



# municipalities

Official Publication of the New Jersey State League of Municipalities

December 2017

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**Municipal  
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## New Jersey Municipalities Magazine

Volume 94 | Issue 9

EDITOR

**Michael J. Darcy, CAE**

MANAGING EDITOR

**Amy Spiezio** [aspiezio@njslom.org](mailto:aspiezio@njslom.org)

ADVERTISING MANAGER

**Taran B. Samhammer** [tsamhammer@njslom.org](mailto:tsamhammer@njslom.org)

CONTRIBUTING EDITORS

**Lori Buckelew**

**Michael F. Cerra**

**Jon R. Moran**

**Taran B. Samhammer**

CREATIVE DIRECTOR

**Dawn Becan**

**White Eagle Printing Company**

SUBSCRIPTION MANAGER

**Thomas Fratticcioli**

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*NEW JERSEY MUNICIPALITIES* (ISSN 0028-5846) is published monthly (except July, August and September) by the **New Jersey State League of Municipalities, 222 West State St., Trenton, NJ 08608. Telephone: 609-695-3481, FAX: 609-695-0151, Website: [njslom.org](http://njslom.org), Email: [njm@njslom.org](mailto:njm@njslom.org).** Periodicals postage paid at Trenton, NJ 08608. Postmaster send address changes to *NEW JERSEY MUNICIPALITIES*, 222 West State St., Trenton, NJ 08608. Print subscription rates (nine months) \$25.00; League members \$20.00; foreign \$41.00. Single copies League member officials, \$6.00; others, \$8.00; foreign, \$27.00. For additional subscription information visit [njslom.org/subscriptions](http://njslom.org/subscriptions). Publication No. 380460.

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Michael J. Darcy, CAE, NJLM Executive Director



## Ready To Lead

**“The League’s new leadership, elected at the Annual Business Meeting, is in place and provides both continuity in our efforts and focus on the major municipal issues that must be addressed.”**

We have spent the last three months conducting elections, reviewing our progress through 2017, surveying municipal officials, and preparing the path forward for 2018. The League’s new leadership, elected at the Annual Business Meeting, is in place and provides both continuity in our efforts and focus on the major municipal issues that must be addressed. Take a moment to review the League leaders found on page 48.

At the Annual Conference Business Meeting, the League also adopted a number of resolutions to focus our policy agenda and call attention to issues critical to our municipalities and our state. One of those was a co-sponsored resolution to extend the Interest Arbitration Cap. Since last summer you have seen the League call for the extension of the cap on interest arbitration awards, a cap set to expire December 31. Toward that end, we are continuing efforts to inform the legislature and the media about this critical property tax driver. We will have a lobby day in Trenton to drive that point home and

will be sending out information so you can make plans to attend.

Your local leadership and participation in League advocacy efforts is critical to successfully controlling municipal expenses. Get to know your State and Federal legislative delegations. Communicate the municipal perspective to them respectfully and repeatedly. Your leadership in that effort is important and starts with just a phone call or email of introduction your State Senator, Members of the Assembly, and Representative in Congress.

There are other major municipal issues we will grapple with in 2018 and beyond, but first we must address the cap on interest arbitration because without control over our expenses, municipalities cannot effectively address our state’s residents’ number-one concern. ❧

*Michael Darcy*

**@Especially for Newly Elected Officials**, the League offers full-day training programs on Saturday, January 6, & Saturday, January 20, to help you start your year right. To register, visit [njslom.org/seminars/index.html](http://njslom.org/seminars/index.html)

*The League also provides a direct link to state leadership each year with a gathering in Trenton. The **2018 Mayors Legislative Day** will be held March 14 at the State House Annex and feature opportunities to speak with new administration cabinet members and high-ranking state officials. More information was mailed to each municipality. Please join us for this opportunity to prepare for a year of excellence in local government.*



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# Reconnecting Communities

Rethinking roads to make them safer, and make residents healthier, as they foster economic development

By Cathleen Lewis, Director, Public Affairs & Government Relations,  
AAA Northeast; Councilwoman, Lawrence Township (Mercer)



**T**ransportation infrastructure is more than moving cars, people, and goods. When done right, it is about connecting communities and that will be truer than ever in the future.

In the modern era roads have defined our communities, often by creating borders and establishing zoning delineations. While in some ways this can be good—it makes it easy to keep high-speed traffic off local roads and it creates clear areas where work and play occur—but it also divides communities. Large, multi-lane roadways are difficult to cross, meaning that despite being a half mile away, a high school student needs to be bussed instead of walking or that an employee has to decide between making a run across the road or riding an extra 40 minutes on the bus to get to the other side of the road.

**“ Making roads safer for all users is the first goal of the Complete Streets program.”**

These roadways were built to quickly move cars, with little regard for neighborhoods or connectivity. Today, nearly 50 years later, we are trying to find ways to solve the problems presented by these roadways. In many cases we are reconnecting communities to make our residents safer, healthier, and happier.

Those connections will be made by changing the way we move, refocusing on bike and pedestrian pathways, making roads safer for all users through road diets and engineering and incorporating new technologies to make roads safer by moving cars smarter. Transportation choices will change as technology reshapes our needs—car sharing, microtransit, and on-demand transportation will all serve to connect more people to transit options, to downtowns, and to each other.

It's this reconnection that is going to be key to municipalities in the future.

Those connections offer municipalities a wealth of opportunities: they make the communities safer, they make residents healthier, and they foster economic development.

### Reducing crash risk

In 2016 the United States experienced a 5.6% increase in fatal crashes, New Jersey saw a 7% increase last year. Nationwide pedestrian fatalities increased by 492 (a 9% increase), and are at their highest number since 1990; in New Jersey, 607 pedestrians were killed in 2016 (an 8% increase). New Jersey pedestrian fatalities are up 6% from the same time last year and account for more than a quarter of all roadway fatalities.

Making roads safer for all users is the first goal of the Complete Streets program. When looking at pedestrian crashes, more than 50% of those fatal incidents

occurred on an aerial roadway, more than 40% of pedestrian fatalities occurred where no crosswalks were available. By utilizing Complete Streets principles—encouraging multimodal use through education, enforcement, and engineering—we can work to make streets safer for all users.

Identifying areas where there is an increased risk of crash—unmarked crosswalks, frequently used pedestrian trails without sidewalks, and dangerous intersections—is the first step to making streets safer. Finding the right mix of education, enforcement, and engineering can take time, but will help encourage safe multimodal transportation, reconnecting residents to downtowns, to parks, and to neighborhoods.

Multimodal communities are more likely to have vibrant downtown communities. The ability to not just grab dinner but to wander through a few shops or take a

## Automotive Outlook

For many families one or zero cars will become the norm, with one or both parents opting to use either microtransit to get to local offices or transit and utilizing autonomous car sharing services to provide family transportation at least part of the time.

Families may also use walking and biking as a primary mode of transportation as the network of safe roadways and trails becomes larger, eliminating many of the short car trips to stores or restaurants in the area.

Only families with heavy travel schedules may opt to purchase even one vehicle as the cost to purchase and repair them become prohibitive as the technology becomes more complex.

## Reconnecting Communities

walk before dessert encourages community engagement and means more money gets into the local economy.

By now hopefully most communities have seen the benefits of encouraging multimodal transportation in their towns as we continue to see stronger

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commitments to Complete Streets and increased pedestrian and bike paths. But we need to do more than just add walkways to major arteries. We need to look to integrate new technologies into our infrastructure.

Our roadways are becoming more dangerous. Distraction, whether it's in our hand (phones) or in our car, has taken our attention off the roadways at the same time that more and more people are walking and biking in our roadways. Technology is the cause of many of these new risks but at the core is human error (accounting for 94% of all crashes)—we know that looking at our phone when walking across the street or driving down the road we should focus on the road, and yet we don't.

### Technology and safety

As fatalities on the roadways climb, it comes at a time when the cars themselves are safer than ever—airbags, backup cameras, lane detection, and other driver assist programs all can make our roadways safer. Technology and engineering can have a major impact on making our roads safer and changing the way we live and travel.

Right now a small percentage of vehicles include advanced driver assist systems or semi-autonomous systems, but each year the numbers grow and they are integrated into more affordable vehicles. Today these technologies rely on cameras and sensors to determine placement of the vehicles and to trigger alerts, but technology continues to improve and the next step will be to have cars talking to each other and to infrastructure.

While we won't see fully connected cars or infrastructure for years to come we will start to see technology integrated into both in the coming years—and planning for those changes will be key to keeping our roadways safe today and preparing for tomorrow. While today smart traffic signals can use sensors to help move traffic along more quickly, tomorrow that same infrastructure may be able to be used to talk to connected cars—giving them time to slow down even before they can see the light.

Finding ways to incorporate technology into infrastructure projects now will pave the way for safer roadways and will make our roads safer and less congested in the short term. But as we explore these new technologies we also need to be mindful that new autonomous vehicles are unlikely to replace the family car. The technologies used to power them are just too expensive to make it worthwhile for most New Jerseyans to purchase, especially when the typical vehicle sits unused for more than 95% of its life, instead sitting parked in a driveway or parking lot somewhere.

Instead car sharing and on-demand microtransit will close the transportation gap for most people. This change will take place most quickly in areas that are already pedestrian friendly. Suburbs that are surrounded by transit will be the first to be impacted in those areas. On-demand microtransit (like uberpool) will be able to close not just the first and last mile gaps but the five-mile gaps as well.

In the end these new technologies and transportation alternatives will do much to strengthen communities—tying them together, encouraging local businesses, and keeping residents safer and healthier. 📍

# Show off your City!

## And win a League publication!

Send us photos of your municipality!  
Help us showcase our beautiful state by sending photos of your tourist attractions, downtown areas, economic development initiatives, parks, city halls and new projects.

All entries will be posted on the League's Facebook page, website and some featured in the April issue of *NJ Municipalities*, and possibly other issues. A winner will be chosen and receives a free League publication of their choice!

Photos should be high resolution jpegs, at least 1MB in size. Please provide photo credit if necessary.

Photos can be submitted to [aspiezio@njslom.org](mailto:aspiezio@njslom.org), or mailed on CD or flash drive to 222 West State Street, Trenton, NJ 08608.

Deadline to submit is February 1.

Entry details: Unfortunately stockphotos and images that are too low resolution will not be considered. By submitting a photo you are agreeing that you own the rights to the photo and that NJLM has permission to use the photo in *NJ Municipalities*, on NJLM's social media and website, and on other printed materials. A winner will be chosen at random on February 15. Please include your Facebook profile name and we will tag your photo on Facebook!





# NOW & THEN



## Forward Momentum

**M**unicipalities walk a fine line between maintaining a comfortable sense of a consistent hometown and pushing forward with new services, technology, and development. Nowhere is that more clear than in the world of transportation.

While people enjoy the convenience that is a hallmark of so many New Jersey towns, they certainly don't enjoy the inconvenience of some of the maintenance of the aging transit system. This was particularly apparent this summer for passengers from municipalities along the Morris & Essex Line of NJ Transit

into New York as the "Summer of Hell" descended and commutes to and from the city went from direct trips to journeys funneled through Hoboken.

The Mayors and officials from towns impacted by the work quickly organized, planned, and communicated with other towns, citizens, and NJ Transit to make a potential mess much less. As the rails, bridges, and roads of the state continue to demand repair and other work, municipalities will continue to answer the call to move forward in ways that meets the needs of citizens today and into the future. ♣

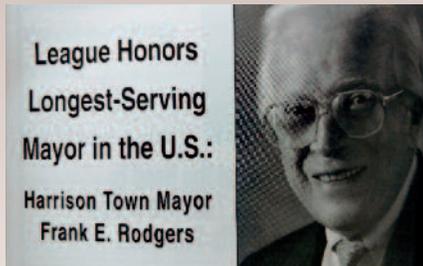
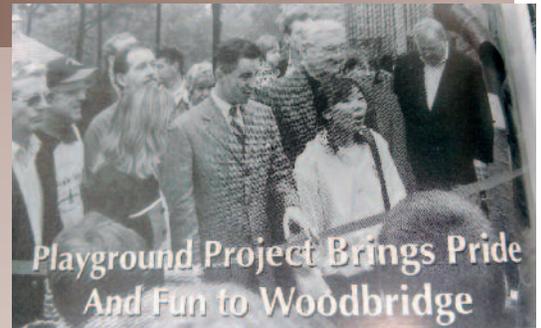


Amy Spiezio  
Managing Editor

## Time Capsule: 1990-2000

### October 1999 - Community Effort

Then Woodbridge Mayor James McGreevey cut the ribbon in May 1999 to dedicate the Woodbridge Community Playground, paid for by community fundraisers ranging from a dog show and logo t-shirt sale to a pancake breakfast and Police vs. Harlem Wizards charity basketball game. Upon reaching the goal to purchase the pieces to create the park, more than 800 volunteers worked over a weekend to put the site together, illustrating the town motto: "Woodbridge Works."



League Honors  
Longest-Serving  
Mayor in the U.S.:  
Harrison Town Mayor  
Frank E. Rodgers

### October 1995 - Recognizing Service

*New Jersey Municipalities* shared the news of then Harrison Town Mayor Frank E. Rodgers' recognition as the longest-serving mayor

in the U.S. Rodgers served his town for a total of 58 years, in the Mayor's office from 1946 to 1995. Inspired by this and acknowledging "that there are many other mayors who have given many years of service," the League created a new Mayors Hall of Fame.

### June 1990 - Log Cabin Community

Medford Lakes shared a picture of day to day life in the town. The woodsy, small community in Southern NJ is the only municipality in the state whose



municipal building is a refurbished log cabin and the population has embraced this building style in a big way: with only 5,000 residents, 250 of the homes in Medford Lakes are log cabins!

### February 1992 - Revitalizing Downtowns

Downtown Revitalizations seem to ebb and flow over the years. In February 1992, downtowns were back and *NJ Municipalities* put the spotlight on the cooperative community efforts to revitalize the state's downtowns, including façade renovations, new signs, and canopies along with public sidewalk improvements that gave a dramatic new look to downtown Madison.



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# NOW

## *NJ Municipalities* May 2017 Issue Wins MarCom Gold



The 100th Anniversary Issue of *NJ Municipalities* magazine, published in May 2017, has been named a Gold Award winner for the Government Publications category of the 2017 MarCom Awards.

The issue of *NJ Municipalities* showcased the traditional items in each issue of the publication along with a special anniversary section with a 100-year history of the publication and its staff as well as highlights from each decade's issues.

The magazine is published by Executive Director Michael J. Darcy, CAE, and staffed by Managing Editor Amy Spiezio and Advertising Manager Taran Samhammer with art direction by Dawn Becan from White Eagle Printing.

"We are proud to continue the legacy of excellence established by the founders of the League more than 100 years ago," said Executive Director Michael J. Darcy, CAE, "Our efforts to serve and educate our membership and create a lasting record of the stories and successes of municipal governments are worthy endeavors we will continue for many years to come."

MarCom Awards recognizes outstanding achievement by creative professionals involved in the concept, direction, design and production of marketing and communication materials and programs. MarCom is one of the oldest, largest, and most prestigious creative competitions in the world, and is sponsored and judged by the Association of Marketing and Communication Professionals (AMCP), a 23-year-old international organization consisting of several thousand creative professionals. 📌

@ For more information on subscribing or to see the Gold Award-winning issue, visit [njmmagazine.org](http://njmmagazine.org).

## 2017 Innovation in Governance Awards Announced

The New Jersey Department of Community Affairs and the New Jersey State League of Municipalities continue to recognize Innovation in Governance through their annual awards program. The awards were presented as part of the Mayors Lunch and Executive Briefing on Wednesday, November 15, during the League of Municipalities Annual Conference in Atlantic City.

This award program was established to highlight exemplary local government programs that provide innovative and practical approaches to solving municipal problems and concerns. At the same time, we share these innovative approaches with municipal leaders throughout the state at the Annual New Jersey League of Municipalities Conference, and through the National League of Cities "Best Practices" database.

### The 2017 judges were:

#### *League Past Presidents*

Paul Maticera & Mayor Peter Cantu of Plainsboro

#### *Division of Local Government Services Director*

Timothy Cunningham

#### *League of Municipalities Executive Director*

Michael J. Darcy, CAE

The program invited applications describing any type of innovation undertaken by municipalities in the past 16 months. The participants responded with a range of submissions that underscore the variety of challenges municipalities solve.

### The 2017 Honorees are:

#### **From the Village of Ridgewood:**

Outsourcing the Management of Crossing Guard Services

#### **From the City of Summit:**

Ridesharing Technology as a Parking Solution

### The 2017 Honorable Mentions are:

#### **From the Township of Bloomfield:**

Open Public Records Portal

#### **From the Borough of Freehold:**

New Jersey's First Participatory Budget Project

**From the Borough of Highland Park:** Arts in Highland Park 📌

# City Launches NewarkWOW Mobile Unit



Mayor Ras J. Baraka, State Labor Commissioner Aaron Fichtner, Assistant Commissioner Patricia Moran, Deputy Mayor for Employment Rahaman Muhammad, the Newark Housing Authority, HelloFresh US Human Resources Manager Pablo Velez, and 1HUDDLE CEO Sam Caucci have unveiled the Newark Workforce on Wheels (NewarkWOW) mobile unit and announced strategic collaborative partnerships designed to boost City employment

and enhance Newark workers' vocational skills today, at Bradley Court, located at 46 N. Munn Avenue in Newark.

Deputy Mayor Muhammad led the city's effort to identify and retrofit a used mobile unit from the Newark Police Division. The NewarkWOW will serve as a satellite office for NewarkWORKS, to provide the following: remote access to employment and training referrals; employer recruitment sessions in local neighborhoods; access to online job applications, resume writing and testing; resources to support services and workforce programs; job readiness, life skills training and information workshops.

Currently, Newark has one of the highest unemployment rates in the state of New Jersey at 7.9%. The goal of NewarkWORKS, the program in which 1HUDDLE is being implemented, is to bring that rate down to at least 3.9% by October 2018. In order to reach the program goals, a minimum of 4,720 Newark residents need to be placed in employment by the deadline.

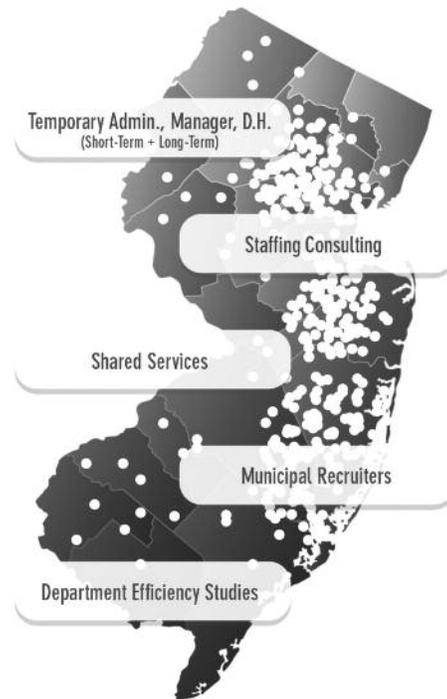
NewarkWORKS is the one-stop operator under the NWDB and provides a variety of employment opportunities and training programs, which includes counseling, job placement, and workforce re-entry preparation. Its work with 1HUDDLE is the latest in a long-term plan to improve employment outcomes for City residents. 📌

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# New Brunswick Launches New Mayor's Wellness Campaign



A new Mayor's Wellness Campaign coordinated by the City of New Brunswick and Robert Wood Johnson Fitness and Wellness Center, in cooperation with a dozen additional community partners, kicked off at noon on Sunday, October 1 with Zumba at The Yard on College Avenue.

The campaign will entail monthly programs and activities aimed to promote health and wellness of mind and body for residents.

Activities such as Zumba, health fairs, health screenings, healthy cooking demos, and family activities are all free and open to the public at locations Citywide, including parks, schools and open spaces.

"New Brunswick is dedicated to the health and wellness of each and every one of its residents," said Mayor Jim Cahill. "We are excited to announce this new campaign to bring together offerings like physical activity, wellness education and community building in a fun and family-friendly way. The goal of this campaign is to improve the overall well-being of our City, with something for everybody to enjoy."

@ For more information on the City of New Brunswick Mayor's Wellness Campaign, visit [thecityofnewbrunswick.org/health/mayorswellness/](http://thecityofnewbrunswick.org/health/mayorswellness/)

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## DECEMBER

### December 5

**Conditional Uses Under the MLUL:  
What Are They and  
How Do They Get Approved?**  
Webinar-Your Computer

## JANUARY

### January 6

**Orientation for Newly Elected,  
Re-Elected, and Experienced  
Municipal Officials**  
Hilton Hotel, East Rutherford

### January 20

**Orientation for Newly Elected,  
Re-Elected, and Experienced  
Municipal Officials**  
Hotel ML, Mount Laurel

## FEBRUARY

### February 24

**Budgeting for Elected Officials**  
Conference Center at Mercer,  
West Windsor

## MARCH

### March 2

**A Quick Review of  
Budget and Audit Updates**  
Webinar-Your Computer

### March 14

**26th Annual  
Mayors' Legislative Day**  
State House Annex, Trenton

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# Data Center

According to the National League of Cities’ report, “The Untold Story of Varied Middle Local Economic Conditions 2017,” top factors impacting local economies of mid-sized economies—places with populations from 50,000 to 300,000—include the following.



## Most Positive Factors:

**40%** New Business Starts

**31%** Employment

**30%** Business Expansions



## Most Negative Factors:

**42%** Affordable Housing Availability

**26%** Skills Misalignment with Business Needs

**22%** Demand for Survival Services



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# WASHINGTON

## SALT Deduction Deserves Protection

By U.S. Representative Bill Pascrell, Jr., District 9

The state and local tax deduction is something which we as New Jerseyans rely on more than other states. And the elimination of this federal tax deduction would cause New Jerseyans great harm—harm that would then put the squeeze on municipal governments across the state. This deduction, the so-called SALT deduction, allows tax filers to write off their state and local property taxes and their state and local income taxes or general sales taxes, through itemization. This tax break provides much-needed relief to millions of middle- and working-class households, and it remains a financial staple in the lives of many New Jersey citizens because of our high property taxes.

An attack on the SALT deduction is also an attack on middle- and working-class families. Eliminating it would further increase the tax burden on these families and individuals. Why has this deduction been under the microscope? Because many Republicans in Congress want to use the dividends to pay tax cuts, particularly for businesses and others who do not necessarily need a tax break. According to the Tax Policy Center, 80% of the net tax cuts floated in Washington would go directly to the top 1% of Americans by 2027.

Losing the SALT deduction could have a major impact on a household's ability to continue with their daily, weekly, and monthly expenditures. Throughout the nation, roughly 30%—or 44 million Americans—benefit from SALT deductions, and they could find themselves losing out if the deduction is repealed.

In New Jersey, nearly 40% of filers use the SALT deduction. The loss of the tax deduction for state and local taxes would mean a loss of about \$21,500 in write-offs for the average New Jersey taxpayer. Home values would drop by up to 15% in the Garden State.

Homeowners who could no longer deduct the cost of their property taxes would be less likely to support local measures to fund new services or increase property taxes to pay for things like schools or infrastructure. In addition, repeal of SALT would increase the cost of credit to municipalities, making municipal bonds costlier and more difficult to use for necessary infrastructure projects.

In addition to the personal cost, the SALT deduction is an asset to funding vital public services at the state and local level, such

as police and fire departments. Repealing SALT would put pressure on states and municipalities to cut taxes or see many of their residents hit with a tax increase. And cutting taxes means less revenue for needed services—leading to cuts in local services. If SALT is eliminated, local governments will face challenges to finding the revenue necessary to fund K-12 programs, health programs, public safety, and basic infrastructure needs.

Eliminating this deduction would likely pose a threat to the public safety of all New Jerseyans. The SALT deduction represents nearly 9% of New Jersey's adjusted gross income. That means eliminating it would put pressure on the state, on counties, and on cities like my hometown of Paterson to either cut services or raise taxes to make up the difference.

Imagine what a 9% cut would do to our public safety departments and first responders. Fewer cops on the beat. Fewer firefighters to respond to emergencies. Lives would be put at risk. That's why the National Sheriffs' Association and firefighters union supports retaining the SALT deduction.

The National Governors Association, the United States Conference of Mayors, and the National Conference of State Legislatures have also come out in strong opposition to eliminating SALT deductions. Considering the widespread opposition to eliminating the SALT deduction, Republicans from affected districts are now reconsidering their party's stance.

The National Association of Realtors also opposes eliminating the deduction, stating that the elimination would “effectively nullify the current tax benefits of owning a home for the vast majority of tax filers.” Without being able to deduct the cost of property taxes, families may be discouraged from buying a new home, or may opt for a lower-cost option. In addition, losing this deduction will likely impact home prices, with Moody's predicting a 4% drop in home prices across the country, and even larger drop in higher-cost states.

Our tax system is in dire need of modernization, and I'm ready to engage in serious discussion about ways we can do that. But this is the wrong direction. As a member of the Ways and Means Committee, I feel it has been my responsibility to let people know the significant harm this would cause to the residents of New Jersey. Losing this deduction would be disastrous for millions of our taxpayers and their communities, a scenario that would play out in local governments throughout the United States. We cannot merely shift the tax burden from the federal government to homeowners and municipalities who can least afford additional costs. ❖

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# New Jersey's Freight Rail Effect

By Derek Armstead, Mayor, Linden

Most of us in New Jersey are familiar with the passenger rail that connects our municipalities, from NJ Transit's North Jersey Coast Line that runs through Linden to the Atlantic City Line in the south. Passenger rail is just part of the rail picture in the Garden State, where 17 freight railroads operate 984 miles of track and employ 1,132.

Since the transcontinental railroad first connected the U.S. from coast to coast nearly 150 years ago, freight railroads have served as a crucial economic engine. Today's freight rail network and operation—a far cry from the days of the Iron Horse—are the most efficient, cost effective, and reliable in the world. Across 140,000 track miles, this network generates 40% of intercity freight volume and moves one-third of all U.S. exports, sustaining more than 1 million jobs nationwide.

In New Jersey, freight railroads are a critical connector for our economy, hauling over 46 million tons of cargo annually. Railroads also play a key role in making the Port of New York and New Jersey the East Coast's busiest port, supporting the nearly \$200 billion in cargo that moved through the port in 2016.

Freight rail is not only distinguished by its efficiency and productivity, but also by its environmental credentials. One train, for example, can carry the load of several hundred trucks while moving a ton of cargo nearly 500 miles on a single gallon of fuel. It would have taken approximately 2.6 million additional truckloads to move the 46.4 million tons of freight that moved by rail in New Jersey in 2014.

Also, because trains are four times more fuel efficient than trucks, moving freight by rail rather than over the road reduces greenhouse emissions by an average of 75%. Railroads are not relying on their scale alone when it comes to sustainability, however. Investments into fuel-efficient locomotives, new idling reduction technologies, advanced software for routing and train speed and other innovations are making freight rail greener every day. Network and equipment improvements, for example, have made it possible for today's trains to carry about 3,500 tons of freight, a 60% increase from the 2,222 tons they could carry on average in 1980.

## Safety Efforts

Railroading culture hinges on safety. From massive network investments and strict operating procedures to first responder training and innovative safety technologies, America's railroads strive every day to make a safe mode of transportation even safer.

Indeed, these efforts are paying off. The Federal Railroad Administration (FRA) announced earlier this year that 2016 was the safest year on record for freight railroads, marking not only the lowest train accident rate on record, but likewise the lowest derailment rate, which declined 10% from 2015.

State-of-the-art technologies like big data, drones, and ultrasound technology are just a few of the innovations railroads are using to advance safety. For example, while today's inspection technology currently makes it possible for railroads to identify 90% of track defects before they lead to an incident, multidimensional ultrasonic technology, currently in testing, aims to identify the remaining 10% of track imperfections.

While prevention is the first step to safety, freight railroads also work directly with first responders and local officials on emergency response planning and training in the communities they serve. More than 20,000 first responders receive hands-on training each year through individual railroad efforts and industry programs like the Security and Emergency Response Training Center (SERTC) housed at the Transportation Technology Center, Inc. (TTCI). The center also offers free, web-based training for those who cannot attend in person.

An innovative new mobile phone app is also providing thousands of first responders with key information in the unlikely event of a rail incident. AskRail is designed to prepare responders for a rail emergency by providing immediate access to accurate, timely data about what type of materials a railcar is carrying. Only qualified emergency responders who have completed rail emergency training are eligible to download the AskRail app.

The freight rail effect—stronger economies, more jobs, and cleaner skies—is a shining example of how private investments can catalyze public benefits for communities across New Jersey and the entire country. 📌

@ For more information on AskRail and how to apply visit: [askrail.us](http://askrail.us); or for SERTC's training opportunities, visit: [sertc.org/](http://sertc.org/)



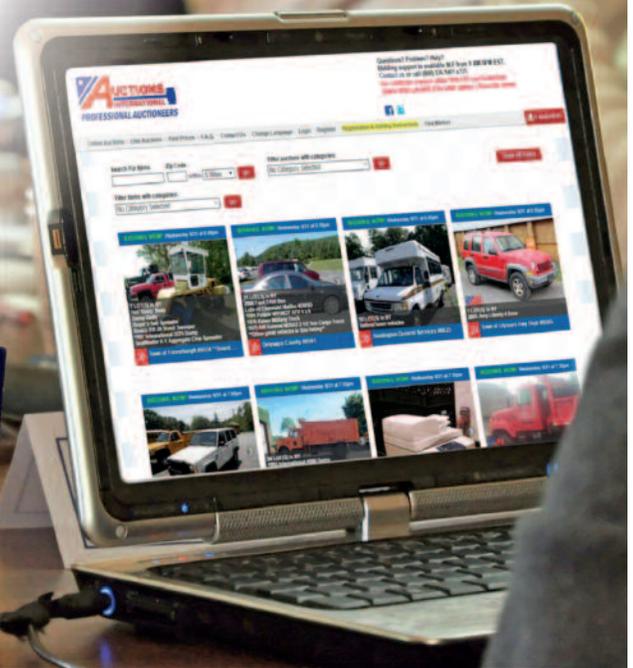
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Focus: Municipal Transportation

# All Aboard!

How municipalities worked around NJ Transit and Amtrak's Penn Station construction and beat a challenging summer

By Mayors Sheena Collum, South Orange; Bob Conley, Madison; Vic DeLuca, Maplewood; Shawn R. Klein, M.D., Livingston; Lester Taylor, East Orange, and Steven H. Santoro, Executive Director, NJ Transit



**R**ight at summer's edge, New Jersey Transit announced new schedule of service changes to allow for Amtrak track work at Penn Station in New York City, thereby launching a potential "Summer of Hell." NJ Transit warned passengers that from July 10 through Sept. 1, weekday schedules on many lines would be impacted. Overall 25% of riders would feel the effects, especially the Morris-Essex (M&E) line, all of whose passengers were diverted to Hoboken during the eight-week work period.

This left local governments in the position of having to help diffuse the stress of an already challenging commute from New Jersey into Manhattan, and control further escalations of rider inconvenience.

How did mayors and local governments beat the heat?

It took a combination of many factors ranging from alternatives to train commutes to enhanced communication with commuters to maximize the available services until full service was restored Sept. 5

Mayors Sheena Collum of South Orange, Vic DeLuca of Maplewood, Bob Conley of Madison, Shawn Klein, M.D., of Livingston, and Lester Taylor of East Orange shared their

experiences and insights from this summer and look forward at future challenges, as well as the light at the end of the tunnel. Each answered three questions:

1. How was your town going to be impacted by the NJ Transit situation? How did you prepare and what did you roll out? What was the overall reaction of your citizens?
2. What are a few of the lessons you've gleaned from the experience this summer?
3. NJ Transit's issues are far from over...what do you see as your biggest challenges moving forward and how do you plan to meet them?



**Sheena Collum,  
Mayor and Village  
President, South Orange**

As the Village President of South Orange, representing the busiest station on the Morris & Essex Line serving 4,000+ daily riders, I learned about the decision to divert our M&E Midtown Direct trains to Hoboken during a press conference I watched on television. The decision was made in a vacuum lacking any dialogue with local, state, and even congressional officials who serve the impacted towns.

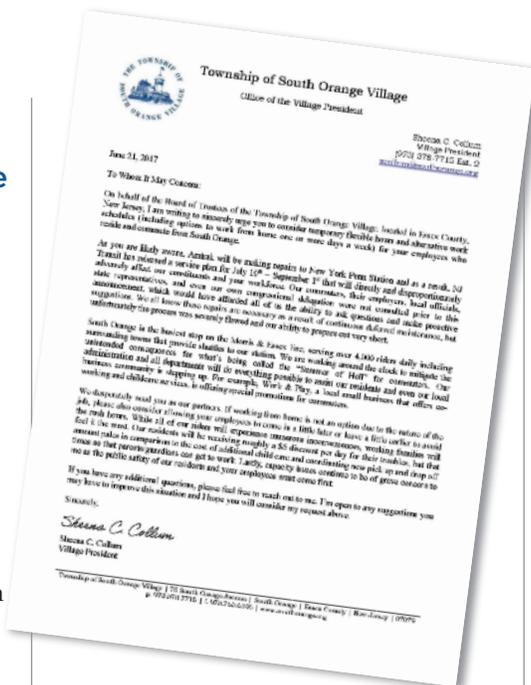
Immediately, I reached out to my counterparts and we quickly created a coalition of mayors to lobby on behalf of our residents, demand answers and propose ways to mitigate the disruptions that would be occurring over an 8-week period of time.

Our constituents were disproportionately impacted by the Summer of Hell—longer commutes, time away from family, interruptions to business dealings, adjusting childcare commitments, and of course, our local economy, specifically our small businesses, suffered.

Because of the short notice, we developed an action plan to quickly get information out to our residents using myriad communication tools, adjusted our jitney schedules accordingly, ensured additional buses would be provided due to the overcrowding, facilitated car sharing amongst neighbors, and promoted places where commuters could work remotely including our library and private businesses who were offering workspace and childcare. Being desperate, I also wrote a letter that our resident commuters could bring to work urging employers to consider temporary flexible hours and alternative work schedules during the Amtrak Repairs.

On the first day to kick off the Summer of Hell, our governing body threw our commuters a send-off party with free coffee, breakfast, and music. Given the big media presence at our station, we also used this as an opportunity to highlight our support for properly funding transit infrastructure and prioritizing the Gateway project.

Volunteers from SOMA Action lined up tables where commuters could sign



banners and also write postcards to various federal and state agencies and elected officials. We raised the level of

public awareness regarding deferred maintenance, mass transit, and how people could get involved and take action—and they did.

The residents of South Orange are simply amazing. They were a source of continuous encouragement for me as I was trying to navigate through this process and get people to work. But more importantly, they supported each other in many ways that government could not.

Personally, the only lesson I learned was that it feels good to fight like hell for the residents of South Orange. More importantly, I hope a lesson for NJ Transit, Amtrak, and the Governor's Office is that local officials can be a source of collaboration and partnership or we can be a thorn in their side, especially when we mobilize together. I sincerely thank my colleagues and partners from other towns



## All Aboard

The biggest challenge, not for any one individual municipality rather all of us, is convincing the public-at-large and decision makers at all levels of government that the transit system is lifeblood to all aspects of our collective economies. As our once-coveted transit system continues its decline, so will smart growth redevelopment opportunities in areas with existing infrastructure and transportation. The environment will suffer as we put more cars on the road and public health will decline as we discourage walkability and alternative connectivity. Employee productivity undoubtedly is adversely impacted with commuters facing major train delays approximately every two days. Most importantly, it shouldn't have taken the Hoboken train crash to bring awareness to how unsafe the NJ Transit operation had become—the Federal Railroad Administration was already auditing NJ Transit as a result of the numerous safety violations.

It would be around this time that a new tunnel—Access to the Region's Core (ARC) would be opening had it not been cancelled. Personally, I find the Gateway Tunnel project to be the superior of the two and right now, my eyes are set on doing whatever it takes locally and with partnerships throughout the state to lobby for the appropriate funding. We can't afford another decade to pass.



As a town on the Morris-Essex line that saw a major boost in property values when Midtown Direct started in 1996, I knew our commuting residents would view the “Summer of Hell” as a major inconvenience and a reduction in their quality of life as they had to go back to the old days of the multi-seat commute through Hoboken.

We ramped up our communication and when a business stepped forward to offer direct midtown bus service, we



Mayors (l to r) Bob Conley, Nora Radest of Summit, Shawn Klein, Sheena Collum, Vic De Luca, Timothy Dougherty of Morristown, and Lester Taylor.

worked with them to make it as easy as possible for our commuters to take advantage of the service.

The morning of July 10, I spent some time on the train platform wishing our residents the best on their first day of the new commute. At this point, most had moved from complaining to accepting, some had even done a test commute through Hoboken prior to July. Though their commute was longer, some appreciated the predictability of Hoboken; the return train home left from the same track everyday compared to the last minute mad dash of Penn Station

We learned about communication, communication, communication. NJT had a very poor initial rollout of the plan, I found out through a news site post. Mayors hate surprises and it was embarrassing to tell residents that I learned of the rail plan through a New York television station news post. To give NJT credit, they did a great job after the initial misstep.

As we know, the work in Penn Station has just begun and then there is the work on the Portal Bridge and the list goes on. I am hoping it will be otherwise, but I pretty much have resigned myself that, due to overall logistics, the burden will once again be on the Morris-Essex line and the towns that rely it.

We will need to have the communications in place from the start and we should all work together to share our lessons learned from the first Summer of Hell.



Prior to the “Summer of Hell,” Mayors and other elected officials along the Morris and Essex (M&E) Rail Line experienced the “Spring of Disrespect.” It wasn't until late May we found out through a governor's press conference that M&E trains would be diverted to Hoboken rather than travel into NY Penn Station. So, roughly six weeks before the track work was to start, local officials were in the dark about NJ Transit's plans, they were ignoring and disrespecting us throughout the entire planning process. We finally obtained a meeting with NJ Transit officials on June 7th, which was the first time Mayors were given an opportunity to comment on the diversion plan.

Recognizing that the clock was ticking and our constituents needed to be ready for the disruption, elected officials moved into preparation mode. In Maplewood, I began a series of Facebook posts to explain what was to happen and to outline travel options for our residents. Facebook posts were the best way to get information out and to answer questions commuters had about traveling. During the summer I monitored FB postings and provided answers after conferring with NJ Transit.

The advocacy of the elected officials resulted in two early morning M&E trains being restored directly to NY

Penn. In Maplewood, my insistence on express bus service paid off when NJ Transit had to add buses to accommodate the more than 300 daily bus riders. We turned out to have the most bus riders of any M&E station.

I do want to give credit to NJ Transit, which created an informative and user-friendly website. They also agreed to assign ambassadors at the Maplewood and other train stations to help commuters navigate the travel changes.

We need better coordination on a year-round basis with NJ Transit. Towns like Maplewood need to have reliable and timely service to New York City for our residents who work there. Trains are critical to keeping our towns as desirable communities in which to live.

As soon as NJ Transit began planning for this disruption, there should have been consultation with elected officials. We should not have heard about it by chance through a press conference.

People are resilient and can handle change once they understand the situation. Providing information was critical in our case. Being visible on line was important to our residents. Knowing

**“During the summer I monitored FB postings and provided answers after conferring with NJ Transit.”**

that their elected official were fighting for them was greatly appreciated. I was also visible at the train station in the

morning and some evenings. People wanted to see me on site.

Mayors know the buck stops with them and this was a perfect example. Even though it was NJ Transit's problem and we had no jurisdiction over their operation, my colleagues and I made it a point to take partial ownership of the solution. We made sure our people were prepared and approached this like we would a weather emergency.

We brought together our department directors to make sure all of us were on the same page, which was to make sure our commuters had as easy a commute as possible. We changed parking rules to facilitate earlier parking at the train station. We added early morning jitneys to the train station to accommodate the early trains directly into NYC. We even opened the library an hour earlier to permit our residents to work there instead of going into NYC. We had people use the library for conference calls and

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## All Aboard

group meetings. It was an all-hands-on-duty approach.

In terms of future concerns, most immediately there has been a report that additional track work will be done in February, April, and May. I organized a conference call of elected officials along the M&E line and we have requested a meeting with NJ Transit officials to understand how this future work might impact our residents. We will not let them make a decision without us again. I intend to keep active an M&E elected officials group to advocate for our interests.

More globally, the challenge for the next governor is to fundamentally change the culture at NJ Transit so there is more cooperation with the communities it serves and the commuters it transports. We need to restore NJ Transit as one of the best transit agencies in the country. This will require management changes and a cultural shift in how it does business.



Livingston's governing body gives the shuttle bus a trial run.



Train service is vital to our towns. People will not relocate from NYC if train service is not reliable. We must make it a dependable service once again.

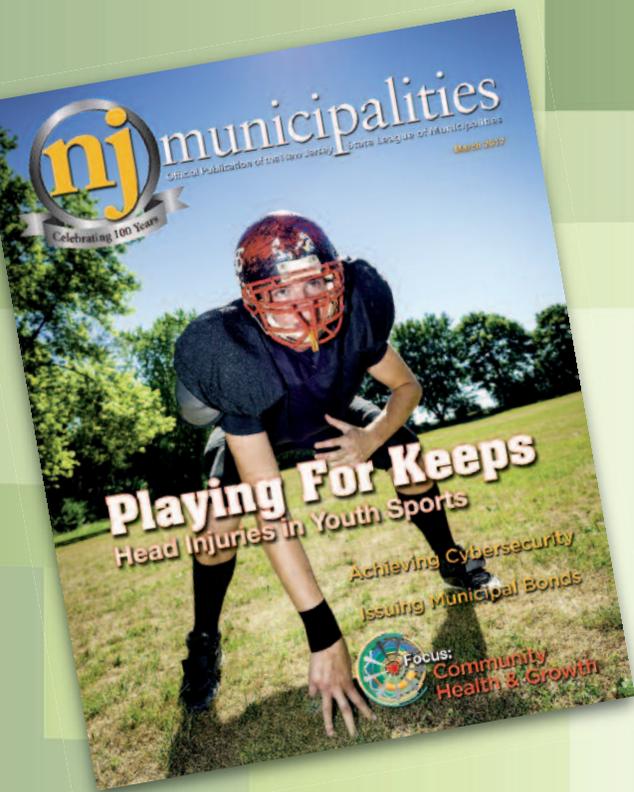


It was unclear how our town was going to be impacted for multiple reasons:

1. It was unclear whether transfers to the PATH or ferry would proceed smoothly.
2. We lobbied for additional bus service in town and we did get some almost-express additions to the 77 line added on.
3. A new company call mybus.com was running service from Livingston to NYC.
4. Many commuters worked from home as much as possible which diminished the effect.

In general, with all of these factors, the headaches were kept to minimum for many in Livingston.

But this summer, we missed the train—for many, it was the real preference. In



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## All Aboard

Livingston, we had started an inexpensive shuttle which brought commuters from the Livingston Mall to the South Orange train station. Ridership on the shuttle had fallen off tremendously and this had been a real investment the town had made. We will keep it running and expect ridership to increase.

Ongoing, our biggest challenge is the uncertainty. What made the summer bearable was that it was for a known, confined time. If that is not true in the future, there will be trouble. Also, if there are going to be future disruptions, the burden needs to be shared by others—not just those on the Morris and Essex line as was the case this time.



### Lester Taylor, Mayor, East Orange

The City of East Orange residents were impacted by the interruption in service for the Morris and Essex Line into Manhattan. The residents had to make alternative arrangements.

Once NJ Transit communicated the various transportation options, the City immediately communicated with its residents through social media and our website.

Moving forward, it is imperative that NJ Transit communicate with the municipalities early and frequently about potential impacts so that we can inform our residents (NJ Transit ridership). NJ Transit missed the mark on early communications about the impacts related to the disruption in service.

The City of East Orange continues to have dialogue with NJ Transit about the ongoing maintenance of their rail facilities, Brick Church Station and East Orange Train Station. Our facilities are not on par with surrounding communities such as South Orange, Bloomfield, and Montclair. Given there is over \$700M in private investment in the pipeline in the City, largely around the train stations, maintenance and re-use of the stations are critical. 📍

## Safely Into Station: NJ Transit's Summer

Municipalities weren't the only groups to look back in relief from the Summer of Hell.

Representatives from NJ Transit shared this statement with the readers of *NJ Municipalities*:

Given the magnitude of Amtrak's Renewal Work and its enduring impact to our customers, NJ Transit worked months in advance to educate and inform customers on what changes would take place in their normal commutes. To that end, NJ Transit launched a comprehensive, unique, and multi-faceted communications campaign to keep our customers in-the-know every step of the way, to clearly outline travel options for customers, and to optimize their travel experience. As part of this plan, NJ Transit pursued digital advertising, introduced an information portal with updated service options and travel information and service options, refined our MyTix mobile App, and printed summer rail schedules to reflect service changes.

Other customer-focused efforts included: 'We Are Listening' customer forums with NJ Transit management representatives providing information to and receiving feedback from customers; NJ Transit senior management staff train ride-alongs to engage with customers onboard and gather their suggestions; and on-site employee Ambassador engagement opportunities with customers at several Morris & Essex Lines stations to provide informative brochures and answer customers' inquiries.

The customer campaign was twinned with robust outreach to municipal officials and legislators. Meetings, bi-weekly conference calls, and regular email blasts gave officials the information they could use to answer constituents' questions and concerns.

The communications and outreach campaign paid off. NJ Transit's customers researched and smoothly adjusted to their travel options before the implementation of service changes. Customers quickly became multi-modal experts and seamlessly transferred from heavy rail to light rail or PATH or ferry or bus during the summer months. And elected officials were able to stay on top of the progress.

In a recent survey taken before and during the Amtrak work, 69% of customers stated there was the right amount of communication while the work was ongoing. The highest-rated communication sources included NJ Transit's website, the Update Information Portal, Digital Radio and advertisements, Employee Ambassadors, and the MyTix mobile app.

NJ Transit is grateful to all our customers for their patience and understanding during this time and our regional transit partners at the Port Authority, NY Waterway, and private bus companies. And we wish to thank the mayors, state legislators, and other officials who worked with us last summer, helping provide information and guidance to their residents. Thanks to everyone's participation and coordination, the summer went well for all.

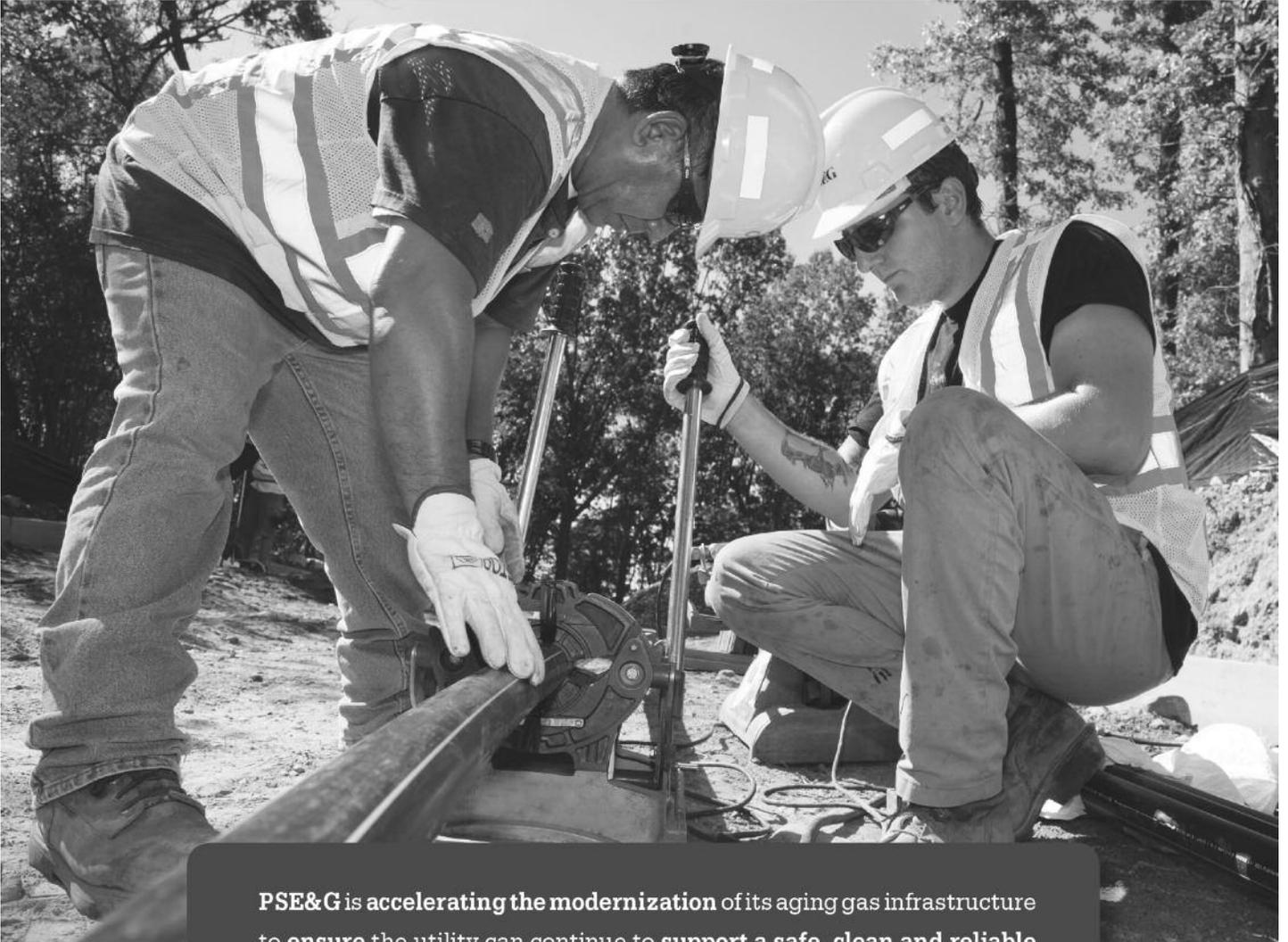
Amtrak's renewal work will continue at Penn Station New York (PSNY), and NJ Transit will continue to use vigorous communication and outreach to provide our customers and their elected representatives the information they need to maximize their travel experience.

—Steven H. Santoro, Executive Director, NJ Transit

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Focus: Municipal Transportation

# Forward New Jersey Coalition

How diverse groups can work together

By Tom Bracken, President and CEO, New Jersey Chamber of Commerce;  
Chair, Forward New Jersey Coalition

In today's world, complex problems are often met with gridlock instead of a dialogue about meaningful solutions. Last year, however, New Jersey showed how to break this trend in how we dealt with the transportation infrastructure crisis and Transportation Trust Fund (TTF) financing. In that case, business, labor, and industry leaders, as well as the NJ League of Municipalities representing local governments—all of different backgrounds and varying ideological beliefs—came together to create the Forward New Jersey (ForwardNJ) coalition. This coalition, in turn, engaged in constructive conversations that led to positive outcomes.

The ForwardNJ coalition, of which I was proud to serve as chair, advocated for a dedicated solution to New Jersey's TTF funding crisis. Kicking off in September 2014, ForwardNJ eventually grew to more than 75 diverse stakeholders from throughout the state.

## Maintaining pressure, unity

From the time of the official kick off in 2014 through the passage of Ballot Question #2—which dedicated all revenue from the state's gas tax to the TTF—ForwardNJ led advocacy and education efforts across the state to maintain pressure on decision makers and to educate and engage the public on the need for a solution. Our work is proof positive of the need for coalition-building to solve complex issues and address areas of public crisis.

In 2014, public awareness of the TTF and the impending TTF bankruptcy was low, as was support for a robust solution. As such, ForwardNJ and its members organized and took part in a series of public education events, while also engaging in a proactive outreach.

Over a nearly two-year period, ForwardNJ hosted or took part in over 100 public events on the TTF, including various statewide and local Chamber events, panel discussions hosted by the New Jersey State League of Municipalities, sponsored events with DOT Commissioners, and transportation symposiums.

## Outreach effort

Close on the heels of the September kickoff, ForwardNJ organized an outreach effort to gain support from Mayors and Freeholders across the state. One large gathering, the annual conference of coalition member the New Jersey State League of Municipalities in November, served as an integral part of that effort. ForwardNJ coordinated targeted and strategic outreach to Mayors and Freeholders resulting in almost 60 letters of support of ForwardNJ and its mission.

The Coalition also engaged in an aggressive effort to bring attention to the TTF crisis. Strategic groups of coalition members met and had conversations with the editorial boards of the *Star Ledger*, *Philadelphia Inquirer*, *Bergen Record*, *NJBIZ*, *South Jersey Times*, *Asbury Park Press*, *Press of Atlantic City*, *Courier Post*, and *Trenton Times*. These efforts helped lead to all of these papers issuing editorials calling for an immediate solution to the TTF.

In addition to these tactics, ForwardNJ launched a highly targeted advertising campaign in 2015. It consisted of statewide cable advertising and radio, which collectively ran over 3,000 spots in a condensed time period. This included the television ad, "London Bridge," which drew attention to the 2007 I-35 Minnesota bridge collapse and the possibility that, absent urgent action, such a tragedy could occur in New Jersey. A Quinnipiac Poll taken a month before the ads ran showed just 39% support for raising the gas tax. A Quinnipiac poll conducted shortly after this ad blitz showed 50% of the public supported an increase in the gas tax. This was the first time a public poll in New Jersey ever showed majority support for raising the gas tax.

When legislative leadership and Governor Christie announced separate plans for a long-term TTF solution in June 2016,

ForwardNJ sprang into action. We talked to editorial boards across the state to educate them on the need to pass legislation before the TTF went bankrupt on July 1. We worked with the American Society of Civil Engineers on a press conference announcing New Jersey's infrastructure rating of D+. ForwardNJ also helped organize "Days of Action," where over 1,000 supporters representing labor, business, and the infrastructure industry converged on the Statehouse in Trenton over the course of two legislative session days.

**“I strongly believe that this result, as well as the legislation creating a long-term, sustainable funding source for the TTF, would not have happened without the intensive efforts of ForwardNJ and its members.”**

#### A second chance

Unfortunately, a solution was not reached and the TTF went bankrupt. However, on September 30, Governor Christie, Senate President Sweeney, and Speaker Prieto announced an agreement on the issue. The new legislation enabled an eight-year, \$2 billion annual (\$4 billion with a federal match) program funded through a 23-cent increase in the gas tax. There were corresponding cuts to the state's estate, sales, and retirement income taxes.

During the week leading up to the vote to increase the gas tax, ForwardNJ launched a robust campaign to move lawmakers to vote yes. This included online video ads and social media content, as well as radio advertising. The legislation was passed by both houses one week after it was announced, with the governor signing it into law a week later. The legislation accomplished ForwardNJ's goal of a long-

term, reliable, and sustainable funding solution for the TTF. That left only the constitutionally dedicated goal to achieve.

ForwardNJ and its members engaged heavily in a public awareness campaign to advocate for passage of Ballot Question #2 on November 8, 2016. The question, which many assumed would pass easily, was publicly challenged by a campaign that sought to confuse voters into thinking that a "no" vote was a vote to repeal the gas tax increase. To combat this misinformation, the coalition launched cable TV ads and digital ads and sent mail to over 600,000 voters informing them of the importance of voting yes.

With less than a month left before Election Day, the Coalition worked to mobilize broad-based support among the state's newspapers for Question #2. We engaged in numerous conversations with editorial boards across the state. We provided detailed breakdowns of exactly what passage meant to New Jersey, and also helped to beat back the growing tide of "Vote No" misinformation being spread. In the end, the *Star Ledger*, *Bergen Record*, *NJBIZ*, *Asbury Park Press*, *Home News Tribune* and *Vineland*

*Daily Journal* all endorsed a "yes" vote on Question #2. Not one state newspaper came out against the question. Op-eds from myself, UTCA CEO Robert Briant, then NJLM President Mayor Joseph Tempesta, and letters to the editor from nearly a dozen coalition members were published in papers across the state.

#### Success!

On November 8, voters overwhelmingly approved Ballot Question #2 by a 53.7% to 46.3% margin. I strongly believe that this result, as well as the legislation creating a long-term, sustainable funding source for the TTF, would not have happened without the intensive efforts of ForwardNJ and its members.

The coalition, each member with their own diverse backgrounds and experiences, shows what is possible when groups and individuals come together and work cooperatively for the common good. It is my sincere hope that our state, and the nation, will see more efforts like that of ForwardNJ. 🦋

Tom Bracken is the president and CEO of the New Jersey Chamber of Commerce. He served as Chair of the Forward New Jersey Coalition.

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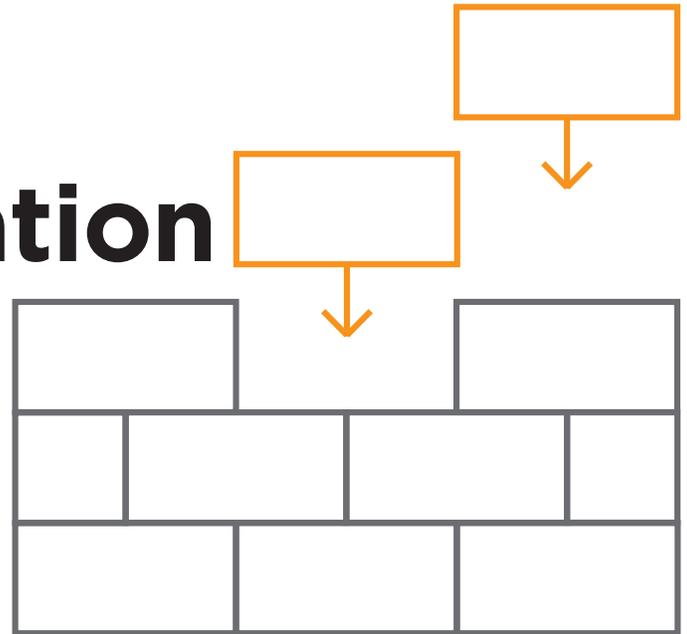


\* Since 2014, Dennis Galvin has been the author of *Local Government Law, 4<sup>th</sup>, New Jersey Practice (Volumes 34-35 A)*, published by Thomson Reuters.

# How Consolidation Stacks Up

Highlights of the Uniform Shared Services and Consolidation Act

By Gregory Fehrenbach, Consultant, NJLM Shared Services



The Uniform Shared Services and Consolidation Act (the Act) has been with us now for 10 years. Among its stated purposes include “...encourage the financial accountability of local units of government through empowering citizens, reducing waste and duplicative services, clearing legal hurdles to shared services...”

In 2006 A-4 (the Act) was introduced. It was signed into law as P.L. 2007, c. 63 and later amended by P.L. 2011, c. 55. Reviewing the process of developing and passing this legislation 10 years on offers insights into the possibilities and shortcomings of shared services.

Since P.L. 2007, c. 63 was enacted, Princeton has consolidated. No other municipalities have consolidated although municipal shared services have been and continue to be prevalent throughout New Jersey.

## The origins of the act: a special joint legislative committee

In the summer of 2006, former Governor Corzine called upon the Speaker and the Senate President to convene Special Legislative Sessions. (The final report of the special session is online at [njleg.state.nj.us/PropertyTaxSession/OPI/jcgo\\_final\\_report.pdf](http://njleg.state.nj.us/PropertyTaxSession/OPI/jcgo_final_report.pdf)). The Speaker and the President of the Senate created four joint legislative committees to examine these matters. They were called the committees:

- On Constitutional Reform and Citizens’ Convention
- On Public Employee Benefits Reform
- On Public School Financing Reform
- On Government Consolidation and Shared Services

During the first meeting of the Joint Legislative Committee on Government Consolidation and Shared Services (Joint Committee), county and municipal researchers testified that shared services resulted in modest savings.

Somerset County Shared Services leaders Thomas Sharpe and Gregory Bonin testified that shared services resulted in savings, though modest ones. Reagan Burkholder testified on the results of the performance measurement program he was administering

in the dozen or so municipalities who were participating in that effort. He concluded that the savings to be achieved by consolidating services would also be modest.

During later Joint Committee meetings, others testified regarding such issues as consolidation of municipalities which provides regional planning and other benefits, but the harmonization of wages and services works against significant financial saving.

There was testimony about withholding state aid (or more correctly described as transfer payments) for failure of municipalities to consolidate and creating a Base Realignment and Closure (BRAC)-like commission to force municipalities into consolidation.

Also during these Joint Committee meetings NJLM representatives testified, educating those in attendance about the true cost centers of local government and what drives them. For example, about 70% of the cost of government are personnel and personnel-related costs. Legislated collective bargaining enhancements such as binding interest arbitration are some of the culprits responsible for rising costs of local government along with uncontrollable health and pension costs. The League’s message was clear: Permit municipalities to control the costs and the tax burden will be lessened.

The League reinforced to the Joint Committee that other factors than just financial ones affect the willingness of municipalities to merge. Even if consolidation saves money, municipalities might not wish to merge. While wary of the ultimate benefits of consolidation, municipalities should be encouraged to examine this as a method to possibly increase the efficiency and effectiveness of the provision of local government services.

The League further advised the Joint Committee to not diminish state aid that has failed to match inflation for the

previous decade. When the property tax makes up 50% of the revenues and all other revenues remain stagnant, if the budget rises by 3%, the property tax of necessity must rise by 6%.

The League also advocated to respect the constitutional rights of the state's citizens to choose the local government in which they wish to live while also rejecting solutions that are not supported by research or experience.

In addition to testifying, the League worked with Assembly majority staff to further develop then-Speaker Joseph Roberts' bill, with which the League had been collaborating over the past year.

### The impacts of consensus building

The final version of the bill, in order to receive sufficient votes in the legislature and the signature of the then sitting governor, needed to placate concerns of many interest groups.

For example, while police services are

a significant municipal cost center, typically consuming about 30% or more of the municipal budget, groups representing New Jersey police lobbied strongly for protections that found their way into the bill. Such provisions included the agreement shall recognize and preserve the seniority, tenure, and pension rights of every full-time law enforcement officer who is employed by each of the participating local units, and special protections for the chief of police.

Further sections were included in the bill to protect civil service status of employees, thereby eliminating the potential cost savings and efficiencies from changes in that status.

With major municipal cost centers outside the purview of the final version of the bill, its impact would necessarily be limited.

### Important principles reinforced

Compromises in search of consensus

can eviscerate the intent of the bill working against its stated intentions. When the costs of local government are primarily employee-related costs, compensation, benefits, etc., unless these are reduced, there will be no significant savings, which was among the stated purposes of the legislation. These can only be reduced in the following ways:

- Reduce the actual compensation elements
- Reduce the services offered to constituents
- Increase the productivity by increasing work hours or by increasing output per hour worked, or
- A some combination of these

And as the researchers testified to the Special Joint Legislative Committee in 2006, it must also be recognized that even with these actions, we should expect that modest savings will be achieved. There is no silver bullet! 🚀



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# Looking Back

Eight years of environmental progress

By Bob Martin, Commissioner, NJ Department of Environmental Protection

As my time as DEP Commissioner nears an end, I can't help but look back on the journey that I first began in January 2010. I admit that I did not know what to expect when I was first appointed Commissioner, but I had certain preconceptions. Coming from the private sector, I knew the difficulties and hurdles that government agencies produce, and DEP was no exception. For this reason, when Governor Chris Christie appointed me to this position, he told me to transform DEP.

At that point state environmental regulations were significantly complex, there was needless red tape and in some cases certain regulations were neither unified nor efficient. This had a negative effect on the environment and our economy. Our agenda was clear enough from the beginning: protect the air, water, land, and natural and historic resources of the state while streamlining our processes and eliminating red tape. This would bring innovative environmental stewardship that would also have a positive effect on New Jersey's economy.

Coming in to DEP, I knew I had my work cut out for me. However, when I got here, I quickly found out that DEP employees are passionate, dedicated, and well-educated individuals. What was needed at DEP was a realignment of priorities and a culture change.

That is why one of my first priorities as Commissioner was to transform DEP's culture by developing a foundation for quality customer service. All DEP employees, including myself, participated in customer service training.

## Local concerns

I also realized immediately that DEP needed to do a much better job working with New Jersey's local officials. I reinvigorated DEP's Office of Local Government Assistance so that we could build a much stronger relationship with our local officials to address our shared goals of improving New Jersey's environment. So much of that work occurs at the local level—including everything from permitting to site remediation—so it only made sense that we find ways to work together effectively.

Additionally, we revitalized the Office of Permit Coordination



to help individuals, towns, and businesses with complex projects navigate the permit process and identify potential flaws early on. This office helps create consistency and predictability and ensures that business is conducted in a way that protects the environment.

Another aspect of our transformation includes the enhancement of the Office of Alternative Dispute Resolution. This office connects DEP programs with the regulated community to resolve legal issues before they go to an administrative law judge or the courts. This reduces costly legal and court action, saving time and money.

Most important, we reformed many of our regulations so that they made sense. While streamlining regulations, the one thing we never changed was our commitment to protecting the environment. We have also made it easier to apply for and receive permits by leveraging technology. Today, more than 170 permits and applications can be completed online, saving time in applying and speeding up DEP's approval process.

Through education and outreach, we have worked with the regulated community to promote compliance. However, we have always been prepared to take every strong enforcement action, when needed.

While we have been committed to improving the quality of customer service and simplifying processes, DEP is really about improving the environment.

**Environmental highlights**

My first priority at DEP has always been to protect the environment. I focused on following data and science-driven trends that told us whether our air, water, and land were cleaner and whether we were better managing our parks, wildlife management areas, and historic sites while also making them more attractive destinations for the public.

Throughout my tenure, we made important strides in improving our air quality. From the beginning, we took strong action to make out-of-state power plants clean up their act, while making sure in-state facilities meet the toughest emissions controls.

In addition to improving air quality from in-state power plants, we also took aggressive action to address air

transport—dirty air brought to New Jersey from other states by prevailing winds. We filed with EPA a 126(b) Petition to require the Portland Power Plant in Pennsylvania to reduce its emissions. This was the first single-source 126(b) Petition that the EPA granted and it was a big win for the people of New Jersey.

**“New Jersey’s ocean water quality remains very high, with our beaches open 99.9% of the time during the summer season.”**

I am especially proud to say that New Jersey is ranked fifth in the nation in total installed solar capacity.

New Jersey’s ocean water quality remains very high, with our beaches open 99.9% of the time during the summer season. And we have worked hard with local communities to address specific storm water issues that affect water quality. Projects at such locations as Wreck Pond, Shark River, and the Shrewsbury River have enabled us to improve water quality significantly.

Early in this administration, Governor Christie announced the Barnegat Bay Ten Point Action Plan to address the research gaps in our knowledge of the environmental health of the Bay. After seven years, the results of this plan have created one of the most comprehensive compilations of research on a single estuary. We are now taking that science and moving it into action to restore, protect, and enhance this vitally important environmental treasure.

We have made also made significant strides in ensuring the safety of our drinking water by making new



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By 2030, 1 in 5 New Jerseyans will be 65+, with the vast majority wanting to remain in their communities. That's why AARP is helping create livable places for people of all ages.



## 8 Years of Environmental Progress

recommendations for a Maximum Contaminant Level for 1,2,3-TCP, PFNA, and PFOA.

I am proud to say that this Administration is the first to address the historic problem of Combined Sewer Overflow (CSOs). In 2015, DEP issued 25 final permits to address 210 CSOs in the state. Working with cities and MUAs, we are putting in place long-term control plans and long-term investments to address this long-standing issue.

### Parkland progress

We have remained dedicated to the parks and natural areas that our residents depend on for hiking, fishing and nature watching. We kept all our state parks and wildlife management areas open, well maintained and provided new amenities. With proper management, we even opened the first state park in Gloucester County: Tall Pines State Park.

We updated the state's Comprehensive Black Bear Management Plan.

Earlier this year, New Jersey won a huge victory at the federal level to protect our recreational summer flounder industry, which contributes more than \$1.5 billion to our economy and supports 20,000 jobs. DEP's science and data-driven appeal of an overly restrictive limit on summer flounder was granted by the United States Secretary of Commerce. This was the first time ever a decision by the multi-state body that sets fishing limits was overturned.

The Licensed Site Remediation Professionals Program remains a success. There are almost 700 LSRPs across the state. Since 2011 more than 26,000 sites have been remediated statewide. When I started at DEP, more than 20,000 sites needed cleanup. We have reduced that number to 14,000, even as new sites have been identified. Today there are more sites being actively worked on than ever before.

I am particularly proud of the work that we accomplished regarding the cleanup of the Passaic River, reducing the ongoing threat to public health and the environment by cleaning up the lower eight miles of the Passaic River.

### Sandy's impact

I can't think back on this Administration without thinking about Superstorm Sandy.

I can say with pride that this was New Jersey's finest hour.

While the storm was raging, we dealt with the second worst oil spill in New Jersey's history. Two tanks at the Motiva Sewaren terminal facility ruptured, spilling 378,000 gallons of ultra-low-sulfur diesel fuel into the Arthur Kill, Smith Creek and Woodbridge Creek. DEP worked with the U.S. Coast Guard, and contractors were immediately sent out to put booms in place and began vacuuming oil.

**“When I started at DEP, more than 20,000 sites needed cleanup. We have reduced that number to 14,000, even as new sites have been identified.”**

About 70 drinking water systems has some level of damage, and all were running on backup generators. Additionally, nearly 100 wastewater systems serving about 3.5 million people in all 21 counties sustained damage or were running on backup generators. The Passaic Valley Sewerage Commission, which serves more than 1.4 million people, experienced a complete shutdown. As a result, more than 500 million gallons per day of untreated wastewater was discharged for several days into nearby waterways. DEP worked with PVSC, the U.S. Army Corps of Engineers and contractors to ensure that necessary equipment was available and repairs were made.

Immediately after the storm, DEP coordinated one of the largest and most complex disaster cleanups in the nation's history.

The damage New Jersey sustained due to this storm was catastrophic. More than 365,000 homes damaged or destroyed. After the storm, DEP coordinated with towns and contractors the removal of more than 6.2 million cubic

yards of building materials and household and vegetative debris while also coordinating the removal of more than 2 million cubic yards of sand from streets, parking lots, and other property in the nine affected counties.

In addition, DEP coordinated the removal of 103,000 cubic yards of debris from New Jersey waterways. This was one of the largest undertakings of its kind in the nation. More than 371,000 cubic yards of sediment were removed from Barnegat Bay, other waterways and marinas up and down the New Jersey coast.

The DEP-led Blue Acres Program has been a huge success post-Sandy. It has targeted more than 1,200 properties in flood-prone areas. So far, offers have been made to 893 homeowners with closings completed on 611 properties.

Additionally, DEP is leading two major flood control projects along the Hudson River and the Meadowlands. Using \$380 million awarded by the U.S. Department of Housing and Urban Development, these two “Rebuild by Design” projects will provide flood protection to Hoboken, Jersey City and Weehawken along the Hudson River Waterfront and to the Meadowlands area near Little Ferry, Teterboro, Moonachie, and Carlstadt.

DEP has had the lead in carrying out the Governor's vision of providing a full coastal protection system along our 127-mile long Atlantic coast. DEP has coordinated with the U.S. Army Corps of Engineers (USACE), federal, state, county, and local officials, and thousands of private property owners along the Jersey shore to construct this comprehensive shore protection system.

This shore protection system includes everything from a steel sheet piling wall in Brick and Mantoloking, to a rock sea wall in Sea Bright, to five major new engineered beaches and dunes in dozens of coastal communities. The USACE is designing and constructing comprehensive flood control projects in Union Beach and Port Monmouth.

I am proud to say that we are leaving our natural treasures cleaner and in better condition than when we arrived. I am very proud of the work of all our team at the DEP! 🌿



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# Affordable Housing Opportunity

NJHMFA uses development tools to create affordable housing across the state



Richardson Lofts in Newark

By Anthony L. Marchetta, Executive Director, New Jersey Housing and Mortgage Finance Agency

Contrary to often public perception, affordable housing does not represent a four-letter word in New Jersey.

It is exactly what it implies: Homes with affordable mortgages or rents for hardworking families and individuals throughout the state like police, firefighters, and other public sector employees, nurses, service/office workers, and millennials.

Creating opportunities to expand housing opportunities not only improves the lives of our residents but the greater community as well. Like all residential development, affordable housing generates jobs and positive economic multipliers. Neighborhoods grow, tax rates increase, and new residents become part of a community, making an investment that will continue to provide both economic and community rewards for years to come.

A public misconception of affordable housing often equates it to a decades-old view of high-rise public housing. And today, the phrase has become a legal battleground between municipalities and housing advocates. However, large sections of working individuals fall under the income criteria for low- and moderate-income households, and the numbers might not be what you think.

## By the Numbers

The guidelines for low income housing, as calculated by the U.S. Department of Housing and Urban Development, are determined by a percentage of each county's median income (for a family of four).

### In Bergen County

**Median gross income for households:** \$96,500

**Moderate-income:** Up to \$68,000, or 80% of the area median income (AMI)

**Very low-income:** Below 50% of the AMI, income is capped at \$48,250

### In Middlesex County

**Median gross income for households:** \$105,400

**Moderate-income:** \$77,100 (80% of AMI)

**Very low-income:** \$52,700 (50% of AMI)

## Core mission

Providing affordable housing has been at the core of our mission at the New Jersey Housing and Mortgage Finance Agency (NJHMFA) since its inception nearly 50 years ago. In addition to our mortgage and downpayment and closing costs assistance for prospective homeowners, we have partnered with developers throughout the state to build affordable rental apartments and for-sale townhomes or condos that provide stable, permanent housing opportunities for our residents.

In Edison, for example, in the early 1940s, newly drafted young men preparing for transport to the European Theater of Operations in World War II passed through Camp Kilmer in Middlesex County, which was a staging area for troops and supplies heading overseas.

Today, Kilmer Homes, which occupies a portion of that site,



Kilmer Homes in Edison

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The New Jersey Building Officials Association was established in 1929. We are a not-for-profit organization recognized as a chapter of the International Code Council, and are devoted to protecting the health, safety, and welfare of the public, by promoting professionalism, education, and ethics.

NJBOA's Active Membership is comprised of licensed Code Officials and Inspectors of all disciplines, as well as Technical Assistants. We have Associate, Subscribing, and Honorary memberships available to others engaged in the building industry, including housing, planning, zoning, and manufacturers' representatives. As always, we welcome people from many career backgrounds to consider joining our organization, or come to any meeting as our guest.

As we approach our 90th Anniversary, **NJBOA** is proud to be the **only** statewide association, inclusive of Code Officials and members of diverse backgrounds, that is recognized by the Department of Community Affairs. **NJBOA** will continue to actively support and participate in the Building Safety Conference of New Jersey, as we have done for 35 years. **NJBOA** is an organization that remains strong in membership, and have welcomed an increase of new applicants this year. **NJBOA** is a tried and true brotherhood whose success is written in our legacy. The **NJBOA** Executive Board would like thank our members, Past Presidents, and communities, for their unwavering support, which has helped pave the way to its success thus far. **NJBOA** will continue to forge ahead with strong leadership and the proven confidence of its members, through this decade and beyond.

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## Affordable Housing

is a community of 120 affordable rental homes for working families as well as a set-aside of 30 units of supportive housing for homeless individuals and families.

Key to the development of Kilmer Homes, and critically important in widening housing opportunities, has been the use of competitive 9% federal Low Income Housing Tax Credits (LIHTC) administered by NJHMFA. The most successful federal affordable housing production program in history, LIHTCs provide a 10-year tax incentive to encourage the development of affordable rental housing for low- and moderate-income households whose incomes are below 60% AMI.

### LIHTC program

The LIHTC program, established by the Tax Reform Act of 1986, is the single largest source of funding for affordable housing in the United States.

The LIHTC program awards federal tax credits to low- and moderate-income affordable housing developers, which are typically sold to private investors to generate equity for construction funding. In return, the investors receive 10 years of tax credits and other benefits against their federal tax liability.

NJHMFA is the sole entity in the state



Hahne and Co., Newark

tasked with awarding the two types of LIHTCs: 9% credits, which are highly sought after by developers and awarded competitively to projects with conventional/taxable financing, and 4%, or “as-of-right” credits, for projects that utilize tax-exempt bond financing.

### Awarding tax credits

To help strengthen the program and its reach in New Jersey, NJHMFA in 2013 made significant changes in the way tax credits are awarded that not only leverages their investment, but also deconcentrates areas of poverty and increases opportunities for residents to continue to build their personal equity.

New Jersey has one of the country’s most innovative LIHTC programs. One of the LIHTC program’s most effective features is each state’s ability to craft its

own Qualified Allocation Plan defining the criteria for awarding tax credits. NJHMFA’s changes have helped guide affordable housing growth across the state, shifting projects to high opportunity areas that are job centers with high-performing schools and access to public transit.

As a result of the changes made in 2013, 60% of the units funded with 9% tax credits have been developed in suburban municipalities, successfully highlighting NJHMFA’s priorities.

Reports by HUD and the Joint Center for Housing Studies at Harvard University have recognized the state’s efforts to utilize its allocation plan as a tool to decrease economic segregation through housing location. NJHMFA’s program was also hailed in a 2017 report by New Jersey Future, “Assessment of the New Jersey Low Income Housing Tax Credit Program,” which compared projects awarded before and after the changes. An article accompanying the report’s release noted that the changes could “serve as a model for other states interested in similarly directing their allocation of affordable-housing tax credits.”

Housing is an essential component of strong communities. The LIHTC program has proven to be most efficient way to produce high-quality affordable housing with limited government involvement. These studies are an indication that what NJHMFA has been doing is having an impact. Our neighborhoods and communities, like our residents, should reflect a diversity of housing, and the steps NJHMFA has taken have worked to broaden the impact of using LIHTCs as a development tool to create affordable housing across the state and have opened the door to thousands of residents. 🏠



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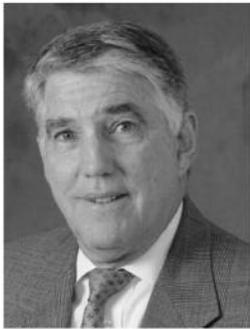
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# LABOR RELATIONS

## Are You Handling Your Employee's Break Periods Properly?

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

**T**he Third Circuit recently announced a bright line rule regarding the compensability of employee rest periods that should encourage public employers to review their break policy to ensure compliance with the Fair Labor Standards Act (FLSA).

*In United States Department of Labor v. American Future Systems, Inc. d/b/a Progressive Business Publications* No. 2-12-cv-06171 (October 13, 2017) the Third Circuit held, pursuant to 29 C.F.R. 785.18, that if an employer chooses to provide short breaks of five to 20 minutes, the employer is required to compensate employees for such breaks as hours worked. Under 29 C.F.R. 785.18 “rest periods of short duration, running from 5 minutes to 20 minutes, are common in industry. They promote the efficiency of the employee and are customarily paid for as working time.” Defendant Progressive (“Progressive”) did not read 29 C.F.R. 785.18 as a requirement to compensate rest periods as hours worked. The Department of Labor - Wage and Hour Division argued the regulation is clear and their interpretation of the law deserves substantial deference. The Department of Labor stated breaks of less than 20 mins are compensable. The Third Circuit agreed with the Department of Labor and took the case as an opportunity to clarify the regulation and reaffirm the purpose of the FLSA, which was designed to “improve working conditions and reduce the unfair treatment of employees” 29 U.S.C. 202(b).

**90 Seconds** To understand the far-reaching implications of the decision and the manner in which Progressive tried to work around the regulation, some background is required. Progressive is a sales company that sells business publications through call centers. Progressive employees were only paid for the time that they were logged into the company’s timekeeping system. The timekeeping system logged employees off their individual computers if they were away from their computer for 90 seconds or more. Progressive described their policy as “flex time” and highlighted that while employees were not paid when logged off their computers, the flex time policy allowed employees to take breaks from work at any time, for any reason, and for any duration.

Based on Progressive’s flex time policy, the employer believed employees were not entitled to compensation for their breaks. Specifically, pursuant to 29 C.F.R. 785.16, “Periods during which an employee is completely relieved from duty and which are long enough to enable him to use the time effectively for his own purposes are not hours worked.” Additionally, under the FLSA, employers are not required to provide their employees with any breaks at all. The Third Circuit described Progressive’s

**“Based on Progressive’s flex time policy, the employer believed employees were not entitled to compensation for their breaks.”**

position as having “superficial appeal” but held that such practices violate the FLSA’s regulatory scheme. The Third Circuit upheld the Department of Labor’s view as embodied in 29 C.F.R. 785.18, that breaks of 20 minutes or less are of such short duration that they cannot, by their very nature, be used for personal tasks as required under 29 C.F.R. 785.16. The Court stated that Progressive’s policy “forces employees to choose between such basic necessities as going to the bathroom or getting paid unless the employee can sprint from the computer to the bathroom, relieve him or herself while there, and then sprint back to his or her computer in less than 90 seconds.” The Court further acknowledged that “[a]lthough employers need not have any break policy, we refuse to hold that the FLSA allows employers to circumvent its remedial mandates by disguising a break policy as ‘flexible time.’” Accordingly, the bright line rule under 29 C.F.R. 785.18 is that the employee must be compensated as long as a break is under 20 minutes.

**Substantial Deference** Progressive also challenged whether the Wage and Hour Division’s interpretative regulation on breaks less than 20 minutes is entitled to “substantial deference” and whether the Court should be using a fact-specific analysis for determining when a break is compensable, rather than the bright

line rule announced by the Department of Labor under 29 C.F.R. 785.18. The Court did not find either of these arguments persuasive and ruled in favor of the Department of Labor.

As stated by the District Court, traditionally, interpretative rules from an administrative agency do not have the force and effect of law and are not accorded that weight in the adjudicatory process. If an agency is not afforded substantial deference, the Court simply decides whether the agency is persuasive. An administrative agency's interpretation of a rule such as under 29 C.F.R. 785.18 is given deference based on the specialized experience and authority within that agency.

The weight afforded the agency's interpretation depends on the thoroughness evident in its consideration, the validity of its reasoning, its consistency with earlier and later pronouncements, and all those factors which give the agency the power to persuade. The test is generally a sliding scale weighing whether the interpretation was (1) issued contemporaneously with the statute; (2) consistent with other agency pronouncements; (3) reasonable given the language and purposes of the statute; (4) within the expertise of the relevant agency; and (5) part of a long-standing and unchanging policy. After analyzing these factors, the Third Circuit awarded the Department of Labor the highest level of deference, concerning its interpretation of 29 C.F.R. 785.18. This ruling was a considerable blow to the Progressive's argument and helped seal the fate of their flex time policy.

The Third Circuit also held that a fact-specific analysis for determining when a break is compensable based on whether the break benefitted the employee or the employer was impracticable. The Court said it would create an administrative regimen that would be burdensome and unworkable and would require the parties to analyze each break using tests to evaluate the relative benefit to each party. Progressive retorted that without a fact-specific analysis, employees could take unlimited breaks of less than 20 minutes and the employer would have to compensate them. The Court was sympathetic to this argument but stated that

the employer's recourse is to discipline or terminate the employee, not to withhold compensation.

In conclusion, employee breaks are a complicated issue and the Department of Labor and the Third Circuit have made clear that breaks of less than 20 minutes have to be paid. Public employers should be aware and make sure they are not

docking employee's pay based on their breaks and that their break policies are not an attempt to skirt 29 C.F.R. 785.18. Please consult your labor counsel on the effects of this decision on your policies and collective negotiations agreements. 

Mr. Hannon would like to thank Aaron Carter, Esq. for his assistance on this article.

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## Vetting a Public Finance Team: Has Your Municipal Advisor Passed the Test?

By Erik Dolan, Director, Professional Qualifications, Municipal Securities Rulemaking Board

When managing their personal finances, many people turn to financial advisors to help them make informed decisions about complex financial products and investment options. For state and local government officials responsible for managing the public's finances, specialized financial advisors called municipal advisors may be hired to provide advice on issuing municipal bonds or using municipal financial products.

### Meeting standards

If a municipal advisor is part of your public finance team, you should know that municipal advisors must meet baseline standards of professional qualification. Municipal advisors must pass a test developed by the Municipal Securities Rulemaking Board (MSRB)—the national regulator responsible for protecting the public interest by promoting a fair and efficient municipal securities market—to engage in municipal advisory activities.

If you are currently working with a municipal advisor or planning to start a new engagement, it would be prudent to confirm that your municipal advisor has passed the Series 50 exam. The names of individuals who have passed the Series 50 exam are available on the MSRB's website, [msrb.org/MARegistrants.aspx](http://msrb.org/MARegistrants.aspx).

It is in your community's best interest to make sure that all members of a public finance team are duly qualified in accordance with federal regulations. Verifying a municipal advisor's qualifications can help avoid a disruption in the municipal advisory services you receive, including preventing a negative impact to the bond issuance process.

The MSRB creates and maintains rules for municipal advisors and municipal securities dealers that underwrite and trade municipal bonds. The Series 50 exam is one element of a comprehensive regulatory framework for municipal advisors that includes rules addressing core duties to clients, disclosures, and conflicts of interest.

Access more information about what to expect from your municipal advisor and how to research the background of your

municipal finance professionals on the MSRB's website, [msrb.org/EducationCenter/Investors/Preparing/Professional/Working-with-Financial-Professionals.aspx](http://msrb.org/EducationCenter/Investors/Preparing/Professional/Working-with-Financial-Professionals.aspx)

### About the MSRB

The Municipal Securities Rulemaking Board (MSRB) protects investors, state and local governments, and the public interest by promoting a fair and efficient municipal securities market.

**“ It is in your community's best interest to make sure that all members of a public finance team are duly qualified in accordance with federal regulations.”**

The MSRB fulfills this mission by regulating the municipal securities firms, banks, and municipal advisors that engage in municipal securities and advisory activities. To further protect market participants, the MSRB provides market transparency through its Electronic Municipal Market Access (EMMA®) website, [emma.msrb.org/](http://emma.msrb.org/), the official repository for information on virtually all municipal bonds.

The MSRB also serves as an objective resource on the municipal market, conducts extensive education and outreach to market stakeholders, and provides market leadership on key issues. The MSRB is a Congressionally chartered, self-regulatory organization governed by a 21-member board of directors that has a majority of public members, in addition to representatives of regulated entities. The MSRB is subject to oversight by the Securities and Exchange Commission. 

Erik Dolan is the Director, Professional Qualifications, at the Municipal Securities Rulemaking Board, where he manages the development and maintenance of testing standards and educational programs for MSRB-regulated municipal advisors and municipal securities dealers.

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**Jennifer Young**  
**[jennifer.p.young@verizon.com](mailto:jennifer.p.young@verizon.com)**  
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# GOLD DOME



## What Awaits in Trenton

Benjamin Dworkin, Ph.D., Director of the Rebovich Institute for New Jersey Politics and Adjunct Assistant Professor of Political Science at Rider University

**T**he world that awaits a new legislature and governor in Trenton is filled with significant hardships and tough decisions. Leadership tensions in both the Senate and the Assembly simmer just below the surface. And the new governor will impose a completely different governing dynamic, all while facing demands from groups that felt shortchanged over the past eight years.

Aside from navigating all the new players, our representatives in Trenton will face myriad issues. Here are three of the biggest that await them.

**The State Budget** Almost everything in Trenton begins and ends with the state budget. The next governor needs to submit a proposal no later than March and come to an agreement with the legislature by June 30.

The current budget is propped up by \$600 million in one-shot revenues from the NJTV spectrum sale and the ExxonMobil environmental lawsuit settlement. Neither will be available next year.

State revenues are growing, but not as fast as anyone would want. Non-discretionary spending (pensions, health benefits, debt service, Medicaid, etc.) will increase by \$1.3 billion, while net revenues may rise by at little as \$400 million.

Thus, to just maintain current spending, the new governor and legislature potentially face a \$900 million hole to fill. Any new initiatives coming from Trenton—a major increase in school funding, expanded preschool programs, or free county college tuition, for example—make that hole even deeper.

The money, of course, has to come from someplace. The Democratic-controlled legislature can be expected to raise income taxes on millionaires, but this would only generate about \$600 million. That number would increase if, as happened in the past, “millionaire” is defined as filers making \$400,000 or more. A reduced threshold will only embolden what most expect to be universal opposition from legislative Republicans, and will surely make more than a few Democrats skittish on supporting it as well.

Another option is to raise the sales tax back up to 7%, from the 6.625% it will be in 2018, a move that could also generate \$600 million. For many New Jerseyans, the sales tax cut that came about as part of the Transportation Trust Fund (TTF) agreement last year is far too small to even be noticeable. However, it is a broad-based regressive tax, affecting everyone regardless of their ability to pay, and therefore the political will to raise it back up to 7% will face heavy opposition.

**“The excitement of the campaign is past. To the victors go the spoils, and the challenges of facing what awaits them in Trenton.”**

If taxes aren't the answer, then balancing the budget will require cuts in spending. Reducing the money put into pensions or reforming health benefits for teachers, police, firefighters, and state workers hardly has the support it would need in the legislature. Aside from constituency pushback, most discretionary funding in New Jersey has already been eliminated over the past two decades.

Any new governor who agrees to raise taxes will want to have a signature positive item in the next budget. One possible scenario is that Trenton commits to \$700 million or more in new school funding, while also embracing a combination of tax increases, spending cuts, and budgetary gimmicks/one-shot revenues, even those that so many have decried previously.

**Raising the Minimum Wage** A second big challenge facing Trenton in 2018 will be the effort to raise the minimum wage to \$15/hour, a rallying cry for the increasingly stronger progressive forces in New Jersey and their allies in the Democratic legislative majorities.

As always, opponents will argue that such an aggressive move will reduce overall employment by raising the cost of doing business. Proponents will counter that as wages go up, the spending power of working-class customers will increase, thereby helping grow, not shrink, the economy. In addition, they argue that a more livable wage will reduce the need for expensive safety net programs.

There is room for compromise. A gradual raising of the wage, with significant flexibility for farmers, and exemptions for tipped workers and 16- and 17-year-olds may well find the votes it needs in the legislature.

**Federal Subsidies** The new governor and legislature will also have to deal with the Republican Congress's strong desire to curb federal spending—a move that would have significant negative consequences for New Jersey.

For example, a withdrawal of federal subsidies in two key areas under

**“ State officials, of course, can only do so much to affect what happens on Capitol Hill. But everyone in Trenton will have to deal with the consequences in 2018.”**

discussion, infrastructure and the Affordable Care Act, will force the state

to fend for itself, lest millions of commuters be stuck in endless traffic and thousands of New Jerseyans return to the days without health insurance. The costs of doing nothing could be disastrous: decreased productivity because of poor roads and longer commutes and a huge jump in taxpayer-financed hospital emergency room use by those with no other access to primary care.

Further, the potential loss of the popular state and local tax (SALT) deduction would take additional money out of the pockets of New Jerseyans.

State officials, of course, can only do so much to affect what happens on Capitol Hill. But everyone in Trenton will have to deal with the consequences in 2018.

The excitement of the campaign is past. To the victors go the spoils, and the challenges of facing what awaits them in Trenton. **J**

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## Regulating Fireworks and Beekeeping

By Frank Marshall, Esq., NJLM Staff Attorney



**Over the summer New Jersey passed a new law which lifted the ban on the use of certain types of fireworks within the state. Our council is worried that allowing the use of any fireworks in our town is too dangerous. Can we pass an ordinance that would restrict or prohibit the sale or use of fireworks within our municipality?**



Like many legal questions the answer to this is probably, but it depends. P.L.2017, c.92, which Governor Christie signed into law this past summer, allows the general public to buy and use, without first obtaining a permit, certain smaller fireworks, termed as “sparkling devices and novelties.” Within this law is a provision that states, “sparkling devices and novelties, including their sale or use, shall not be subject to further regulation by a municipality pursuant to R.S.40:48-1...” This is important as N.J.S.A. 40:48-1 grants municipalities the general authority to pass certain ordinances, including the authority to, “Regulate and prohibit the sale and use of...fireworks of all descriptions.”

The new law’s specific preemption of N.J.S.A. 40:48-1 as municipal authority to regulate these types of fireworks would at first blush seem to exclude municipal regulation entirely. However, this isn’t necessarily the case. Under N.J.S.A. 40:48-2 a municipality is granted authority to create and enforce ordinances, “as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety, and welfare of the municipality and its inhabitants...” This is more commonly referred to as a municipality’s “general police powers.”

Using the authority of general police powers your municipality may very well be able to pass an ordinance that would limit the sale or use of these types of fireworks. Any restrictions, however, must be done for the purpose of protecting persons and property and for the preservation of public health, safety, and welfare. This typically means that regulations are limited only to the time, place, and manner restrictions. For example, you would be free to pass an ordinance that bans the use of any fireworks, including sparkling devices and novelties, on or within municipal property, including streets and parks. By contrast, an outright ban on the use of these types of fireworks within the municipal limits would likely be impermissible. Somewhere in the gray area of permissibility would be an ordinance which prohibits the use

of any fireworks, sparkling devices, or novelties anytime the fire danger rating system is above level one.

You should carefully review any proposed ordinance with your municipal attorney for further guidance.



**Some residents have complained about a neighbor’s beekeeping activities and have approached our council about adopting an ordinance to regulate this. I remember a few years ago hearing about a new law that was passed which limited a municipality’s authority to regulate beekeeping. If this is true, to what extent can our town regulate this activity?**



That new law you are remembering is P.L. 2015, c.76 and this 2015 law grants exclusive authority to the State to regulate apiary activity. Meaning, a municipality is totally prohibited from, “adopt(ing) an ordinance, resolution, rule, or regulation concerning the breeding or keeping of honey bees or any activities related thereto...”

Although local governments are preempted from creating their own beekeeping regulations, that doesn’t mean municipalities are out of process completely. The law gives the NJ Department of Agriculture rulemaking authority and allows them to adopt regulations and standards for apiary activities. Furthermore, the law allows for the Department to delegate to a municipality the authority to monitor and enforce the Department’s regulations. In order to do this, a municipality must first adopt by reference those standards by ordinance.

Unfortunately, however, the Department has yet to adopt any regulations or standards for a municipality to adopt and enforce. Because of this, at the moment beekeeping activity in the State is virtually unregulated. That isn’t to say that progress towards adopting regulations has not been made. The League and other stakeholders are actively engaged with the Department in an effort to draft and adopt regulations regarding beekeeping activities. You can be sure that the League will keep our members updated on the progress made towards the adoption of beekeeping regulations.

In the meantime, we encourage you to contact the Department yourself to express your concern with the lack of regulations and municipal control. 🐝

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

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# League Officers for 2017-2018 Elected

On Thursday, November 16, 2017, New Jersey’s mayors elected its new slate of officers and executive board members at the League’s Annual Business Meeting in Atlantic City. These public servants will help represent the interests and needs of New Jersey’s local elected officials from the state’s 565 municipal governments to county, state, and federal governments.

Nominating Committee Chair Joseph Tempesta, Jr., Mayor, West Caldwell, and League Past President, presented its nominations for the offices of President, 1st, 2nd, and 3rd Vice President and 21 positions on the Executive Board, thereby fulfilling its Constitutional responsibility.

The board must include members from municipalities located in each of New Jersey’s 21 counties. Another consideration is that, because of the diversity of population, growth patterns, and other general factors, the nominating committee must ensure the essential balance of municipalities—urban, suburban, and rural.

Another topic in the development of the recommendations

list is balance—even though the League is non-partisan in nature—the committee strives to ensure the maintenance of a balance between the major political parties represented on the Executive Board.

Finally, the nominations factor in whether an individual in consideration for nomination has demonstrated an interest in League affairs through active participation on League committees by support of the League policies and programs.

Taking all of those matters into their determination, the committee presented their selections and the following officers and Executive Board members were elected for service in 2017/2018. 🗳️

## 2017-2018 LEAGUE OFFICERS AND EXECUTIVE BOARD

James L. Cassella, President; Mayor, East Rutherford

Colleen Mahr, 1st Vice President; Mayor, Fanwood

James J. Perry, Sr., 2nd Vice President; Mayor, Hardwick

Janice Kovach, 3rd Vice President; Mayor, Clinton Town

### EXECUTIVE BOARD

Ras Baraka Mayor, Newark

Gayle Brill Mittler Mayor, Highland Park

Randy Brown Mayor, Evesham

William J. Chegwiddden Mayor, Wharton

Frank J. Druetzler Mayor, Morris Plains

Jonathan Dunleavy Mayor, Bloomingdale

Sean Elwell Mayor, Elsinboro Township

Daniel Flynn Councilman, Newton

Steven Fulop Mayor, Jersey City

Raymond S. Heck Mayor, Millstone Borough

Susan Howard Mayor, Monmouth Beach

Thomas F. Kelaher Mayor, Tomas River

Albert B. Kelly Mayor, Bridgeton; Immediate Past President

Liz Lempert Mayor, Princeton

Leo McCabe Mayor, Glassboro

Gary Passanante Mayor, Somerdale

William Pikolycky Mayor, Woodbine

Paul H. Tomasko Mayor, Alpine

Janet W. Tucci Mayor, West Long Branch

Jesse Tweedle, Sr. Mayor, Pleasantville City

Michael Venezia, Mayor, Bloomfield

# East Rutherford Mayor James Cassella Elected League President

On Thursday, November 16, 2017, Mayor James L. Cassella of East Rutherford was elected to serve as the new President of the New Jersey State League of Municipalities. Mayor Cassella, who previously served as the League's 1st Vice President, was elected during the Annual Business Meeting at the League's Conference this year in Atlantic City.

As President of the New Jersey League of Municipalities, Mayor Cassella will help guide the association of New Jersey's 565 municipal governments. He will represent the interests and needs of New Jersey's local elected officials to county, state, and federal governments.

Mayor Cassella began his service to the people of East Rutherford in 1980, as Trustee of the Borough's Board of Education. During his five years in that capacity, he served on the Financial, Personnel, and Contract Negotiations Committees. In 1985, he was elected to the Borough Council. Continuing on that body until 1995, he served as Chairman of the Finance, Fire, Police, and DPW Committees. He represented the Council in Contract Negotiations. Also, in continual service since 1985, he remains a member of the Joint Meeting Sewer Authority.

East Rutherford's Mayor since 1996, he has also been, in addition to his other duties, an active member of the Hackensack Meadowlands Municipal Committee, including terms of office as Treasurer, Vice Chairman, and Chairman. In addition, he is a former Commissioner of the Bergen County Utilities Authority. For the past seven years, Mayor Cassella has served as a member of the New Jersey

League of Municipalities' Executive Board. He is also a League Legislative Committee Member.

A graduate of Felician College, Mayor Cassella is a recipient of, among other honors, the Meadowlands Regional Chamber of Commerce Leadership Award, the Hackensack Riverkeeper Excellence in Public Service award, and



the South Bergen PAC Outstanding Leadership Award.

Mayor Cassella has been happily married to his wife, Janice, for 28 years. 🍷

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# LEGISLATIVE UPDATE

## Lame Duck and Beyond

By Michael Cerra, NJLM Assistant Executive Director;  
Lori Buckelew & Jon R. Moran, NJLM Senior Legislative Analysts;  
Frank Marshall, Esq., NJLM Staff Attorney; and Ciara Bradley, Legislative Administrator

**W**ith Election Day in the rear view mirror, as Governor-elect Murphy's administration prepares its transition, the current Governor and the current Legislature still have work to do in the "lame duck," the period of time following the election and prior to the swearing in of the new Legislature and, this year, new Governor on January 17.

First and foremost, the 216th Legislature must act soon to extend the 2% interest arbitration cap. In our opinion there is no bigger issue before the Legislature than to extend this critical tool to curtail property tax increases. Looking beyond this, there are some issues we anticipate some advancement, if not in the Lame Duck then early in 2018.

**Interest Arbitration Cap Set to Expire** Unless the Legislature takes action, at the end of this month the 2% cap on interest arbitration awards will expire. We are working closely with the Conference of Mayors and the Association of Counties for a permanent 2% cap on interest arbitration awards. The evidence and facts are clear and unambiguous: the 2% interest arbitration cap has proven to be an effective tool to curtail property taxes.

At this time, we await the full report from the Police and Fire Public Interest Arbitration Impact Task Force. However, the data released in the 2017 Report of the Governor's Appointees to the Police and Fire Public Interest Arbitration Impact Task Force continues to demonstrate what previous Interest Arbitration Task Force reports found: that the "amendments have had a profound effect on limiting interest arbitration to a procedure of last resort, leaving it to the parties to settle labor contracts through direct negotiation and within budgetary constraints."

In addition, the underlying data continues to show that interest arbitration cap works and has not adversely impacted crime rates or recruitment of public safety personnel. In fact the report also found that while the rates of the police and fire salary increases have slowed, New Jersey firefighters' average salaries remain the highest in the nation while police officers' salaries are the second highest in the nation.

The report noted that from 2012 to 2016 there were 90 interest arbitration awards with 36 of the 90 awards subject to the 2% cap, with an average salary increase of 1.6%. Over the same period of time, 46 voluntary settlements were reached with an average increase of 1.8%.

Using Civil Services data, the report found that there has been an increase in the number of individuals taking both the police and fire exams—a 43% increase in the number of applicants and eligible candidates for police and a 90% increase in the number of applicants and eligible candidates for fire. The increase in candidates is at a time when NJ's unemployment rate dropped from 9.5% to 5%.

**“ The possible sunset of the interest arbitration cap in December is of great concern, and we look forward to working with our state and public safety union leaders on this issue.”**

In addition, the caliber of candidates has not suffered. In fact the number of applicants with Bachelor's, Master's or Doctorate degrees has increased.

The report found that, using data from the Division of Pensions, the average annual pay for all police pre-cap (2006-11) increased 18.3%, from \$75,301 to \$89,066. Post-cap (2011-16) it increased 4.8%, from \$89,066 to \$93,360. In addition, using data from the US Bureau of Labor Statistics from 2012-14, the report found that the average mean wage of police in New Jersey was the highest in the nation. In 2015-16, New Jersey moved to 2nd place behind California.

For all fire personnel, using data from the Division of Pensions, the report found that the average annual pay for all fire pre-cap (2006-11) increased 21.8%, from \$78,079 to

\$95,107. Post-cap (2011-16), it increased 4.8% from \$95,107 to \$99,674. In addition, using US Bureau of Labor Statistics data, from 2013-16 the average mean wage of fire service employees in New Jersey was the highest in the nation.

In regards to crime rates the report found, using data from the Uniform Crime Report, that crime rates fell before and after the cap. Pre-cap (2006-11), there was a 5.8% decrease in crime rates. Post-cap (2011-16), crime rates decreased by an additional 22.3%.

Finally, while noting that “it was impossible to cull out and quantify the precise impact of any single one of the major reforms enacted in 2010 and 2011, the dramatic significance of the arbitration award and property tax caps is undeniable.” The report found that the average annual increase in municipal property taxes from 2005-10 (pre-cap) was 7.19% or \$129 average per year per taxpayer, compared to 2.41% or \$56 per year per taxpayer from 2011-16.

It is imperative that the Legislature take prompt action to extend the cap when they reconvene. The possible sunset of the interest arbitration cap in December is of great concern, and we look forward to working with our state and public safety union leaders on this issue.

**Municipal Courts Could Face Substantial Challenges**

During this past year, municipal court operations have been the subject of intense scrutiny in the media. In November, 2016, reports in the *Asbury Park Press* referred to “The Municipal Court Cash Machine” and argued that municipalities have “too much control” over local courts. A December Star Ledger editorial questioned the use of license suspensions to enforce compliance with court orders. Earlier this year, both the State Supreme Court and the Bar Association established formal study groups to review municipal court operations, fines, and fees.

Over the years, a number of bills have been introduced to change the way municipal courts are staffed and organized. A bill in the current session, A-4418, would give Freeholder Boards the power to seize jurisdiction from municipal courts. Under the provisions of this bill, locally elected and locally responsive governing bodies in the county would have no real choice, but to rubber stamp a county decision to create “county-municipal courts,” with unlimited, countywide jurisdiction.

According to this bill, after action by the Freeholders, each municipality within a county that establishes a county-municipal court would have to agree within two years to have violations heard in the new court. A municipality that agrees to the county’s action would not be responsible for any administrative costs associated with the operation and maintenance of the new court. However, if a municipality failed to agree within the two-year period to have violations heard by the new court, the

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Assignment Judge of the vicinage for the county would order that any violations occurring in the non-compliant municipality be heard in the new court, and the municipality would be responsible for all administrative costs specified in the judge's order until such time as it agreed to have violations heard by that court. The League strenuously opposes this legislation.

**“ Those incentives allow businesses to attract customers to, and create employment opportunities in, economically distressed municipalities. UEZ designation is a vital tool in the tool kit of local leaders, working to bring their communities back from decades of decline, caused by housing and transportation policy decisions over which they had no control.”**

Looking forward to a new Administration and a new Legislature next January, we have no way of knowing what the Supreme Court and Bar Association groups may recommend. It is possible that they could look to take appointment powers away from the local governing body, to give tenure to local judges, or attempt to force consolidation of court operations at another level of government.

Local governments already have a number of options, if they see the need to share this valuable service with their neighbors. They should have that discretion and should not be forced to cede local control.

We appreciate the dedicated public service of our municipal court professionals. Municipal judges, prosecutors, public defenders, and court administrators take their offices seriously and exercise their duties ethically and responsibly. All undergo training before taking office. All work under the jurisdiction of the Administrative Office of the Courts. And, in the case of the court administrators,

they are certified and compliant with continuing education requirements. No change in appointment power could improve their performance.

While we share legitimate concerns with the disparate impact that court fines and penalties can have on those least able to pay; we also recognize the need for fines and penalties to represent a real deterrent to behavior that demon-

strates a lack of consideration for the safety and welfare of all the members of the community.

Please keep these facts and these challenges in mind when you speak with your State Legislators.

### **New Legislature in January Can Renew Hopes for Urban Enterprise**

The Urban Enterprise Zone (UEZ) Program, first created in 1983, offers incentives to participating businesses, designed to encourage business growth, and stimulate local economies. The UEZ Program exists to create public-private partnerships in order to foster an economic climate that revitalizes designated urban communities and stimulates their growth by encouraging businesses to develop and create private sector jobs through public and private investment.

The original legislation, signed into law by Governor Tom Kean, recognized:

“That the economic revitalization of these areas requires application of the skills and entrepreneurial

vigor of private enterprise; and it is the responsibility of government to provide a framework within which encouragement be given to private capital investment in these areas, disincentives to investment be removed or abated, and mechanisms be provided for the coordination and cooperation of private and public agencies in restoring the economic viability and prosperity of these areas.”

Approximately 6,800 certified UEZ businesses participate and benefit from the advantages of the UEZ program statewide. These include a number of tax and financial incentives, including tax credits to hire local workers. The program authorizes qualifying retail businesses in the UEZs to charge and collect the State's sales and use tax at one-half of the normal rate.

Those incentives allow businesses to attract customers to, and create employment opportunities in, economically distressed municipalities. UEZ designation is a vital tool in the tool kit of local leaders, working to bring their communities back from decades of decline, caused by housing and transportation policy decisions over which they had no control.

On January 1 of this year, businesses in five New Jersey municipalities lost UEZ benefits. Those municipalities are Bridgeton, Camden, Newark, Plainfield, and Trenton. In future years, more businesses in more UEZ municipalities will see their benefits sunset. Twice in the last 24 months, the Legislature passed bills (sponsored by Assembly members Reed Gusciora and Elizabeth Maher Muoio and by Senators Shirley Turner and Jeff VanDrew) that would have extended those benefits. And twice those bills failed to gain the Governor's approval.

Next year, we will ask the new Legislature and the new Administration to revive and extend the UEZ program in those municipalities where it has proved to be an effective and essential tool for the revitalization of local economies. 🍀



New Jersey State League of Municipalities

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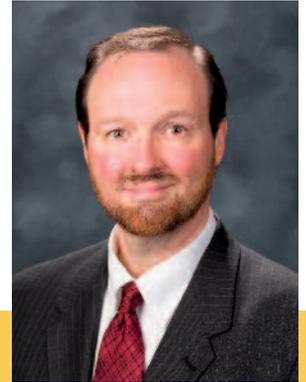




NJLM

# 2017 Annual Report of the Executive Director

Michael J. Darcy, CAE; Executive Director,  
New Jersey League of Municipalities



In 2017, municipalities encountered many of the same concerns we have dealt with over the years. The League responded with strong advocacy efforts on critical issues and as we close out the year, we know many of these critical issues will be revisited in 2018. Only through a strong League and consistent effort can municipal needs be addressed, and good local government continue to be the standard in New Jersey. This annual report reviews our special efforts in 2017 and where we are headed in 2018.

Last year we worked to preserve the voice of municipal management relative to the police and fire pension systems. We will need to continue that effort while trying to find the safest most secure means of managing that important pension system for tomorrow. The League also kept you informed on the status of tax exempt properties such as hospitals, government properties, and fairness for property taxpayers. We made a concerted effort to inform municipalities on issue of health especially the health of youth whether it was in sports, diet, or lead levels. And we paused in May to celebrate a milestone—100 years of publishing *New Jersey Municipalities* magazine.

The 2% cap on interest arbitration awards was a proven solution to rapid property tax increases. Going forward, we will need to work hard to preserve that tool. COAH continues to perplex municipalities and the State threatens to tie our land use planning in knots while diverting scarce municipal resources to address expensive processes of litigation

and re-litigation. The TTF is finally generating needed funding for roads but the State's inability to address the larger economic and fiscal obligations means municipal government will need to find creative solutions to local needs using partnerships, technologies, and new approaches.

All the challenges we face will not deter mayors and local officials from realizing tomorrow's potential. The League has been and will stay engaged on your behalf so you can realize that potential. We have analyzed and explained complex issues by coordinating with our affiliated association partners. We share information, techniques, and ideas among municipalities through our monthly magazine, our weekly Legislative Roundup, our Daily Alerts, our Towne Crier blog, seminars, webinars, and special events. The League continues to provide the place to explore the ideas that will help municipal government realize tomorrow's potential.

The League also continues to provide the basic services needed day-to-day such as the libraries of the Bureau of Municipal Information, amicus representation, advice, and resource centers. I hope this year's Annual report illustrates the critical importance of all municipalities cooperative working to meet these challenges through the League's work.

## Legal Advocacy

We act as a clearinghouse for ideas and practices and monitor and report on important court decisions at the state and federal level that impact municipalities.



The League has been busy advocating for municipalities in the courts this past year. Our legal department participated in various amicus interventions in 2017 at the New Jersey Appellate and Supreme Court levels. The legal matters at issue were diverse: OPRA and electronic information, OPMA and Rice notices, and Special Improvement Districts, to name a few.

Over the course of 2016-2017, the League has participated as amicus in nine cases. The League participates in these cases because they have statewide impact and municipal interests are well served by our involvement. More information on the League's amicus intervention policy, including the criteria necessary for us to join can be found at [njslom.org/Intervention\\_criteria.html](http://njslom.org/Intervention_criteria.html).

In addition to our amicus work, the League's legal department continues to act as a helpful resource to municipal attorneys.

Outside of the court context, our legal department continues to review and update the various publications offered by the League, contribute to the League magazine, and provide analysis for legislative affairs. The League's legal department and staff have also completed the second edition of the series on Local Public Contract Law, Primer on Competitive Contracting, which is available for purchase now.

## Legislative Activities

We expect another year of challenges for municipalities and we hope to work with you to help protect our taxpayers' interests.



Your League Legislative team remains active at the Statehouse, articulating your concerns to State Legislators and Regulators.

Last year at this time, we were coming off the long-sought reauthorization of the Transportation Trust Fund and approval of the ballot question to constitutionally dedicate all gas tax revenues for transportation. This was a significant victory for municipalities and counties, which now doubles the local allocation to local governments. Since then, however, the League's Government Affairs has held the line against a number of efforts on behalf of special interests and harmful to taxpayers.

We witnessed legislation to transfer the management of the Police and Fire Retirement System (PFRS) to a Board of Trustees comprised of Labor and

Management representatives, with labor representatives holding a 7-5 majority. While there may be some merit in transferring control of PFRS to a separate board, it was simply unacceptable to put taxpayers in a minority position on the board. Fortunately, this bill was conditionally vetoed by the Governor and has sat idle since May.

Likewise, this year the League has been successful, to date, in holding off changes to the OPRA and OPMA statutes, which could have placed even additional mandates on municipalities. The League has been successful in its opposition to legislation intended to streamline the approval process for applications by limiting what municipalities can ask for at preliminary approval.

Of course, not everything asked of the League this year required a good defense. Working with our partners with the NJ Library Association and the Association of Counties, the League promoted legislation that placed a successful ballot question on the November ballot to authorize \$125 million in bonding for library improvements.

Looking ahead, your Legislative team has diligently prepared for lame duck and beyond. We are promoting the common-sense extension of the 2% cap on interest arbitration awards, which expires at the end of December. Likewise, we expect another effort in the New Year to resurrect the transfer of PFRS to a private board.

Meanwhile, we are doubling down on our membership engagement, hoping to make you, elected officials, a key advocate for your taxpayers in Trenton.

## Federal Activities

Local leaders are best positioned to identify where infrastructure needs are greatest, and should be given a stronger voice in how limited federal dollars are spent.



The League's Legislative team also relies on information, analysis, and insights provided to us by the staff of the National League of Cities (NLC) in Washington, and on the efforts of New Jersey municipal officials, who take the time to contact their representatives in Washington on matters that affect their communities and their fellow citizens.

Some of you may remember last November, when we asked New Jersey Mayors who visited the Mayors' Information Booth at the League Conference to sign on to our letter to United States Department of Agriculture (USDA) Secretary Tom Vilsack, asking USDA to include the Garden State in the two-year pilot that will enable Supplemental Nutrition Assistance Program (SNAP) participants to purchase their groceries online. Thanks, in large part, to the efforts of New Jersey Mayors and municipal governing bodies, our State was selected as one of three to participate in the USDA pilot program.

Beginning Feb. 10, and continuing through the year, we have been active in protecting vital municipal priorities during the run-up to and through the continuing Federal Tax reform debates.

While waiting for the Administration to produce its long-promised \$1 trillion infrastructure plan, League President, Mayor Albert Kelly of Bridgeton, reached out to our Congressional delegation, encouraging them to support major investments in America's transportation, water, and other infrastructure that, together, drive the economy of our municipalities and our State and our Nation. Mayor Kelly asked Congress to remember: 1) America's municipalities are paying their fair share, as over two-thirds of all public infrastructure projects in the United States are locally financed by municipal bonds; 2) While the demands on America's infrastructure grow each year, federal funding has fallen to historically low levels, placing the economic vitality and physical well-being of our cities, towns, townships, boroughs, and villages in jeopardy; and 3) Local leaders are best positioned to identify where infrastructure needs are greatest, and should be given a stronger voice in how limited federal dollars are spent.

Under the leadership of Committee co-chairs, Past Presidents and Mayors Chris Bollwage and Joseph Tempesta, we have been actively involved in working to protect the Community Development Block Grant (CDBG) program, the Federal Brownfields program, Housing and Urban Development (HUD) funding for the Homeless and People with Disabilities, Highlands Water Resource Protection funding, and vital Defense and Homeland Security programs. Special thanks go to House Appropriations Committee Chairman, Congressman Rodney Frelinghuysen, for his leadership in the current Congress.

Another item of transportation infrastructure in need of immediate attention is the vital Gateway Project. We thank all of you who have reached out to our Federal leaders on this, and we gratefully recognize the leadership of Senator Cory Booker and Chairman Frelinghuysen.

And we continue to press our case to maintain the tax exemption for municipal bonds and the preservation of the so-called SALT, i.e., the State and Local tax deduction. We have won no final victories on any of these matters, to date. But thanks to your efforts and outreach, we are still in the fight.

## Bureau of Municipal Information

In total the Bureau provides resources and information on over 20 topics.



One of the League's most valuable services continues to be the Bureau of Municipal Information. Many of the League's publications have been converted from paper to digital formats. The new digital versions include more information, valuable Excel spreadsheets that can be manipulated by purchasers, faster receiving time and allow the League to continue providing this data while keeping purchase costs down.

In 2017 "Protecting Your Town's Environment" was updated and the 2017 Salary Survey, a survey of over 35 municipal positions, was published.

In 2017 the League continued to offer the online Ordinance and Shared Service Libraries, a valuable service providing a sampling of enacted ordinances and shared services agreements from across the state on over 70 topics. The libraries may be accessed on the League's website and are searchable by keyword.

The League also continued to offer its Grant Resource Center, an online resource center offering grant news, tools, and monthly funding announcements.

While the above is a sampling of what the Bureau of Municipal Information offers, in total the Bureau provides resources and information on over 20 topics.

@ Visit the Bureau website at [njslom.org/bureau](http://njslom.org/bureau).

## New Jersey Municipalities

From October through June, monthly issues continue to educate and inform more than 6,300 readers and a vast pass-along readership as vital source of information and news you need to govern in your local community.



Marking a century of publishing, *New Jersey Municipalities*, the League's award-winning magazine has had a year filled with success. To celebrate the 100th anniversary of the magazine, the May issue featured a special section filled with the magazine's highlights from the early 1900's to today with editorial selections throughout the decades as well as legacy ads in which our supporters joined us in celebrating the rich history of service through education. This section was printed as a special keepsake edition and was distributed at League events throughout the year. In addition, members were invited to download a PDF of the inaugural issue of the magazine, available at [njmmagazine.org/issues/1917/January1917/index.html](http://njmmagazine.org/issues/1917/January1917/index.html).

League members' contributions to the magazine provide a platform to share their views and ideas with a wide range of managers and policymakers. Members of the state and national legislatures also contribute to and read the magazine to maintain the important ties between municipal issues and the state and national arenas. In addition to elected official's articles,

*New Jersey Municipalities* includes a mix of pieces by state commissioners and other experts, as well as informative columns, opinion pieces, and advertising by some of the state's leading providers of products and services. Further considerations are:

- The commitment to consistent improvement continues in terms of layout issues for easy navigation.
- The excellent quality of articles submitted is ongoing, deepening expert base with the addition of Finance Center columns.
- The New Jersey State League of Municipalities is dedicated to environmentally and socially responsible operations. We print on Sappi McCoy Gloss 100lb Text (cover) and Sappi Flo Gloss 70lb Text, industry leading environmentally responsible papers. McCoy and Flo contain 10 percent post-consumer waste and FSC chain of custody certification.
- Another environmentally responsible option for readers' convenience is the monthly digital edition and archive.

@ Contact the magazine's Managing Editor Amy Spiezio at 609-695-3481, ext. 123, or [NJM@njslom.org](mailto:NJM@njslom.org) to contribute an article or idea.

## Training and In-Service Programs

In addition to the Annual Conference, the League offered 25 professional development seminars and webinars, educating more than 2,000 attendees in 2016/2017.

The League continued to successfully present programs that broaden, deepen, and increase knowledge and skills of municipal personnel. Approved continuing education programs are a cost-effective way for municipal professionals to maintain their state licenses. The League works cohesively with its Affiliates and numerous accreditation bodies representing 14 government licenses, including Continuing Legal Education for New Jersey and Pennsylvania Attorneys, Municipal Licensees, Tax Assessors, Recycling Coordinators, Planning and Zoning Board Secretaries, Zoning Officials, and Land Use Administrators.

In addition to the Annual Conference, the League offered 25 professional development seminars and webinars, educating more than 2,000 attendees in 2016/2017. Highlights include:

- OPRA In-Depth: OPRA vs. The Common Law
- The Religious Land Use and Institutionalized Persons Act (RLUIPA) and Land Use Decisions in NJ Webinar

- Bail Reform: What It Means for Your Municipality Webinar
- Leaves of Absence in New Jersey-A look at the Family Medical Leave Act, the New Jersey Family Leave Act, and ADA Compliance
- Orientation for Newly Elected, Re-Elected, and Experienced Officials
- 25th Annual Mayors Legislative Day
- Budget Audits and Updates
- Brownfield Funding Sources: A Look at Where to Find Them and How to Utilize Them Webinar
- The Mini One Day Conference

The League also offers Legislative Update webinars, keeping members abreast of current legislative action.

@ For more information on the League's upcoming seminars and webinars, please visit [njslom.org/seminars](http://njslom.org/seminars) or contact Danielle Holland-Htut, Program Specialist at 609-695-3481, Ext. 118 or [dholland@njslom.com](mailto:dholland@njslom.com)

## Labor Relations Advisory Service

Joseph Hannon is available to respond to a broad range of public employer labor and employment law questions as a telephone or email service of the League.

The League's Labor Relations Advisory Service is conducted by the League's Labor Relations Counsel, Joseph Hannon of Genova Burns Giantomasi Webster LLC.

Joseph Hannon is available to respond to a broad range of public employer labor and employment law questions as a telephone or email service of the League.

Inquiries to the League Labor Advisory Service over the years have included issues such as interest arbitration reforms and the 2% cap on awards under the 45-day "rocket docket," impacts of Chapter 78, furloughs and temporary layoffs, health benefit and pension reforms, and perennial problems municipalities face in police and fire and civilian collective negotiations, Public Employment Relations Commission unfair practices and representation matters, Shared Service Issues, Civil Service issues, FMLA and NJFLA issues, FLSA and wage and hour issues, Americans with Disabilities Act issues, and Equal Employment Opportunity and New Jersey Law Against Discrimination issues.

@ Contact Joe Hannon at [jhannon@genovaburns.com](mailto:jhannon@genovaburns.com).

## Annual Conference

Still the largest municipal conference in the United States, this three-day Annual Conference remains a critical mainstay in the portfolio of services provided by the League.



Realizing Tomorrow's Potential is the 2017 theme as the Annual League Conference continues to be a focal point of municipal learning each year. Local officials gather in the pursuit of knowledge and better ways to meet the challenges of good local government. Still the largest municipal conference in the United States, this three-day Annual Conference remains a critical mainstay in the portfolio of services provided by the League. Currently serving 17,000 people and offering 1,000 exhibit booths showing products and services to aid municipalities, it is a central point for professional development and learning about new products and services available.

Pre-Registration, at just \$55, is the most affordable way for municipal officials to gain new solutions to both the perennial issues and the changing challenges. It is also the most cost-effective way for licensed and certified professionals to receive continuing education credits vital to maintaining their licensure. Some of the features of this year's conference were:

- 80 League educational sessions and more than 50 additional sessions produced by affiliated municipal professional associations.
- Sessions that highlight the needs of youth and the leaders of tomorrow.
- Sessions that explore municipalities in the new economy.
- Primers for newly elected governing body members.
- Sessions focused on ethics training, personnel and leadership
- New technical skills and new technologies.
- Information on economic development; planning; management, and understanding initiatives coming from State government.
- Insurance training sessions that result in premium reductions for attendees.
- The largest municipal exhibit hall in the country with a special area for "Smart Cities" highlights.

The conference is also a chance to acknowledge local officials' dedication to public service and the work of their colleagues in municipal government across the state.

The 2017 Annual Conference provides all these opportunities while continuing to charge the lowest registration rate of any municipal league in the country.

## NJLM Educational Foundation

All Foundation publications are available for free download at the foundation website, [njlmef.org](http://njlmef.org).



This year, the Foundation continues to provide a forum within which municipal officials, academics, government officials, business leaders, and other stakeholders can share their visions of New Jersey; their hopes for the future of public policy; and their solutions to the compelling challenges facing the State. In early 2017, the Foundation in cooperation with New Jersey Future published on its website the white paper "The Importance of Long-Term Planning in Reducing Flooding Vulnerability" by David Kutner, AICP PP. Later in July, the Foundation published "The New Jersey Economy – The Expansion Continues" by Dr. James Hughes, University Professor, Rutgers, The State University of New Jersey.

Through the generous support of Verizon the NJLM Foundation presented in April a half-day event, "An Introduction to Smart Communities Technology" at Felician University in Rutherford. This event educated municipal and county officials, economic development coordinators, community planners, non-profit organizations, and students from the university on the impacts of implementing Smart Communities technologies, a concept quickly dominating the municipal technology discussion.

To further capitalize on years of experience piloting the youth and family literacy program "Mayors Book Club," the Foundation printed the manual, "Planning and Participating in a Mayors Book Club" and distributed it to mayors at the Annual Conference. The manual was written by Dr. Vicki Cohen, Fairleigh Dickenson University, and was edited by Foundation President Timothy McDonough, Mayor, Hope.

In 2017 the Foundation continued the administration of the Michael A. Pane Memorial Fund. The Fund awards an honorarium to a local government professional (attorney, engineer, or planner) who personifies outstanding ability, integrity, and ethics in his or her dealings with local governments.

The Educational Foundation will soon complete its work administering small grants in support of Sustainable Jersey. Over the years, more than \$1 million in grants has been administered from such funders as Wal-Mart Corp, BPU, and the others.

@ Visit the NJLM Educational Foundation online at [njlmef.org](http://njlmef.org)

## League Committees

The League's Trenton staff carries out a full agenda of activities, translating League policy objectives on many fronts. But policy itself is made by more than 250 mayors, other elected officials, and appointed officials who serve on numerous standing and ad hoc committees. The committees and chairs are:

**Executive Board:** Albert B. Kelly *Mayor, Bridgeton; President, NJLM; Chair*

**Legislative Committee:** William J. Kearns, Jr., Esq., *General Counsel, NJLM; Co-Chair; Colleen Mahr, Mayor, Fanwood Borough; Second Vice President, NJLM; Co-Chair*

**Conference Resolutions Committee:** James Cassella, *Mayor, East Rutherford; First Vice President, NJLM; Chair*

**Nominating Committee:** Joseph Tempesta, Jr., *Mayor, West Caldwell; Immediate Past President, NJLM; Chair*

**NJLM Educational Foundation:** Timothy C. McDonough, *Mayor, Hope; Past President, NJLM; President*

**Emergency Management Task Force:** Timothy C. McDonough, *Mayor, Hope; Past President, NJLM; Chair*

**Emergency Medical Services Task Force:** Chuck Chiarello, *Mayor, Buena Vista Township; Past President, NJLM; Chair*

**Land Use Law Drafting Committee:** Clifford Gibbons, Esq.; *Chair*

**Mayors Committee on New Jersey Life Sciences:** Joseph Pannullo, *Mayor, East Hanover Township; Chair*

**League Economic Development Task Force:** M. James Maley, Jr., *Mayor, Collingswood; Chair*

**League Legal Committee on Affordable Housing:** Edward Buzak, Esq.; *Chair*

**League School Tax Reform Committee:** Gary Passanante, *Mayor, Somerdale; Executive Board Member, NJLM; Chair*

**Council on Affordable Housing Study Committee:** Janice S. Mironov, *Mayor, East Windsor Township; Past President, NJLM; Co-Chair; Colleen Mahr, Mayor, Fanwood Borough; Second Vice President, NJLM; Co-Chair*

**Telecommunications Study Committee:** Brian C. Wahler, *Mayor, Piscataway; Past President, NJLM; Chair*

**League Management Reform Committee:** Wilda Diaz, *Mayor, Perth Amboy; Chair*

**League Statutory Funding Compliance Committee:** Janice S. Mironov, *Mayor, East Windsor; Past President, NJLM; Chair*

**Community Development Block Grant Task Force:** J. Christian Bollwage, *Mayor, Elizabeth; League Past President; Chair*

**Pension and Benefits Reform Committee:** Albert B. Kelly, *Mayor, Bridgeton; President, NJLM; Chair*

**Tax Exemption Study Committee:** Albert B. Kelly, *Mayor, Bridgeton; President, NJLM; Chair*

## League Representatives on Statewide Committees

The League is also represented on statewide committees by its members, including the following:

Robert Campbell, *Mayor, Downe; State Clean Air Council*  
Phil Cocuzza, *Public Safety Director, Lambertville; Member, Police Training Commission*

Wilda Diaz, *Mayor, Perth Amboy; State School District Annual Election Study Commission*

Michael J. Darcy, CAE, *Executive Director, NJLM; Member, Employer Support of the National Guard; Board of Trustees Ex-Officio Member, Sustainable Jersey; Board Member, Downtown NJ, Inc.*

Caroline Ehrlich, *Chief of Staff, Woodbridge; Board of Trustees Member, Sustainable Jersey*

Raymond S. Heck, *Mayor, Millstone Borough; Executive Board Member, NJLM; League Representative, State Fire Safety Commission.*

William J. Kearns, Jr., Esq., *General Counsel, NJLM; Member, State Supreme Court's Committee on Court Security; Member, Attorney General's Municipal Prosecutors Oversight Committee; Local Government Ethics Task Force*

Robert V. Kiser, *Engineer, Princeton; Technical Advisory Committee for NJ Statewide Bicycle and Pedestrian Transportation Master Plan*

Janice Kovach, *Mayor, Clinton Town; Member, Executive Board Member, NJLM; Public Works Advisory Board, Department of Community Affairs*

Eric Jackson, *Mayor, Trenton; Public Works Advisory Board, Department of Community Affairs*

Dr. Edward J. Mahaney, Jr., *Former Mayor, Cape May City; Executive Board Member, NJLM; Board of Trustees Member, Sustainable Jersey*

Pamela H. Mount, *Former Committeewoman, Lawrence Township (Mercer); Board of Trustees Member, Sustainable Jersey*

L. Mason Neely, *Finance Director, East Brunswick; Department of Environmental Protection Clean Water Council*

Joseph Pannullo, *Mayor, East Hanover Township; Mayors Committee on Life Sciences*

Samuel "Skip" Reale, Esq., *Supreme Court Committee on Municipal Court Operations, Fines, and Fees*

Joel Shain, Esq., *Attorney, Monroe Township (Middlesex); NJLM Representative, Board of Public Utilities Committee on Development of Rules for Municipal Electric Aggregation*

## NJLM Educational Foundation Trustees

The League would like to thank the Trustees and Officers of the Educational Foundation for their ongoing commitment to provide a non-partisan informational resource for local government that offers timely research and a proactive approach to resolving the complex issues affecting New Jersey's diverse communities.

Timothy McDonough, *President; Mayor, Hope Township (Warren); Past President, NJLM*

Paul Anzano, *Vice President; Mayor, Hopewell Borough (Mercer)*

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## 222 West State Street Urban Renewal Corp. Board of Trustees

The Corporation owns and operates the League's headquarters building

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## Membership and Finance

The League is completing its 102nd year of service to New Jersey's Municipalities with a membership representing all 565 municipalities in the State.

The League's fiscal year runs from July 1 to June 30. The budget under which the League is currently operating is set forth on this page.

## 2017/2018 Adopted Budget

### INCOME

1	Appropriation of Prior Cash Bal . . . . .	\$51,375
2	Membership Dues . . . . .	\$655,000
3	Magazine . . . . .	\$310,000
4	Annual Conference . . . . .	\$2,031,000
5	Interest . . . . .	\$36,000
6	Publications . . . . .	\$34,500
7	Seminars . . . . .	\$140,000
8	Miscellaneous Receipts . . . . .	\$5,600
9	Internet Advertising . . . . .	\$140,000
10	Sub-Leases Base Rent . . . . .	\$168,813
11	Sub-Leases Expense Rent . . . . .	\$107,371
12	Sub-Leases Parking Space Rental . . . . .	\$40,166
13	Corporate Supporters . . . . .	\$82,000
14	Grant Station Subscription . . . . .	\$400
15	Employee Medical Contributions . . . . .	\$84,941
		<b>\$3,887,166</b>

### EXPENSE

16	Salaries . . . . .	\$1,285,762
17	Social Security & Medicare . . . . .	\$98,361
18	Pension Employer Portion . . . . .	\$173,980
19	Disability . . . . .	\$860
20	Medical Benefits . . . . .	\$474,001
21	Workers Compensation Ins . . . . .	\$5,803
22	UCC . . . . .	\$0
23	Automobile . . . . .	\$13,300
24	Magazine . . . . .	\$200,000
25	Office Expense . . . . .	\$27,000
26	Legislative . . . . .	\$34,500
27	Conference . . . . .	\$516,000
28	Meetings . . . . .	\$39,000
29	Postage . . . . .	\$35,000
30	Equipment Payments . . . . .	\$22,000
31	Maintenance on Equipment . . . . .	\$6,000
32	Printing . . . . .	\$15,000
33	Books, Subscriptions . . . . .	\$8,150
34	Grant Station Subscription Expense . . . . .	\$235
35	Seminars . . . . .	\$65,000
36	Telephone . . . . .	\$15,000
37	Audit . . . . .	\$5,610
38	Legal . . . . .	\$161,437
39	Insurance Bond Premium . . . . .	\$29,000
40	National League of Cities . . . . .	\$35,000
41	Temporary Help . . . . .	\$3,000
42	Computer Expense . . . . .	\$36,000
43	Internet Web Maintenance . . . . .	\$30,000
44	Photocopying . . . . .	\$6,000
45	Scholarships . . . . .	\$3,000
46	222 Base Rent . . . . .	\$363,845
47	222 Expense Rent . . . . .	\$172,690
48	Commission Leasing . . . . .	\$4,533
49	Online Ordinance Shared Services . . . . .	\$2,100
		<b>\$3,887,166</b>

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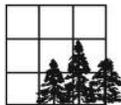


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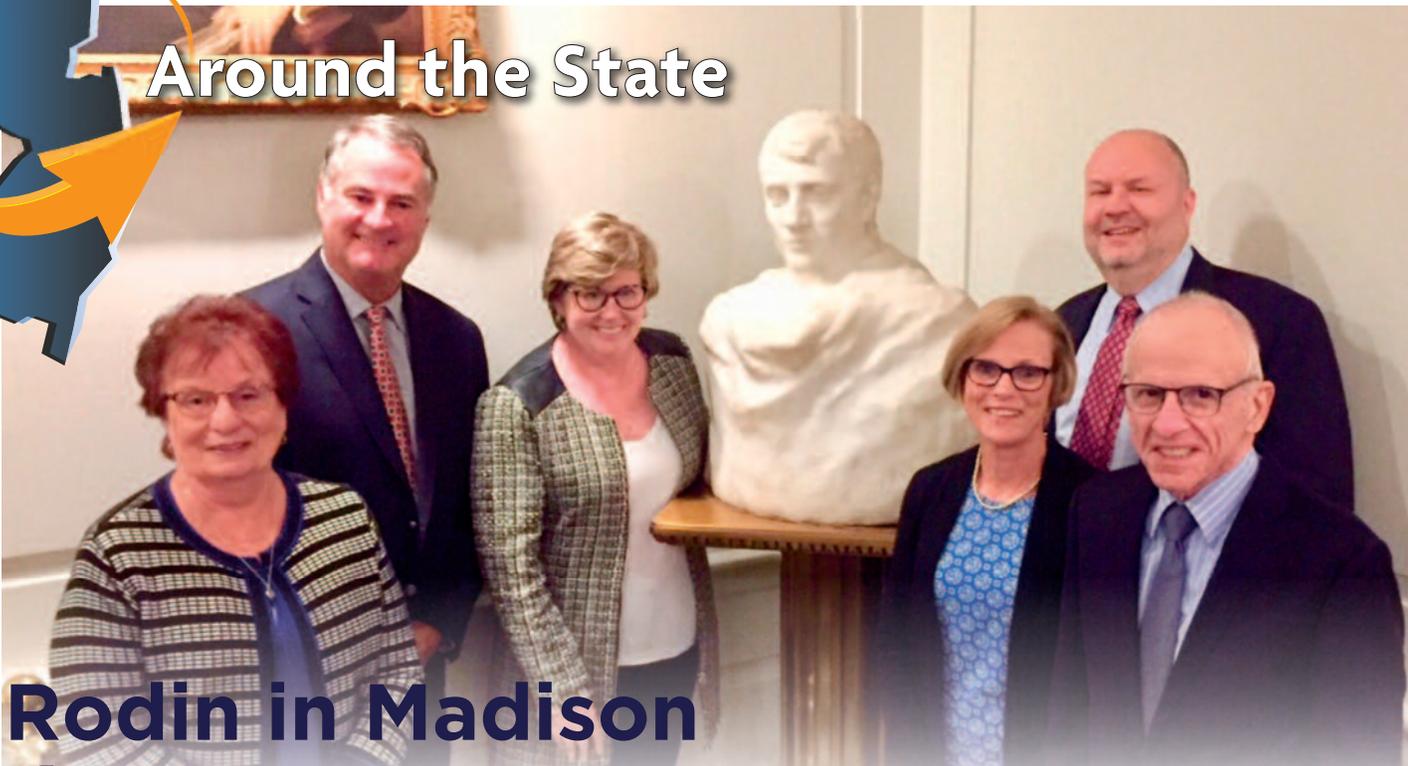
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# Around the State



## Rodin in Madison

A treasure has silently stood in the corner of Madison's Borough Hall since 1948. The marble bust *Napoléon Enveloppé Dans Son Rêve* (Napoleon Wrapped in his Dream) by Auguste Rodin was identified by Mallory Mortillaro, then a graduate student at Drew University, while inventorying the Hartley Dodge Foundation's art collection. The Rodin sculpture is part of the collection of artwork of Geraldine Rockefeller Dodge who donated the Hartley Dodge Memorial building that serves as the public offices for the Borough to Madison. The Philadelphia Museum of Art has accepted the piece on loan to be displayed as part of the commemoration of the 100th anniversary of Rodin's death.

Shown with the bust is the Madison governing body: (L to R) Council President Carmela Vitale, Mayor Robert H. Conley, and Council Members Maureen Byrne, Astri Baillie, Patrick Rowe (rear), and Ben Wolkowitz. Missing is Council Member Robert Landrigan.

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