicious behavior. All systems should have active and regularly updated anti-virus software, which includes anti-spam, -malware, and related protections.

Every municipality that has its own direct internet connection needs its own "gateway" (similar to a border crossing) protecting its system. This can be done through software, hardware devices, or a third party service providing gateway protection. Each has its own advantages, disadvantages, and costs.

—M.P.

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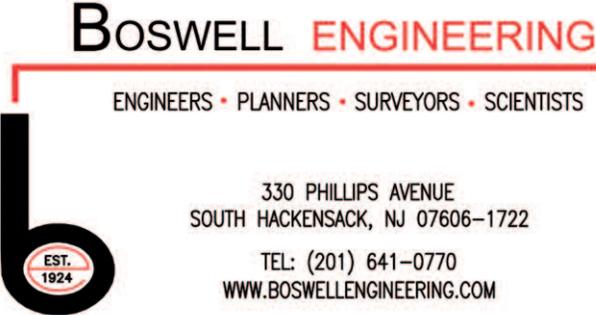


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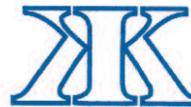
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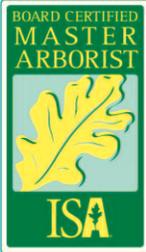
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