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## New Jersey Municipalities Magazine

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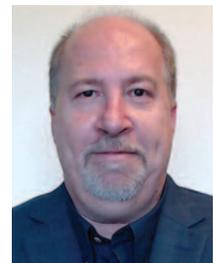
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## A Statewide Dialogue

Public discourse is a vital tool in fulfilling your responsibility as a municipal official. That discourse flows in many directions and for many purposes. That discourse requires of all participants time, patience, and empathy. And that responsibility requires you to be involved in the public discourse at many levels. That is where the League can help you.

In his training for newly elected officials, League General Counsel William Kearns includes a component on “choosing civility.” He reminds us that incivility begets further incivility which can lead to hostility and the breakdown of constructive public discourse. Local officials must engage in public discourse with this in mind both as governing officials and as their community’s representatives to other levels of government.

Jimmy Carter once said, “Government is a contrivance of human wisdom to provide for human wants. People have the right to expect that these wants will be provided for by this wisdom.”

Local officials have heard the critics. Effective local officials have even learned to listen to the criticisms. In the current political environment, it is probably wise to welcome the counsel, even of those who may wish you ill. Truth is elusive, often imperfectly perceived—never conclusively captured—and, in the final analysis, the master, more than the servant, of any good party or man.

For those reasons, we owe it to each other as citizens, as well as public servants, to parlay, to argue, to listen, and to learn; to engage in honest public discourse. I don’t possess the ultimate truth. But, from where I sit, I do perceive aspects of it invisible to you. And you, from where you sit, see things that I can hardly imagine.

As New Jersey municipal officials, the League brings you together to promote that dialogue. And the League’s Legislative Action program takes it a step beyond. It brings our common perspective to those other public servants, who strive valiantly to provide for the wants of the people in the halls of the statehouse in Trenton.

I encourage you to get involved in that dialogue. In the pages of this issue, we hope to show you how. A host of interests engage in public discourse to influence State decision-makers. Maybe not all of them have, as their primary focus, the greatest good for the people of our State. Your Legislators will hear from them. Shouldn’t they also hear from you?

Your fellow citizens have placed you “in the arena.” As you strive to serve, you come to realize that the reward for trying to do your best is to be asked to do more. Please get involved, to the maximum extent that your other responsibilities allow, in the League’s Legislative efforts. Working together, you can help our fellow public servants to make the best of this Garden State and our time in its service. *✦*

*Michael Darcy*

**“Working together, you can help our fellow public servants to make the best of this Garden State and our time in its service.”**

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# Path to Cooperating Communities

Vision and planning help Somerset County Regional Center mark 20 years of success

By Dan Hayes, Mayor, Bridgewater; Chuck McMullen, Mayor, Raritan; Brian Gallagher, Mayor, Somerville

In May of 1996, in accordance with the State Planning Rules, N.J.A.C. 17:32-8.6(a), the New Jersey State Planning Commission designated the Boroughs of Somerville and Raritan and an adjacent portion of Bridgewater Township as an official Regional Center, the first multi-jurisdictional center in the state. The approval defined a then 14.2 square mile district (now 12.6 square miles) to serve as the focal point for enhanced planning and expedited public review to benefit a population of 25,000 residents and 40,000 workers. The Center is bisected by U.S. Route 206, U.S. Route 202, U.S. Route 22, NJ State Route 28, and I-287.

The Regional Center designation encourages achievement of policy objectives in areas of growth; enables development and redevelopment by providing priority funding for assistance in existing downtown business districts, and with new residential and non-residential infill opportunities; fosters establishment of more effective mass transportation linkages and provides priority funding for key intersection and corridor improvements; and makes available funding for linear open space concepts, planning and design of recreation facilities, passive open space acquisitions, and new and existing historic preservation and revitalization programs.

To implement the plan for the future of the Regional Center a non-profit public/private partnership was formed. For the past 20 years this group has brought together the vision and planning of three communities, Somerset County, various non-profit agencies, and the private sector, working collaboratively to guide development and investment.

## Catalyst for Cooperation

The Regional Center has become the catalyst for cooperation and progress while influencing effective and sustainable development throughout the County. What has been accomplished in 20 years is a testament to the conviction of the principals in the three communities and the guidance of the County.



The Partnership provides leadership to the municipalities to shape planning policies that ensure that the Somerset County Regional Center continues to be a premier location to live, work, learn, and play. Technical support and assistance is provided by Somerset County.

**“What has been accomplished in 20 years is a testament to the conviction of the principals in the three communities and the guidance of the County.”**



Through broad-based public participation and consensus building, the Regional Center has created an environment where sharing certain common threads is natural to the communities. Coordinated planning saves the municipalities money and facilitates the process of being a good neighbor by minimizing the impact of development on neighbors. The Partnership provides a forum through which interaction, sharing ideas and concerns, and working together to address common issues allows the towns to address common issues.

### Success Stories

Over the past two decades the Regional Center Partnership has been successful in securing funding to move forward on important regional initiatives, with close to \$500,000 in planning grant money and over \$130,000,000 in construction funds allocated. The Regional Center Partnership has also administered the Challenge Grant program to help advance local projects and initiatives that resolve regional problems.

Among the programs that are the result of regional cooperation are:

- **The Somerset Street Streetscape Linkage Project** facilitating safe pedestrian passage between Somerville and Raritan while extending the Somerville Streetscape design to the western border.
- **The Regional Center Neighborhood Traffic Calming and Implementation Plan Project** resulting in improvement to the quality of life by eliminating cut-through traffic and reducing speeds in neighborhoods and along commercial corridors.
- **The Somerset County Investment Framework**, a series of GIS-based infrastructure, community, and environmental asset maps that identifies areas most suitable for growth and preservation in Somerset County. The Regional Center is one of 24 “Priority Growth Investment Areas.”
- **The Somerset County Comprehensive Economic Development Strategy (CEDs)**, *A Collaborative Blueprint for Economic Success*, identifies and prioritizes economic development strategies to further job creation and private-sector investment.

- **The Pedestrian, Bicycle & Greenways Systems Connection Plan** A North Jersey Transportation Planning Authority grant establishes a pedestrian, bicycle, and greenway transportation plan within the Regional Center and beyond.

- **A Pedestrian Overpasses** provides a safe pedestrian and bicycle link between Somerville and the Bridgewater Commons Mall. The success of this project led to a similar overpass over Route 202/206 connecting the Peter’s Brook Greenway with Clark’s Woods and the Somerset Shopping Center.

- **The Green Design Toolkit** was prepared for municipal engineers and code officials to aid in the review of projects participating in the Somerset County High Performance Public Buildings Program.

- **NJ Water Supply Authority Open Space & Development Study** created a GIS-based approach for identifying undeveloped and underutilized nonresidential sites near water resources to determine appropriateness for economic development, open space preservation, or a combination of both.

- **Route 202 Corridor Assessment & Multi-Modal Mobility Plan** provides a comprehensive analysis of the Route 202 corridor between the Flemington and Somerville Circles.

- **The Route 22 Sustainable Corridor Plan** was developed as a direct result of the Regional Center 1999 “Vision Initiative” that called for a safe, landscaped highway connecting employment and mixed-use centers and providing multi-modal options and connections between neighborhoods, making Route 22 in Somerset County a connector rather than a divide.

- **The Somerville West End Redevelopment** involved the replacement of 81,526 square feet of retail space with a new specialty retail and residential development in the central business district that features the recently completed five-story building and a planned L-shaped five-story building.

- **The Frank “Nap” Torpey Athletic Complex** is located along the north side of the Raritan River in Bridgewater and consists of one lighted grass baseball field,

## Cooperating Communities

one lighted grass softball field, two soccer fields and one lighted state-of-the-art synthetic turf multi-purpose athletic field.

- **The Chimney Rock Interchange at Route 22** improves safety on the heavily traveled US Highway 22 by moving traffic more efficiently along the Route 22 corridor; the interchange also opens up economic development opportunities in the area.



At a pedestrian bridge opening (l to r): Hunterdon County Freeholder Matt Holt, former Chair NJTPA; Somerset County Freeholders Patricia Walsh and Patrick Scaglione; former Assemblywoman Donna Simon; Ed Zelis, Somerset County; Brian Munyak, Somerset County Engineering; Bridgewater Councilwoman Christine Henderson Rose; Christine and Bob Flanagan, Flanagan Contracting.

- **The Raritan River Greenway** extends through the Regional Center and is being developed as a paved bikeway with segments completed in Duke Island Park and along the river in Bridgewater, Somerville and Raritan. The plan will include a series of nodes and linked trails with parking, convenient access, and information stations.

- **Challenge Grants** have been awarded annually to the three municipalities and have included funding for:

- Wayfinding System Transit Village Study
- Sewer Camera Project Natural Resource Inventor
- Stream Corridor Protection Neighborhood Plan
- Par Course Fitness System Greenway Plans

## Benefits of Creating a Regional Center

Achieving Plan Endorsement as an official Regional Center ensures the coordination of state, county, and municipal planning efforts in achieving the goals and policies of the State Planning Act. With approval from the State, the Regional Center is in a better position to receive financial and technical incentives to assist in accomplishing the goals for the Regional Center Strategic Master Plan.

Information on the activities of the Regional Center may be found at [regionalcenterpartnership.org](http://regionalcenterpartnership.org), [rcponline.org](http://rcponline.org), or by calling 908-231-7021.

- Sanitary Sewer Mapping Various Development/Redevelopment Plans
- Pedestrian/Bicycle Safety Plans Park Improvement Plans

Additionally, the Regional Center has purchased and installed Driver Feedback Signage to enhance pedestrian safety at critical locations in each of the communities and has collaborated with the New Jersey Water Supply Authority to implement the Raritan River Rain Barrel Rebate Program for homeowners in all three communities.

In October of 2013, the Regional Center Partnership received notification that all qualifications had been satisfied for the Somerset County Regional Center to be granted Plan Endorsement. The State Planning Commission determined that the Regional Center, the Boroughs of Raritan and Somerville, and the Township of Bridgewater earned a 10-year Regional Center designation. 🇯🇵





# NOW & THEN



## How Can We Help You?

**A**s we continue to reflect on each decade of *New Jersey Municipalities*' history, we continue to look forward through the lens of looking back. For the League's magazine, 1919 to 1931 was a time of shifted focus as the magazine changed size and frequency and style to meet perceived members' needs.

Presented as a bi-monthly bulletin, the magazine was altered to free up people power for the creation of important publications and reports such as a Salaries and Composition of Police Force in New Jersey Cities and Salaries of the following officers in New Jersey Cities, Towns and Boroughs; Mayors, Commissioners, Clerks, Engineers, Counsels, Treasurers, Attorney, Aldermen, Comptrollers, Police Chiefs, Fire Chiefs, and Receivers of Taxes. Versions of these reports are still released bi-annually today by the League, providing critical information for Municipal operations.

We continue to offer a wide variety of publications on topics

of interest, including the latest release: "A Primer for Local Elected Officials 2016-2017." For more information on all of the League's offerings, visit [njslom.org/publications](http://njslom.org/publications).

As a monthly magazine offering a full array of articles, we at *NJ Municipalities* have the opportunity to serve as a communications center for municipal officials. This month, we are focusing on the Parks and Streets that keep communities connected. Whether making streets and parks senior friendly to encourage aging in place, pooling efforts to create better roads for several municipalities at one time, or creating a bright burst of color inviting residents of all ages to utilize parks year-round, we share the stories that help make life better for residents and inspire officials in their future plans.

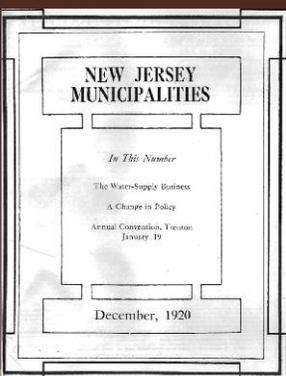
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Amy Spiezio  
Managing Editor

## Time Capsule: 1920-1931

In December 1920, it was announced that a change would take place for *New Jersey Municipalities*:



"New Jersey Municipalities will appear in abbreviated form and will contain only essential material. Its effort will be to be true to its name, *New Jersey Municipalities*, and will contain gossipy New Jersey news, the business and proceedings of the League, and some of the reports that will be issued from time to time."

**A decade later, the magazine was ramped up again to reflect an increase of services, providing members with:**

"...More prompt information service, the preparation of model ordinances, and the publication of the monthly magazine..."



Homer Talbot, League  
Executive Secretary,  
1920-1932





# NOW

## Fire Prevention & Protection Program Focus for Red Cross, Communities



As part of the Home Fire Campaign, volunteers with the American Red Cross, Trenton Fire and Emergency Services, PSEG, Church & Dwight Co., Inc., and Signature Information Solutions prepare to canvass neighborhoods in Trenton, installing free smoke alarm in homes that need them and educating families about fire safety on Tuesday, October 25.



A Trenton firefighter installs a free smoke alarm during an October 25 Home Fire Campaign canvassing event. Going door-to-door in Trenton neighborhoods, free smoke alarms were installed in homes that needed them and families were educated about fire safety. Photos on this page by: Erica M. Viviani/American Red Cross

The American Red Cross is joining together with municipalities, fire departments, and community groups to reduce home fire deaths and injuries by 25%. Since the launch of the multi-year Home Fire Campaign nationwide in October 2014, the Red Cross New Jersey Region and its local partners have installed more than 16,000 free smoke alarms in homes throughout New Jersey.

Through the campaign, the Red Cross and its partners recruit, train, and dispatch volunteers to install free smoke alarms and deliver fire safety information in neighborhoods with a higher risk of fires.

“Working smoke alarms can cut the risk of someone dying from a home fire in half,” said Ana Montero, regional chief executive officer, American Red Cross New Jersey Region. “This cross-sector collaborative demonstrates the collective impact of government, the private sector, and the non-profit sector to help save lives and protect against home fire disasters with preventative action.”

During a recent Home Fire Campaign canvassing event in Trenton, the partnership had teams made up of Red Cross volunteers, corporate employee volunteer groups, and members of Trenton Fire and Emergency Services. Teams went door-to-door, educating families about fire safety and installing 230 free smoke alarms that day.

The Home Fire Campaign is active in municipalities across New Jersey including Trenton, Paterson, Atlantic City, Camden, Perth Amboy, Jersey City, Clifton, Linden, Irvington, New Brunswick, Asbury Park, Plainfield, Pleasantville, Passaic, and Newark, to name a few.

The Red Cross responded to more than 760 home fires in New Jersey last year, offering comfort and providing emergency assistance to more than 1,800 families to help meet needs such as shelter, food and clothing, as well as referrals and mental health services as needed.

@ Visit [redcross.org/homefires](http://redcross.org/homefires) to find out more about protection from fire, access free fire safety resources, and volunteering.

# Garden Statements



## The Piano Town



Carteret's Pianos in the Park highlights the borough's commitment to art and showcases some of the borough's local talent. Pianos began appearing in community spaces in August and remained outside throughout the fall. During the winter months pianos are stored indoors, but will once again appear in parks this spring.

Local artists were invited to submit designs, and 11 submissions were approved. Refurbished pianos were tuned, sanded,

and primed in preparation for the artists, who were provided with supplies. After painting, each piano was lacquered to protect it from the elements.

Park attendees were able to stop and not only enjoy the art displays, but to play the pianos as well. The borough collaborated with the Central Jersey Arts Council on this program. ♪

## Paperless Parking Permits

In Summit downtown employees no longer need to place a physical permit on vehicles to park in municipal lots and garages. This past September, the City of Summit Parking Services Agency launched a digital option to obtain and renew annual parking permits.

To complete the new digital process, employees created personal accounts online, and registrations were confirmed via email confirmations containing additional instructions for participating in the program. Rather than a paper tag, the new digital system uses license plate recognition.

In additional parking news, the city attempted to make parking easier for downtown employees during the holiday shopping season by offering a valet parking service in one of its garages Monday through Friday from 10 a.m. to 7 p.m. at a fee of \$4 per day. ♪

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Business Administrator, Mr. Patrick M. Moran

## Garden Statements (continued)



### A Tree of Life

**B**uena Vista is celebrating the life of a giant white oak tree that resided in the township for 235 years. After the tree's death, the township started a fundraising campaign to hire a professional chainsaw carver to sculpt highlights from the township's 150 years of history in the tree's trunk and lower limbs, creating a permanent memorial. Carvings would include symbols such as a tractor to represent the farming industry, a chicken to represent the former

poultry industry, a deer to represent wildlife, a solidier, locomotive, eagle and the township's logo.

Once completed, the carvings would be protected with polyurethane. The memorial will be lighted and a semi-circle of new white oak trees will be planted behind it. ♪

### Volunteer Rewards

**T**he number of volunteer firefighters and emergency medical services personnel in Moorestown has declined over recent years. In an attempt to retain existing volunteers and recruit new members, the township approved a volunteer incentive program to reward volunteers for their time and the valuable services that they provide.

A variety of fees related to recreational activities, construction and the local utility are eligible for reimbursement as part of this program. The incentive program will be overseen by the township's manager. ♪

## FEBRUARY

### February 8

**25th Annual Mayors Legislative Day**  
Statehouse Annex, Trenton

### February 22

**OPRA In Depth: OPRA and the Common Law**  
DoubleTree Hotel, Tinton Falls

### February 24

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

## MARCH

### March 1

**Budget, Ethics, and DLGS Updates on Best Practices and Procurement**  
Conference Center at Mercer, West Windsor

### March 4

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

### March 14

**Licensed Professionals: The Impact of Employee Handbooks, the NJLAD and Other Municipal Actions (Shared Services) On Tenure and Employment**  
DoubleTree Hotel, Tinton Falls

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

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If your community has a unique program or story, write to Amy Spiezio c/o The League of Municipalities, 222 West State Street, Trenton, New Jersey 08608 or via email at [aspiezio@njslom.org](mailto:aspiezio@njslom.org).

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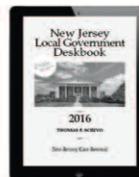
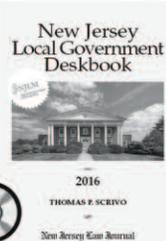
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# Long-Standing Mayor Passes

Long-time Elmwood Park Mayor Richard A. Mola has died. Mayor Mola served as Mayor for 45 years making him one of New Jersey's longest-serving mayors. In addition to serving as a Bergen County Freeholder for 23 years, he was a retired guidance counsellor at Ridgefield Park High School and prior to that, a history teacher as well as a football and baseball coach at Westwood High School.

Mola was a member of the Elmwood Park Library Board, Planning Board, Republican Club, American Legion Post 147, Elks Lodge 60, St. Anne's Catholic War Veterans, and the Bergen County Republican Mayors' Association.

His many previous involvements included UNICO, West Central Bergen Mayor's Association, and Bergen Community College Adult Learning Center Advisory Council.

He is survived by his wife of 53 years, Geri, three daughters, and several grandchildren.

In his eulogy for Mayor Mola, Elmwood Park Clerk Keith Kazmark, Mayor of Woodland Park, recalled: "Richard Mola was a man of character, faith, principals, and fairness. Hard work is what created years of success in governing a town and a county so steadily and effectively that he was returned to office 12 times as Mayor and served for over two decades as a Bergen County Freeholder. A person does not earn the trust and confidence of the people he serves without those qualities and virtues which he exhibited every day." 🇯🇵



# League Releases Primer for Newly Elected Officials

The New Jersey League of Municipalities has released its updated Primer for Newly Elected Officials 2016-2017. The introductory volume is ideal for those who want to learn the ins and outs of local government office.

The publication features sections on:

- **Leadership and Change:** An in-depth article by Bob Casey, Past Executive Director of the New Jersey Municipal Management Association.
- **Responsibilities of Municipal Elected Officials:** A run-down of local government power structure and operations.
- **Interacting with the Public:** A guide to dealing with the media, website design, and the world of social media.
- And a listing, Some State Entities that Local Elections Officials Should be Familiar With. 🇯🇵

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# Libraries & Communities: Perfect Together

Public libraries can play an important role in advancing such community priorities as broadband access, digital literacy, early childhood education, primary-secondary school attainment, and online/virtual learning, according to a recent survey of local government leaders conducted by ICMA, the International City/County Management Association, in partnership with The Aspen Institute and the Public Library Association (PLA).

The goal of the study was to understand how public libraries can be leveraged to advance community goals and how government agencies can partner with library leaders to better engage, inform, and empower residents.

## 5 Ways Libraries Boost Communities

When asked to rank the role of their local libraries in moving a number of community priorities forward, respondents ranked the following five areas as important or highly important:

1. Access to high-speed Internet service (73%)
2. Digital literacy (65%)
3. Early childhood education (65%)
4. Primary and secondary school attainment (59%)
5. Online/virtual learning (52%)

## Far-Reaching Work

Among community demographic and stakeholder groups, public libraries were ranked important or highly important as a resource for families (77%), students (76%), senior citizens (74%), and job seekers (60%). Just over 35% of respondents ranked libraries as important resources for immigrants (35%) and 25% said the same for small businesses.

“In many communities across the United States, public libraries have become much more than a place to borrow books,” says ICMA Executive Director Marc Ott. “Increasingly, libraries serve as hubs of information and community resources—a place for people to learn, create, access services, and engage with one another. Through ICMA’s recent survey and related activities, we are documenting the innovative ways in which public leaders are leveraging their local libraries to build stronger communities. The opportunities and lessons shared by our members will help inform leading practice and the evolution of public libraries nationwide.”

“Libraries are a vital community resource,” says Amy Garmer, Director of The Aspen Institute’s Dialogue on Public Libraries. “Local government leaders recognize the importance of libraries. It’s now time for library leaders to have a seat at the table and be invited to participate in discussions on relevant topics related to the community. Combining the knowledge and resources of

library leaders with those of local government leaders would strengthen communities and help to readily address priorities in areas such as education, workforce and community development, and access to broadband and digital literacy skills.”

“With great trust and reach, libraries make for a truly cost-effective and impactful community investment. More than just a building or idea, the public library has always been an exceptional fusion of people and knowledge,” said PLA President Felton Thomas. “Libraries and librarians also can be powerful partners in advancing community priorities, and I hope this important new data will open more conversations with our local government leaders about what we can achieve together to boost educational and economic opportunities for all.”

The ICMA survey included four questions that the Pew Research Center has asked in its surveys of Americans age 16 and over regarding what services a library should provide. A follow-up report released by The Aspen Institute compared the findings of the two surveys and concluded that local government and library leaders share similar views about the importance of libraries in supporting education and providing spaces for creativity and learning.

The Aspen Institute analysis also revealed that the majority of local government leaders and the public think that libraries should coordinate more closely with schools and that libraries should invest technology and resources in providing creative, DIY spaces (makerspaces) where people can gather to create, invent, and learn. Nearly 2,000 chief administrative officers and local government leaders responded to the ICMA survey. Conducted as part of the Aspen Institute’s Dialogue on Public Libraries, the survey was a follow-up to ICMA’s 2010 Public Library Initiative Survey. 📖

## Survey Highlights

- 53% of local governments indicated that they believe libraries are adequately funded. That percentage increases slightly among libraries that have a governing relationship with their local government (60%) and communities with populations greater than 100,000 (58%).
- Nationally, half of survey respondents reported that there is a governing relationship between the public library and the local government, with notable variation by population. Among jurisdictions with populations of 250,000 or higher, 84% had a governing relationship with their local library.
- More than half of respondents indicated that their libraries receive funding from non-governmental entities, and a number of jurisdictions cited foundations and nonprofit organizations as part of their strategy to ensure the financial sustainability of the library system.

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Seaside goldenrod in Barnegat Light NJ  
Photo by Ben Wurst

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# 2017 Legislative Priorities

By Jon Bramnick, Assemblyman, District 21; Assembly Republican Leader

It has been nearly seven years since the legislature compromised on property taxes by implementing a 2% cap, as well as pension reform, teacher tenure, and bail reform. It is again time to work together and hash out solutions that will last.

We have two separate but related crises: property taxes and the failure of urban education. New Jersey property taxes are the highest in the United States largely to fund schools, but usually not local schools. Out of \$9.1 billion of state aid, 56% goes to just 5% of school districts, which fail students and their parents.

To lower property taxes for three-quarters of the state's homeowners, Gov. Chris Christie proposed a plan called the "Fairness Formula" to equalize education funding so that all public schools receive the same amount of money per pupil from the state: \$6,599.

Democrats can agree or disagree on what the governor's number is, but all of us should agree that there must be more equitable funding to help districts that are disproportionately hurt by the current system. For years the court has determined school funding despite that power properly belonging to the Legislature. The Legislature should decide instead of the courts, by placing before voters a proposed constitutional amendment that would treat students equally and provide fairer funding while lowering property taxes across the state.

Along with school funding, how we fund teacher pensions is another crisis we must fix. New Jersey became the state with the worst-funded public pension system in the United States in 2015, followed closely by Kentucky and Illinois. Past reforms eased the burden, but there is obviously much more work to be done.

We have the ability to change the system with bi-partisan recommended reforms. Changing health benefit plans from platinum-plus to gold level for state employees is an easy first step that puts the state closer in line with the private sector, which still primarily provides silver level plans. The savings from these reforms would go to municipalities and lower property taxes. If the Democrats don't want to post a bill—that will provide billions of dollars that could sure-up pensions and save taxpayer money—why won't they at least hold a discussion? The issue requires and demands a discussion at the very least.

A problem of the past and future is gerrymandering in the redistricting process. Gerrymandering contributes to polarize political parties and citizens. When you have districts that are

extreme in partisanship it breeds extreme representation. I have introduced a bill to make districts more competitive because competitive districts elect moderate candidates. As Gov. Tom Kean once said, most people in New Jersey want to us govern from the middle. So I am going to ask the Senate President and Speaker to consider posting some of these bills or at least have a debate in the Assembly and Senate on the issue of partisan districts and how we fix it.

**“ It is time the Legislature works together to lower property taxes and help make municipal government more efficient.”**

I am convinced that most New Jerseyans want us to govern from the middle. That means compromise between the ideas of Democrats and Republicans. The loudest voice, the most powerful boss, or the richest PAC does not and will never reflect the view of most New Jerseyans.

Not all municipalities are created equal. Some are Republican and some are Democrat, some are wealthier than others, and they span from urban to suburban to rural. Each has its own interests at stake, but the common interest is doing what is best for residents. It is time the Legislature works together to lower property taxes and help make municipal government more efficient.

More than ever, New Jersey needs its leaders to work as hard as its people, pulling together and prioritizing results over partisanship.

My caucus members and I will continue to advocate for efficient government and lower taxes. All politics are local, and the people deserve to get the best government they can afford, not the worst government they can't. 🍻

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# Continuing the Assembly's Work to Rebuild the Middle Class in 2017

By Vincent Prieto, Assemblyman, District 32; Assembly Speaker

New Jersey's economy continued to struggle along in 2016, with job and wage growth figures below expectations and many families facing difficult times. In the State Assembly, my colleagues and I believe firmly that our government must do more to reverse this trend and help more families out of poverty and into the middle class. We had some success in this area last year, despite a continued lack of support for these essential programs from Governor Christie. Now we are ready to push forward in 2017 with an economic agenda designed to boost working families and Rebuild the Middle Class.

One of the key economic successes New Jersey has had recently is that we finally were able to raise our minimum wage. Much more must be done, however, in order to ensure that anyone working a full-time schedule is able to earn a living wage. I have long advocated an increase in the minimum wage to \$15 an hour—a true living wage that would lift thousands of families out of poverty and into a more stable life. This will continue to be a priority.

Investing in the middle class means taking collective responsibility for the well-being of our state. Paid Sick Leave and Family Leave are two key areas where we must do more. No worker should have to choose between going to work sick and putting food on their family's table. It's bad not just for the employee, but for his or her co-workers and customers. New Jersey needs Paid Sick Leave, and the Assembly will fight to make it a reality. More must also be done in our Paid Family Leave program, an area where our state was a leader in providing these needed benefits nearly 10 years ago. However, over time the program has stagnated without new funding and too few residents are now utilizing it. We are committed to increasing benefit levels and awareness of this needed program to support our state's new parents and children.

Residents at the bottom of the income spectrum need the most help of anyone. I am proud that our state passed an increase in the Earned Income Tax Credit last year as part of the historic Transportation Trust Fund agreement, but families are still struggling to get by. We can provide them with immediate assistance by increasing benefit levels under the Temporary Assistance for Needy Families program, where funding has been stagnant for the last 30 years. This has

dropped benefit levels to the tenth lowest in the country. In a wealthy state like New Jersey this is fundamentally unacceptable and we have a moral obligation to correct it to ensure that we are providing for the most vulnerable among us.

Over the long term, investing in education is the key to giving children in poverty a ladder of opportunity and to making New Jersey a place where businesses want to invest. A highly skilled workforce conversant in new technologies, innovation, and entrepreneurial spirit has been a hallmark of our state for decades, and we cannot allow this advantage to cease. I am a proud graduate of vocational training programs, and I was pleased to see the Governor sign several pieces of legislation I sponsored last year to invest more in job training at both the high school and college level. The next important step is to bring those investments to our community colleges and our state university system and to ease the crushing burden of student loan debt. We must allow the next generation of workers to begin their careers with the job skills they need and the freedom from debt they deserve.

Anyone surveying our state may see a place with many problems. In addition to the issues affecting the poor, we also have continuing pension concerns and budgetary stresses that must be addressed. But despite all of this, when I look at New Jersey I see something else—opportunity. This state is a place rich with opportunity, and if we make sound investments and policy decisions, we can finally open the doors of prosperity to everyone living here with us, not just the lucky few. This is the mission that has driven me from my early days as an immigrant learning about my new home country and striving for a better life, and it's what will push the Assembly's agenda of Rebuilding the Middle Class forward. ♣



# 2017 CONFERENCE

**Who:** NJ GMIS, an Association of Government IT leaders

**Where:** The Palace, Somerset, New Jersey

**Why:** To present current topics of interest for all technology professionals in the public sector, including: In-depth technical sessions, management issues, IT specialties & applications, web, social media and communications, K-12 education and more.

2016 event: Last year's event saw almost 200 attendees, 17 educational forums and 43 vendors, providing many networking opportunities. This year, we are applying for four contact-hours of IT CEUs issued by the Division of Local Government Services!

**What:** The Eighth Annual Government Technology Education Conference

**When:** April 6, 2017



NJ GMIS is an association of New Jersey public sector technology leaders. We provide organizational structure, networking and activities to enhance coordination among state, county and local governments along with public school agencies.

# Fixing N.J.'s Water Infrastructure

An investment in the future

By John F. McKeon, Assemblyman, District 27; Co-Chair, Joint Legislative Task Force on Drinking Water Infrastructure



Before and after pipe segments show how clearing iron and manganese deposits can increase a water main's lifespan by some 50 years.

**R**eplacing New Jersey's aging water infrastructure is critical for the economic vitality, environmental health, and quality of life within New Jersey municipalities.

While many get irritated at pothole-marred streets and worry about decaying bridges, we would be equally troubled if we could see into the subterranean world. There are about 60,000 miles of water pipes in our state, which, if laid end to end, would reach California and back 10 times. Because our densely populated areas were settled so long ago, many of the pipes are approaching the end of their useful life. Nearly half were laid in 1920 or earlier.

Due to their age, they have been leaking and bursting with increasing frequency. Depending on the system, some pipes lose

about 25 to 30% of treated water before it ever gets to customers. The water delivery system for the City of Hoboken, largely laid during the Civil War, has averaged at least 20 water main breaks a year since 2012. When 1 in 10 people on our planet lack safe access to clean drinking water, there is something immoral about a quarter of our supply being wasted each year to leakage.

About 40% of state residents get their water from systems run by private, for-profit companies such as Suez, which services about 800,000 people in Bergen and Hudson counties.

The majority of residents are serviced by either municipal government agencies or regional water authorities, and many are quite small.

**The Cost of Deferred Maintenance**

The private utilities, because of their investors, have more access to the capital needed for improvements and repairs. They also are, generally speaking, more open to funding upgrades via their ratepayers. While many customers of municipally owned and operated systems have the advantage of paying much lower rates than private utility customers, these systems are more likely to be hampered by deferred maintenance.

Because systems decline faster as they reach their reasonably expected life span, the longer upgrades get put off, the more it will cost down the road. Emergency repair of a water main can cost three times as much as the cost to replace the same piece of equipment as

part of a comprehensive plan. Economists point out that delaying investment in infrastructure hits lower income residents harder later on when systems fail.

**“ Depending on the system, some pipes lose about 25 to 30% of treated water before it ever gets to customers.”**

As a former mayor, I know well the constant pressure that local elected officials are under to minimize their residents' financial burden in still uncertain economic times. Local leaders face myriad challenges each and every day.

These challenges require constant prioritization and adaptation. Asking residents to pay higher rates for a service that is for the most part dependable is difficult enough. Add in the fact that water systems are buried underground, out of sight, and all the elements of an extremely unconventional proposition are present for municipal governments charged with overseeing their own water authority.

While investor-owned utilities are somewhat better suited to upgrading their systems, even they are still constrained by the fact that a massive infrastructure investment would be an incredibly complex and expensive crusade for even the biggest of private entities to wage alone.

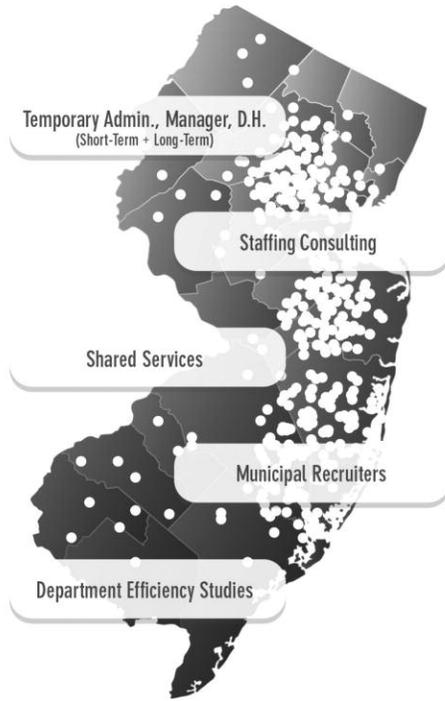
Moreover, their ability to raise their already high—in comparison to public utility rates—is weakened, because water has traditionally been very cheap. The majority of New Jerseyans pay about a penny a gallon for drinking water, with many paying much less than that ratio.

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## NJ's Water Infrastructure

We are lucky to pay so little for something our bodies cannot live without, especially when we consider the costs for non-essential services like basic cable.

### Federal Focus

The federal government has historically been the catalyst for widespread infrastructure investments. Though the need for increased infrastructure spending seems to currently be a cause that could garner a lot of support on Capitol Hill, recent trends and competing interests might suggest otherwise.

Over the last 25 years, Congress has shaved funding for water infrastructure projects by 75%. If there is any discernable consensus on an increase in spending at the federal level for infrastructure projects nationwide, speculation has centered solely on reinvestment in the country's transportation network.

### Moving Forward in NJ

By the time you read this article, a bicameral, bipartisan group of state lawmakers will have met for the third time to hear testimony on the extent of New Jersey's water infrastructure problem and ways in which the legislature could promote best practices for the future stewardship of water supply systems.

Those in a position to collect data, raise funds, and make improvements should not wait. Many utilities, both private and public, have begun to take steps already.

This action partly stems from recognition of the fact that as global climate change brings more frequent and heavy-handed storms, out-of-date water systems will be stressed like never before. Emergency failures will bring about burdensome costs for repair, substantial inconvenience to commuters, and economic losses to businesses.

Currently, the New Jersey Environmental Infrastructure Trust—the independent finance authority which provides low interest rate financing—provides the best means for funding water infrastructure projects.

The Federal Environmental Protection Agency estimates that New Jersey will require an investment of \$7.96 billion by 2027 to continue to provide reliably



## The Lead Issue

The Joint Legislative Task Force on Drinking Water Infrastructure was created by 2016 concurrent resolution 161, which received overwhelming support from both parties in Trenton. This special panel was born out of the public outcry over the water contamination crisis in Flint, Michigan, and the findings of high levels of toxic lead solder in over 30 Newark school buildings. It is apparent that lead contamination is another issue that will need to be tackled head on.

Lead gets into drinking water as it leaches through the last few feet of water delivery systems—older pipes, which are owned by the individual landowner. Water utilities utilize a compound lining to create a thin barrier between water and pipe. The lining does its job for the most part until the water is run through a building or home with older lead pipes, typically installed decades ago before the material began to degrade and before health experts were aware of how harmful lead can be to the human bloodstream.

The Task Force recommends that questions or concerns about lead leaching in older buildings or homes be immediately directed to the New Jersey Department of Environmental Protection. Even trace amounts of lead can be harmful, particularly to children and the infirm.

As information continues to be collected and specific recommendations are devised, all water utilities should consider taking a comprehensive look at the status of their systems.

safe water to the public.

That is a shocking sticker price. However, the state's economic vitality depends on our ability to deliver water safely. Our urban areas and their surrounding towns are growing faster than ever before. These areas will harbor 20% of the state's population and employment growth over the next 30 years.

Of course, this assumes that infrastructure will be able to accommodate these new residents and businesses.

I will work with my colleagues to proactively address the overwhelming costs

associated with providing clean water to our communities, and to support the economic viability of our water dependent industries. We invite those with possible solutions and success stories to share them. Together we will ensure the future economic vitality, and environmental integrity of the Garden State. 🍷

Assemblyman John F. McKeon is the Co-Chair of the Joint Legislative Task Force on Drinking Water Infrastructure. He represents the 27th Legislative District. He also serves as Vice-Chair of the Assembly Environment and Solid Waste Committee.

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# How Wharton Borough Achieved Debt Freedom

By William J. Chegwiddden, Mayor, Wharton Borough,  
NJLM Executive Board Member

I became Mayor for the first time in 2001 after serving on the Council since 1995. It has always been my desire to run the finances of the town like I run my own home. To live within our means, yet providing the necessary services you expect. I have never been a fan of debt in my personal life or my business life. Having been a small business owner for years this was near and dear to my heart.

I was fortunate, and still remain fortunate to this day, to have a Council made up of people who have always been progressive and willing to work together in the best interest of the town. You will hear me use the word “we” throughout this article. I say this because we operate as a team. We don’t necessarily always agree. However, we function as a cohesive group. The collective “we” includes the Council, Administrator/CFO, and all other department heads.

We met to outline goals we had for the town and some basic assumptions to achieve our goals. The primary goal was to be debt free at some point in the future. However, we established some basic parameters.

- We did not want to put an undue hardship on the residents in the way of tax increases.
- The infrastructure and equipment needs of the Borough were not to be ignored.
- The time frame to achieve this was to be a reasonable one.

We put these parameters in place knowing that we may not be the ones to reap the benefit of what we were enacting.

The base year of the plan took all of the appropriations for Capital and Debt and treated them as one pot of funds. We agreed to grow this amount each year by 5% regardless of whether it was to pay off debt or to provide down payment funds for projects. We also took a hard look at our capital needs and set the annual amount that we would authorize in each year going forward. The amount established as our base for budgetary needs exceeded the amount that we were willing to authorize in each year’s capital budget. It was this gap between the two

that allowed us to pay down more each year than we were authorizing. When first developed in 2003, the plan showed the Borough achieving debt freedom in the year 2016. I am happy to announce that we made our last general obligation debt payment on October 14, 2016, achieving that goal.

The original plan did not focus on our Sewer or Water Utilities. However, the Sewer Utility will be debt free in 2017 and the Water Utility will be debt free in 2018. We applied the same principles to both of these systems as we did to the general obligation debt.

You may ask how it is that we achieved this goal that was set 14 years ago. I remain the Mayor and have two of the original Council Members from 2003 still on the Council. What we have done over time is to educate new Council members about our financial goals amongst other things. When a Council Member changed, the new member was educated about the goals and the desire for the town to achieve debt freedom. We consistently handed down our plans as change occurred. Change in Council was not the only hurdle along the way. We all know that Murphy’s Law comes into play when managing a town. We certainly had our fair share of Murphy moments. What we did was simply to adjust the plan and compensate for Murphy in a future year. In addition, obtaining grants or other funding sources allowed us to modify the plan with the goal year still in mind.

The plan was simple enough to create, simple enough to manage, and a home run to achieve. I think that the other reason for our success was that we don’t create plans to sit on shelves and collect dust. We actively manage them and keep them fresh and relevant to today despite their being created over a decade ago.

It is also important to note that one of our prime focal points was not to create a tax burden on residents. On an annual basis we would track the Borough’s ranking in Morris County on a tax per capita basis. In 2003 we were the 2nd lowest municipal tax per capita in the county and remain the 2nd lowest in 2016.

I am proud to have remained in office long enough to reap the benefits of a plan created so long ago. 🍀

*The views expressed and the data presented by contributors are theirs and are not necessarily shared by the League.*

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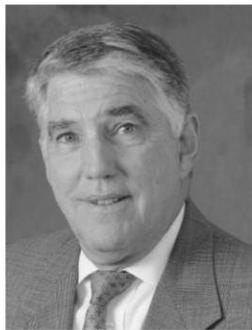
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# Fighting the Opioid and Heroin Epidemic

By Joseph F. Vitale, Senator, District 19

For nearly three years, my colleagues and I in the Senate have focused much of our attention to treating the issue of the opioid and heroin epidemic, from which many families in New Jersey are suffering. In September of 2014, I rolled out a package of 21 bills that would deal with the four pillars of dealing with this epidemic: prevention, education, treatment, and recovery. Many of my colleagues came on board to sponsor and support these measures, and the Governor has signed over 10 of them into law so far.

We have continued the fight in this current session with a new set of bills that will continue to address the four pillars of fighting the epidemic, including new policy objectives that will continue to address this crisis such as:

- Requiring schools to continue to update their drug education programs to reflect the most recent information and best practices.
- Making naloxone (Narcan) available over the counter so that any home, any family could have the life-saving drug on hand should an overdose occur.
- Considering courses on prescription drug abuse as continuing education credits for providers.
- Requiring that the prescription monitoring program checks specifically for Schedule II drugs before a prescription can be issued.

Critical to our work are some additional policy objectives that we will continue to pursue. Providers should be required to discuss the dangers and addictive qualities of opioid prescriptions with their patients, both above and below the age of 18. This is a critical first step, as we know that many who suffer from addiction get their start with the use of pain medication prescribed to them to help with the pain of a routine surgery or sports injury.

We need to expand syringe access programs so that they are operable anywhere in the state, and so that they receive sustainable funding. The five programs currently in operation struggle year to year to keep their doors open and provide clean needles, meals, and treatment options to those in need. They haven't seen state or federal funding in years, and their coffers are running dry. The State needs to take responsibility for the funding of these programs which are so critical in preventing the spread of HIV and Hepatitis C, and which prove effective in getting addicts into treatment.

We need to start implementing routine screening of our high school-aged population, a program known as SBIRT (Screening, Brief Intervention, and Referral to Treatment). Instituted in other states, SBIRT screens each high school-aged child annually for

signs of abuse, provides treatment options to those already afflicted by an addiction, and provides a resource to those that might be vulnerable to becoming addicted. This successful program needs to become a fixture in New Jersey's fight to prevent our youth from what can be a devastating future.

**“By focusing on prevention, education, treatment, and recovery all at once, we will begin to change the tide of addiction and devastation currently rattling our communities.”**

Lastly, we need to expand the Recovery Coach Program, currently operating in five counties with State backing, to the remaining 16 counties. This program immediately connects someone who has overdosed and been reversed by the use of Narcan with a Recovery Coach Specialist. These Specialists are former addicts, in recovery themselves, and can speak on a personal level to those going through what they have already been through, and continue to struggle through. Recovery Coach Programs connect local and county government with law enforcement and providers to move people as quickly as possible into treatment, and follow up with them as they make their way through their path to sobriety. Every county should have this program with the support of the State.

We have come a long way and made much progress, but there is so much still yet to do. By focusing on prevention, education, treatment, and recovery all at once, we will begin to change the tide of addiction and devastation currently rattling our communities. I will continue to work with my colleagues in the Legislature and with the Governor's office to pass effective legislation that will address these goals and continue to help our friends and families struggling with addiction. ♣

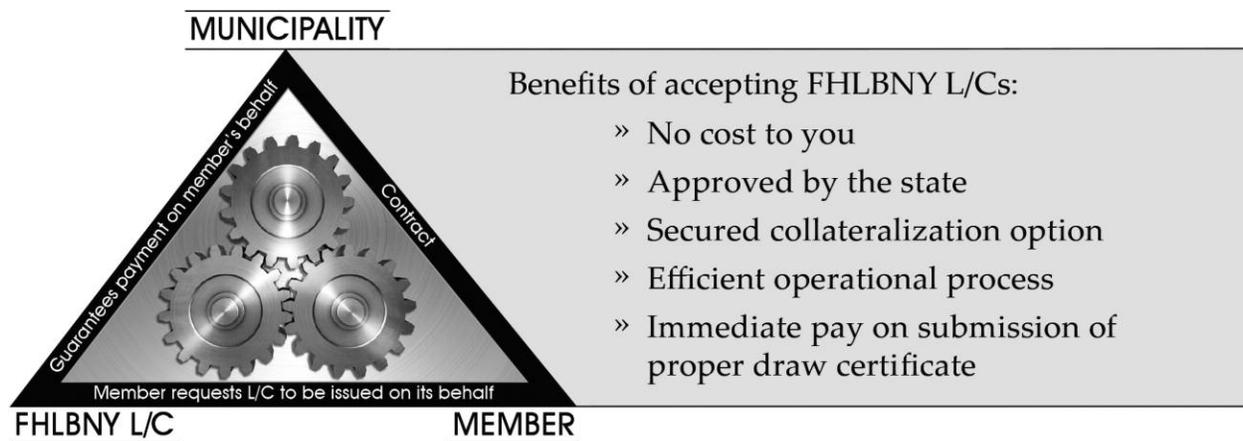
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# Framing the Future

Highland Park’s commitment to its senior community

By Gayle Brill Mittler,  
Mayor, Highland Park;  
NJLM Executive  
Board Member



According to the U.S. Census Bureau, in 2000, there were approximately 35 million Americans over the age of 65. By 2030 that number is expected to double, to approximately 71.5 million, representing nearly 20% of the entire projected population in the U.S.

As a result, caring for, and providing services for, our senior population is becoming a priority in communities throughout the country. The term “aging in place” has become familiar among policy-makers and community leaders. In the Borough of Highland Park, aging in place has meant a continued and heightened commitment to our already large and vibrant senior community.

**Aging in place is defined as “the ability to live in one’s own home and community safely, independently, and comfortably, regardless of age, income, or ability level” (U.S. Centers for Disease Control and Prevention). To millions of Americans, aging in place means living in a place that includes, serves, and supports them while maintaining their quality of life. Issues such as healthcare, housing, finances, and access to necessities and services are vital for senior citizens whose physical capabilities are changing.**

### Staying Social

Highland Park’s Office on Aging ensures that our seniors are cared for and comfortable. Maintaining a social lifestyle and feeling a connection to the community in which they live is important for our senior residents. The “Club House,” as our seniors fondly call the Senior Center, is bustling with activity on a daily basis. Exercise classes, such as the popular Tai Chi class, as well as yoga and movement classes, help keep our seniors physically active. Our close proximity to Rutgers University means that many of our residents—both young and older—are academics who have been affiliated with the university. This translates to a large group of seniors who crave the opportunity to continue using their minds and learning.

To that end, a large number of this population is engaged in community sponsored classes such as painting,

language instruction, music instruction, lecturers, and discussions. The Borough also sponsors monthly themed lunches for seniors, including a popular luau, as

“The term “aging in place” has become familiar among policy-makers and community leaders.”

well as holiday meals and a “Senior” Prom. In addition to the Senior Center, the Reformed Church of Highland Park hosts meetings for the Osher Lifelong Learning Institute at Rutgers University,

an education program for adults over 50. The social interaction is invaluable to the well-being of these residents, many of whom live alone.

Our senior residents are active volunteers in the Borough on various commissions or committees, a testament to their desires to stay alert and involved in their community, a key element in maintaining quality of life. Volunteering is mutually beneficial, as they bring their skills and talents to the Borough, while remaining active and involved for their personal benefit.

### Friendly Streets

Highland Park offers a myriad of opportunities for our seniors to get involved and be social. Our vibrant and walkable downtown is an ideal place for seniors to meet for lunch, shopping, or socializing, and many of them can be seen walking throughout the downtown on any given day. Our recent Complete

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## Framing the Future

Streets designation included widening sidewalks, improving lighting, and installing corner “Living Rooms” with benches, chairs, and tables; an idea place to sit with friends, listen to a musician perform, or people watch. Our senior residents have welcomed these improvements, which have increased the safety and ease of movement for pedestrians.

Many seniors, however, experience mobility issues, and have difficulty traveling or getting around on their own. The harsh reality of aging means increased dependence on others for travel or transportation, and losing that independence can be frightening and upsetting. An ideal aging in place community needs to provide adequate transportation services for those who have difficulty or are unable to walk or drive themselves. Simple trips to the grocery store, doctor, shopping or more become challenging.

Highland Park has been operating transportation services for the elderly



Highland Park seniors enjoying an event at the “Club House.”

and disabled for more than 25 years. Our full-time driver runs routes throughout the community Monday through Friday, from 8 a.m. to approximately 4 p.m., using an 18-person van. Seniors are transported from their

homes to the Senior Center, local supermarket, downtown locations, or to see friends or family throughout the community. This van is also used for special

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“ Our recent Complete Streets designation included widening sidewalks, improving lighting, and installing corner “Living Rooms” with benches, chairs, and tables; an idea place to sit with friends, listen to a musician perform, or people watch.”

trips, to locations throughout Middlesex County and beyond. This service enables residents to not only socialize within the town, but to enjoy experiences such as theater shows, shopping at nearby malls, trips to Atlantic City, and more.

In addition to our van, the Borough provides transportation, Monday through Thursday, 9 a.m. to 3 p.m., taking seniors to medical or various appointments throughout Middlesex County,

**Staying Safe**

A large number of our seniors live in several large apartment or condominium buildings throughout town. Living in close proximity to their friends is an

with this population of residents. The Senior Assistance Program enables first responders to keep pertinent information, which is shared only with medical professionals when necessary, to assist residents in case of emergency. Seniors may also provide a key to their residents to feel safe when locking their home, but which would also enable emergency personnel to have access to their home if necessary. Residents who need additional services, such as help with housing or insurance issues, how to file for Medicare or other social services, or simply need to talk, can utilize our full-time community Social Worker.

Our large population of seniors is evidence that Highland Park has become an ideal aging in place community. Our walkable downtown, vibrant social activities, transportation assistance, and safety and financial services are some of the reasons many seniors choose to live in Highland Park. ♣

**“ The harsh reality of aging means increased dependence on others for travel or transportation, and losing that independence can be frightening and upsetting.”**

decreasing the dependency on friends and family members to take them, which gives our seniors more flexibility in their scheduling, and enables them to maintain a sense of independence.

ideal way to socialize, and also affords a safety net, as residents look out for one another. Safety of our seniors is a priority for Highland Park as well, and our First Responders are actively involved

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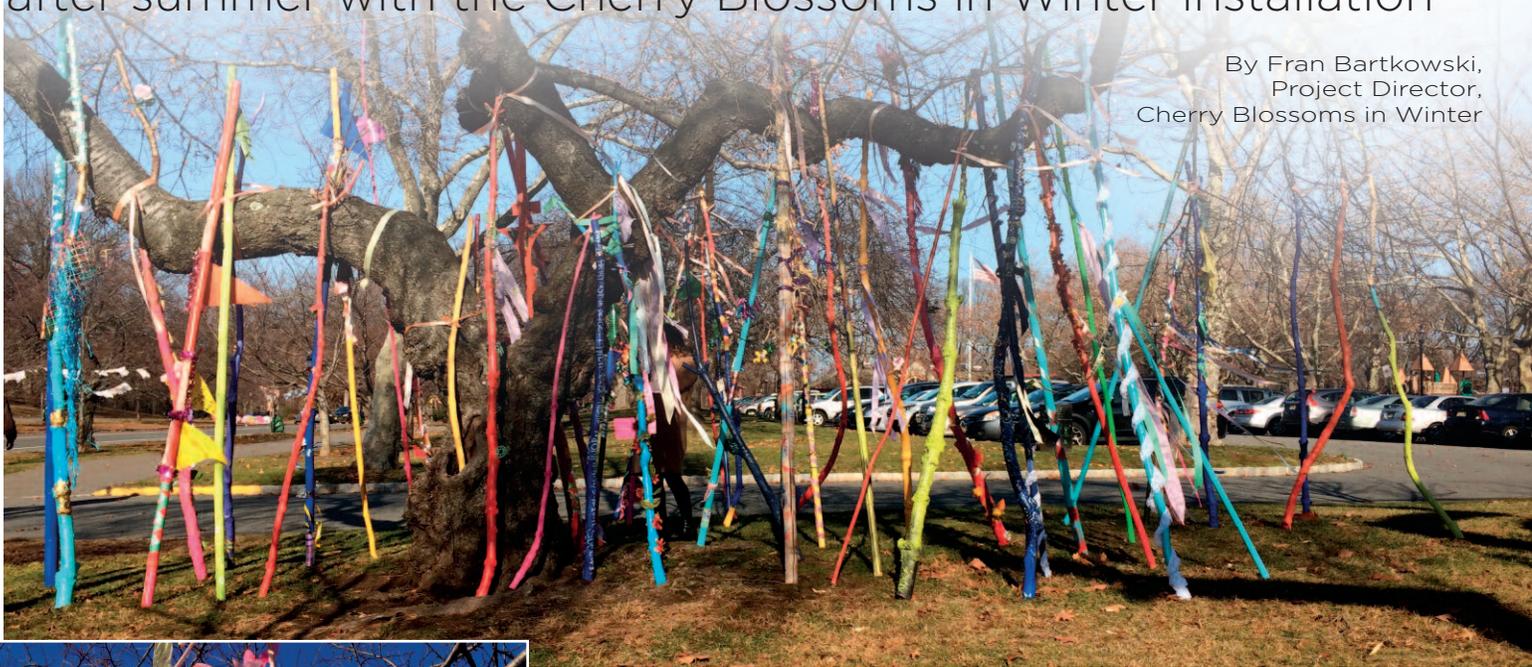


# Art in Bloom

Newark's Essex County Branch Brook Park comes to life long after summer with the Cherry Blossoms in Winter installation

By Fran Bartkowski,  
Project Director,  
Cherry Blossoms in Winter

Story Photos by Janis Blayne and Mary Bowe



Newark's historic Essex County Branch Brook Park—designed by Frederick Law Olmsted, as were Central Park in Manhattan and Prospect Park in Brooklyn—is famous for its collection of 5,000 flowering cherry trees that attract tens of thousands of admiring visitors in the spring each year. However, in winter, these fleetingly beautiful trees are barren.

Inspired by the Christo Gates Project of 2005 in Central Park, our collaborative multimedia public art project transformed this site for the month of December 2016. Dozens of bare cherry trees became temporary art installations done by students of art teachers in Newark and elsewhere, senior citizens of Newark, and local, regional, and international artists.

## Wintery Celebration

Countless citizens of the city, the county, and the region who regularly drive, walk, bicycle, and wander the park were entranced, as they are during cherry blossom season in April, when they discovered public art along the 4-mile thoroughfare from the southern end of the park, which begins across from the Basilica of the Sacred Heart and continues to the northern end at the Belleville border.

All installations were made of materials meant to withstand the winter weather, and the spirit of renewal marked the project, which concluded the 350th anniversary of the city of Newark. This project joined citizens of New Jersey and drew visitors from around the state, the region, the country, and international visitors and artists to New Jersey's largest city. Cherry Blossoms in Winter promoted arts education in K-12 schools, encouraging students to work creatively and collaboratively—a critical component of education, across all fields of learning.

A project by the Ann Street School, Marilyn Richardson, teacher.

### Setting the Scene

Cherry Blossoms in Winter moved forward over the last three years as numerous stakeholders and creative placemakers were inspired by collaborations within our arts and education worlds. The works by schoolchildren and professional artists were juxtaposed as “neighbors” and as their “gifts” to the city and the park, and fired up the imaginations of those involved.

The Call for Proposals was publicized beginning in 2015 through email communication and social media as well as through networks of prominent art organizations in the city and state such as the Newark Arts Education Roundtable, the Newark Arts Council, the Newark Museum, and the Barat Foundation. We had Rutgers-Newark student interns working with K-12 teachers; they also helped to distribute the Call for Proposals, and volunteered in numerous capacities including the making and installing of the art works themselves.



We had more than 40 installations by 30 artists and groups. The schools included many in the Newark Public School system (Quitman, Ann Street, Ridge Street, Arts High, Science Park High, Barringer STEAM and Arts and Humanities, Louise A. Spencer), as well as Newark Prep, a charter school, and Sophia Domville with Kids Corp, a community school, and Essex County Vocational and Technical High School. We had two international artists, Rebecca Louise Law, from London ([thisiscosossal.com/2016/04/garten-rebecca-louise-law/](http://thisiscosossal.com/2016/04/garten-rebecca-louise-law/)) who created

and then installed her work in the Barbara Bell Coleman Pavilion. Eirini Linardaki, from Greece and New York City, ([linardakiparisot.wixsite.com/linardaki-parisot](http://linardakiparisot.wixsite.com/linardaki-parisot)) had her work on view in multiple locations. Other participating artists included Sophia Sobers, Donna Bassin, Lisa Conrad, and Stephen McKenzie of the Newark Printshop, Anne McKeown, Joseph Thomas, Richard Moore, Dimitri Reyes, Jaime Kimak, Clara Reyes-Orozco, Christine Rivera, William Oliwa, Nina Kuo, and Janis Blayne-Paul and Mary Bowe. Matt Gosser worked as our curator and also exhibited four of his installations in multiple locations.

We raised over \$100,000 in our efforts to bring this project to fruition. In June of 2016, due to the work of Barbara Bell Coleman, Prudential Financial came on board as our marquee sponsor, and we received the generous support of the Branch Brook Park Alliance and the Ryan Family Foundation.

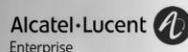


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## Art in Bloom

### Spreading the Word

By the time of our opening event on December 1, 2016, all the spheres we had hoped to bring into communication and collaboration were present: WBGO radio had interviewed me for their series spotlighting some of the events celebrating Newark's 350th, and Barry Carter of *The Star-Ledger* attended so he could begin talking with many people in the preparation of his article that appeared on December 13, 2016, in the New Jersey section, "Branches of Art: Rutgers-Newark Project Brings Cherry Trees to Life."

Remarks on that occasion were offered by Chancellor Nancy Cantor and Dean Jan Lewis of RU-Newark, Spring Lacy of Prudential, Gwen Moten of the Mayor's Office, Barbara Bell Coleman of the Branch Brook Park Alliance, Joseph DiVincenzo, our County Executive, and Jackie Harris of Newark 350. There were more than 100 people in attendance that evening, and more came

## Working Together

Among the people responsible for guiding our efforts all along were our advisory board members:

### Advisory Board Members:

**Fran Bartkowski**, Co-Chair, Rutgers University-Newark

**Kate Hartwyk**, Co-Chair, County of Essex

**Chandri Barat**, Barat Foundation

**Gwen Moten**, Office of the Mayor

**Robert Provost**, Newark Regional Business Partnership

**Steven Kern**, Newark Museum

**Adrienne Wheeler**, Rutgers University-Newark

**Anonda Bell**, Robeson Gallery

**Anne Englot**, Rutgers University-Newark

**Kathleen Galop**, Preservation Possibilities, LLC

**Byron Clark**, Greater Newark Convention and Visitors Bureau

**Jeremy Johnson**, Newark Arts Council

**Irene O'Brien**, Rutgers University-Newark

**Robin Semple**, Rutgers University-Newark

**Marcel Vaughn-Handy**, Rutgers University-Newark

**Kristina Micu**, Program Coordinator

to our five public events during December, which included a balloon chain that hovered above the Welcome Center for

an entire day, poetry readings by high school and college students, African drumming by young children led by Maya Workman of Montclair, a Story Pole workshop led by Janis Blayne-Paul and Mary Bowe.

The Forest Hills Neighborhood Association became involved as volunteers and informal publicists for the project which enhanced their own location along the east side of the park. As Project Director, I received unsolicited phone calls and emails from folks who had visited the exhibits and wanted to express their surprise and appreciation for what they had seen. I also found myself in many conversations with park visitors all during the month of December as I traveled the park to and from work, and to check on the exhibits as the weather changed.

Numerous people, including many of the artists and teachers have been asking about whether this will be a recurring event and public art project. In our earliest visions we fantasized about our success as a potential harbinger of a public art biennial for Newark and the park. Such aspirations remain to be realized in the coming years, but we have surely given to many a remade view of a place that is much loved, and now will be seen anew in winter, even as this year's spring spectacle comes along in April. ♪



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# Picking Up the Pieces

Weather the Storm with DEP's Debris Planning Toolkit

By Mark J. Pedersen, Assistant Commissioner, NJ Department of Environmental Protection, Site Remediation and Waste Management Program



New Jersey will not soon forget Superstorm Sandy. In just one day, Superstorm Sandy scattered more than 10 million cubic yards of debris and sand throughout the nine hardest-hit counties in the state. More recently, on June 23, 2015, Southern New Jersey was again impacted by a fast-moving, severe thunderstorm that caused more than \$20 million worth of damage and left more than 200,000 people without power.

Recent major storm events have forced every county in the state to face the challenge of the sudden and excessive generation of solid waste debris beyond the capacity of the normal solid waste system to handle.

## Recovery Plan

Fortunately, the New Jersey Department of Environmental Protection (DEP) is ready and able to help. To assist municipalities in planning for debris response, DEP published the “Disaster Debris Planning Toolkit” (Toolkit) which outlines the major aspects of debris planning including the development of the following:

- Debris Management Plans (DMPs)
- Temporary Debris Management Areas (TDMAs)
- Stand-by contracts for debris removal
- Communication strategies to keep residents informed

The Toolkit is available at [nj.gov/dep/dshw/toolkit.pdf](http://nj.gov/dep/dshw/toolkit.pdf).

## Developing a DMP

With hurricane season approaching (June 1 to November 30), developing a DMP is essential for a community’s swift recovery from a disaster. Keep in mind that any weather event, as well as non-weather events such as fires, building collapses, or terrorist attacks, can become a debris-generating event. A DMP will allow a municipality to recover more quickly from all types of events because the response is planned and coordinated. In addition, the Federal Emergency Management Agency (FEMA) currently offers a pilot program that provides a higher federal cost share in an emergency for municipalities that have a FEMA-accepted DMP in place.

As a first step in the development of a DMP, be sure to invite all interested parties to the table. Coordinate with the municipal Public Works Departments, local and county Offices of Emergency Management, the county solid waste coordinator, local and county health departments, local fire and police departments, and the county road/highway department. DEP’s Division

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## Picking Up the Pieces

of Solid and Hazardous Waste (DSHW) will provide assistance upon request. (Contact information for DSHW is below.) Municipalities may also consider working with adjoining municipalities to set up a shared services agreement for debris management operations.

DEP-approved Temporary Debris Management Areas (TDMAs) enable municipalities to site locations to temporarily stage debris prior to transportation to a disposal or recycling facility, which may allow for faster roadway clearing. The DSHW has initiated a pre-approval process for TDMAs that allows municipalities to submit a request for review of a site prior to an emergency event to ensure it is appropriate for debris staging. When a debris-generating event occurs, the municipality is required to simply notify the DEP of the need to utilize the site for debris storage after a declared State of Emergency.

## Communications

The DMP should also include a communication strategy to keep residents informed regarding debris removal. DEP has developed a flyer for residents entitled “Speed Up Your Cleanup” that explains the best way to place debris at the curb for pickup.

# Emergency Collections

Municipalities should consider having stand-by contracts with emergency debris contractors for collection, removal, and/or monitoring services to ensure that such services will be available. The stand-by contracts should be reviewed regularly and revised if necessary.

## Stand-By Contracts

To assist municipalities, the State of New Jersey has entered into stand-by contracts for various storm debris-related services for use in both federal and state declared emergencies, such as land debris removal, waterway debris removal (southern regions), and debris removal monitoring (typically required for federal reimbursement).

## Purchasing Partners

The State anticipates awarding additional stand-by contracts for waterway debris removal in the northern region, waterway assessment, private property debris removal, and potentially for project management services. These contracts will be available for other levels of government to use as “Cooperative Purchasing Partners.”

The contracts are available for review on the New Jersey Department of Treasury website at [state.nj.us/treasury/purchase/hurricane-coop.shtml](http://state.nj.us/treasury/purchase/hurricane-coop.shtml).

The flyer is a digital file that is available as part of the Toolkit. In addition,

DEP is distributing poster-sized copies of the flyer to interested municipalities through each county’s solid waste management program.

To further assist municipalities during an emergency, correspondence with DSHW regarding debris management will be through [solidwasteemergencies@dep.nj.gov](mailto:solidwasteemergencies@dep.nj.gov). If email is not functioning during or after an emergency, DSHW may be contacted by calling 609-633-1418. Information related to an emergency event will also be posted on DEP’s web page at [www.nj.gov/dep](http://www.nj.gov/dep).

Proper planning can help your municipality “weather the storm” of recovery after a debris-generating event, and DEP is available to assist. For additional information about the Toolkit, developing a Debris Management Plan, and/or TDMA pre-approvals, please contact DSHW at 609-633-1418. 🗑️



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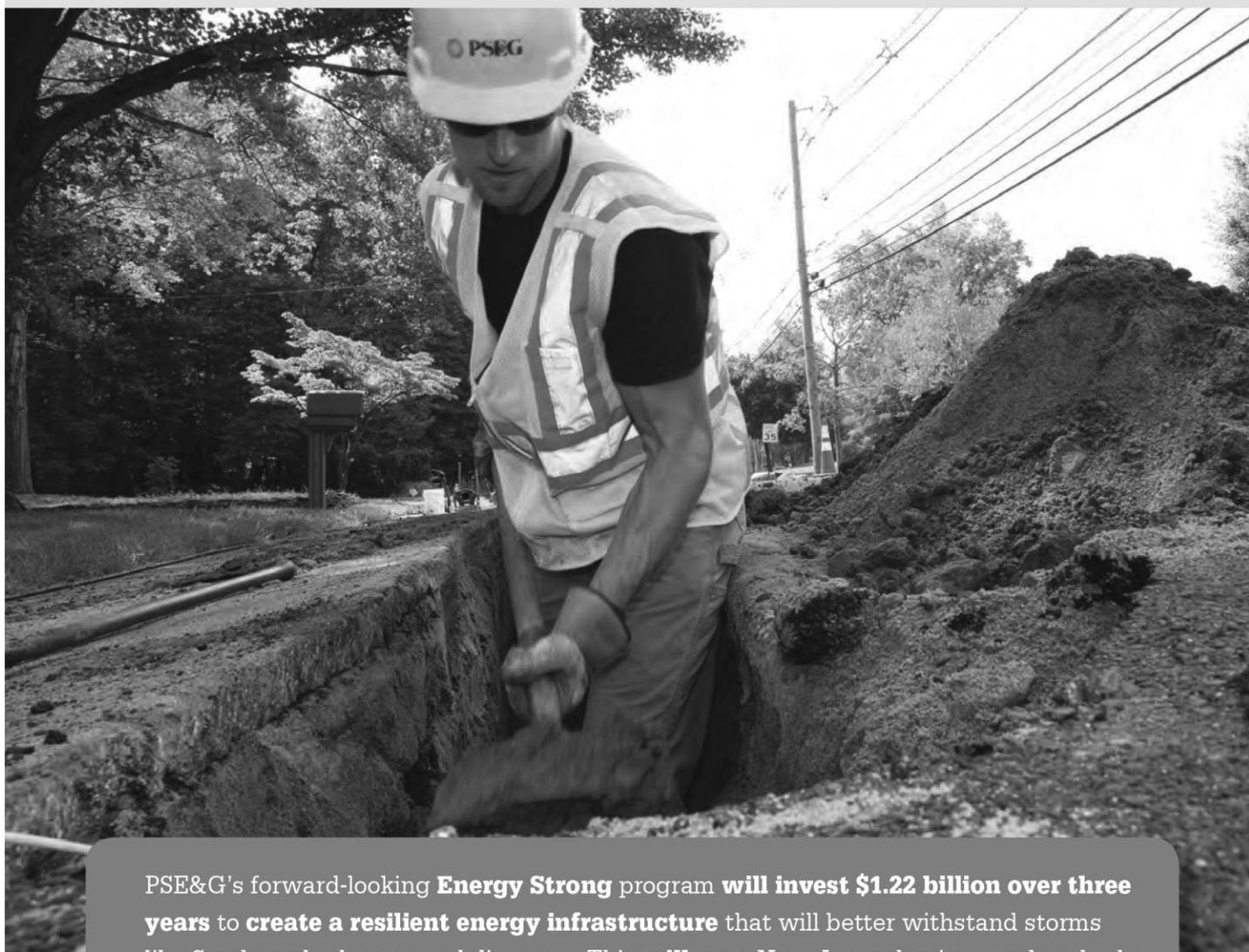


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# Making Connections

Tips for creating a dynamic local business networking event

By Dan Breen, Chairman, Township of Hanover  
Economic Development Advisory Committee

**B**ruce, Sales Manager for Diversified Printing Services, a Hanover Township-based company, didn't know what to expect in attending "Making Connections," the Township's first local business networking event at Town Hall. Wasn't this where governing body and planning board meetings were held? Would he be comfortable chatting with neighbors and Township officials here?

## Smart Set Up

As Bruce and other participants would discover, the venue and set-up actually turned out to be one of the keys to the event's effectiveness. The tablecloths, flowers, artfully arranged continental breakfast, and high top tables gave the Public Meeting Room a warm, welcoming ambience. And the removal of all chairs not only allowed the Township to accommodate a larger number of guests, but also motivated them to get to know one another.

"This was one of the more organized and well-run business networking events I've been to," Bruce later confided. "Although it sounds like a small thing, the absence of chairs made the meeting a great success. You either move around and mingle with the other guests or stand in one place for two hours. So, unless you're aspiring to be a human coat hanger, you're meeting new contacts and interacting with others...just a very congenial atmosphere."

The Township Committee and members of the Economic Development Advisory Committee (EDAC), the event co-hosts, were pleased to give 79 representatives from 54 of Hanover Township's businesses who attended "Making Connections" the opportunity to meet one another in this relaxed, social setting.

## Township Helping Business

The idea came about after Township Officials fielded numerous requests from businesses for introductions to other businesses. "We really did want to help," noted Mayor Ron Francioli, "but as local government, we can't support or endorse businesses or organizations and we couldn't make those introductions. It eventually



dawned on us that we could host an event to give our business neighbors an opportunity to introduce themselves to one another, and at the same time, meet us."

With that goal in mind, we formed an event planning sub-committee made up of three EDAC members joined by EDAC's Internal Coordinator and the Township's Community



Affairs/Public Policy Coordinator. Starting in November 2015, the five-member group met periodically to make recommendations to the full EDAC for the spring 2016 event.

The six-month lead time enabled the planning subcommittee to set two important logistics by the end of 2015. With a busy Town Hall calendar, finding and reserving an available spring date that would work for EDAC and the Township Committee were extremely important.

Equally essential was getting cost estimates early enough to include in EDAC's 2016 budget request, so that there were no surprise expenditures following the March 2016 adoption of the municipal budget.

### Early Planning Paid Off

The May20 event was well attended and came in under the \$6,000 appropriation request included in the 2016 approved budget. With those key elements in place, EDAC was able to focus on the details that would make the two-hour breakfast “meet and greet,” a dynamic, engaging experience.

Early on, EDAC agreed that the event be opened to all Hanover Township businesses and organizations on a first-come, first-served basis, free of charge.

“We recognized that our business neighbors usually pay to attend networking events,” noted John Ferramosca, the Township Committeeman who serves as the Liaison to EDAC, “but we chose not to charge anything. Our companies and organizations do so much in terms of community support—we wanted to do something for them to acknowledge the important role they play.”

### Great Things Happen

Interested businesses and organizations did contribute to “Making Connections” in other ways, such as donating prizes for a free drawing using business cards participants provided when checking in at the registration table. Additionally, Kim Auriemma Designs contributed the flower arrangements that brightened the room with vibrant splashes of color.

EDAC also gave a great deal of thought to helping our guests make the

## Communications Kit

To get the word out about “Making Connections,” we:

- Mailed invitations in April
- Issued press releases
- Advertised on the Township’s website.

For ease in tracking attendance and providing participants with updates on logistics like parking, the Township’s webmaster set up and activated an on-line registration link.

In addition to streamlining sign-ups, the information gathered from the registration link facilitated making up name badges, surveying guests following the event to gain feedback, and giving EDAC a convenient way to keep in touch with businesses to notify them of other programs like the broker receptions we periodically host.

most of their time together in meeting and greeting one another. Registrants for “Making Connections” were invited in advance to complete an emailed template for submitting key information about themselves, including what distinguishes their business or organization and how best to contact them. Based on the information provided, a Power Point slide was made up for each attendee, and a copy of the full Power Point was given to everyone on a memory stick imprinted with the Township’s slogan, “Great Things Happen in Hanover!”

Complimentary drawstring bags were also distributed during the event to help guests consolidate and easily carry business cards, literature, and promotional items attendees collected.

To kick off “Making Connections,” Mayor Francioli and I intentionally kept our opening remarks brief. We were well aware that we were addressing a variety of companies, offices, and non-profit agencies representing the full spectrum of corporate, retail, hospitality, tourism, medical, professional service, and other industries that build Hanover Township’s

economic base. In welcoming everyone on behalf of the Township Committee and EDAC, we made it a point to acknowledge this diversity and stress the value of every participant—from the smaller, family owned establishments right up through the global corporations, and every size in between—in shaping the Township’s vibrant business community. This message, along with the collaborative efforts and enthusiastic participation of our business neighbors, the Township Committee, EDAC and our planning subcommittee, all worked to make the end result extremely successful. Attendance exceeded expectations and the high level of connection and energy in the room was palpable.

“Making Connections” was our first local business to business networking event, but it won’t be our last. Based on the glowing feedback we received from participants, we look forward to hosting this event annually to support business retention and give our companies and organizations the opportunity to tap into the power of local networking within their community. 🍷

@ For more information on “Making Connections,” please email Kelli Schanz, Hanover Township EDAC Internal Coordinator at [kschanz@hanovertownship.com](mailto:kschanz@hanovertownship.com), or Robin Dente, Assistant Business Administrator/Community Affairs/Public Policy Coordinator at [Rdente@hanovertownship.com](mailto:Rdente@hanovertownship.com).

# Narcan: What Happens Next?

Using Narcan as a starting point for local and county corrections policies

By Frank Mazza, Program Director, Hudson County Department of Corrections Community Reintegration Program

**M**edication-assisted treatment with Narcan improves both public health and public safety.

The trend towards medication-assisted treatment reduces harm, saves lives, and meets the immediate need of an individual in crisis. The question becomes: what happens next?

Narcan (naloxone) is a public health tool to help an individual to survive a period of life-threatening crisis. Narcan allows frontline law enforcement and emergency medical treatment (EMT) workers the ability to decrease the potential that someone will succumb to the potentially fatal effects of an opioid overdose. Most importantly, the public policy of utilizing Narcan demonstrates the potential to create a broader policy shift towards harm reduction and treatment.

The larger issue which must be addressed is the upstream systemic cause of the need for Narcan. The problem of drug addiction requires more intervention than simply providing for individuals when they are in crisis. Drug addiction is a treatable disorder, which can be managed through continued care. For Narcan to achieve its greatest potential it must serve as the entry point into a prolonged continuum of care.



**Addiction and Corrections**

Frontline law enforcement has a level of discretion when dealing with a population whose behavior is motivated by mental health and addictions issues rather than criminal intent. As clinical treatment options begin to disappear,

local or county corrections become the de facto option. County Corrections must understand the needs of its population and allow those needs to help redefine its role. Many individuals in our County Correctional facilities are there because of the need for detox and the

lack of available community detox beds. As a result, County Corrections has the potential to be what comes next after Narcan is administered.

Corrections is the most in common treatment provider for the transient opioid addicted population, and as such it has the ability to unify the various and historically disjointed systems of support which have the potential to increase functioning, raise employability, keep an individual off of drugs, remove a person from the publicly supported systems of support, and ensure a decrease in the amount of time individuals cycle through the emergency room, shelter system, and the correctional system.

**Successful Intervention**

The network of care, historically, has been disjointed as a result of silos and systems that do not communicate and reimbursement variations among systems that discourage coordination

**“ Jails can serve as the unifying entity creating a public-private partnership which links the population treated with Narcan to physical, mental, medication, inpatient, outpatient, social, and Medicaid support under judiciary oversight.”**

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By William M. Cox

**Revised & Updated By**  
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while unnecessary duplication of services is provided.

Direct clinical interventions alone do not address the problem. Research tells us that without interventions that take into account chronic homelessness, lack

of access to health insurance, negative influences of primary and secondary relationships, environmental triggers, and a lack of judiciary oversight, the clinical intervention potential is constrained and cannot reach its potential.

Successful intervention for this population is dependent upon achieving a clear understanding of needs across all domains and creating accountability for each system delivering care to address each area of specific need. Within the currently fragmented system of care, jails serve as the clinical provider that has the most accurate picture of systemic illness and the causes of negative behaviors. Jails have the potential to inform the network of care of each individual's specific needs.

### Public-Private Partnership for Treatment

Jails can serve as the unifying entity creating a public-private partnership which links the population treated with Narcan to physical, mental, medication,

inpatient, outpatient, social, and Medicaid support under judiciary oversight. This system can be built and used as a clinical diversion program that provides an alternative to incarceration. Every time Narcan is administered, this should trigger an assessment for program eligibility and the newly developed system of support utilized to provide for continued care.

The population in our local correctional facilities routinely has negative contact with the criminal justice system as a result of a lack of housing support, as well as an inability to access public assistance, Medicaid, and the primary health care network. For corrections systems to achieve their mission of protecting public safety, they must align themselves with the housing network, the primary health care network, and the system of public and social support.

Patient goals can be identified and the barriers to coordinated care can be removed by coordinating the various systems of support. ♣

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## The Next Step

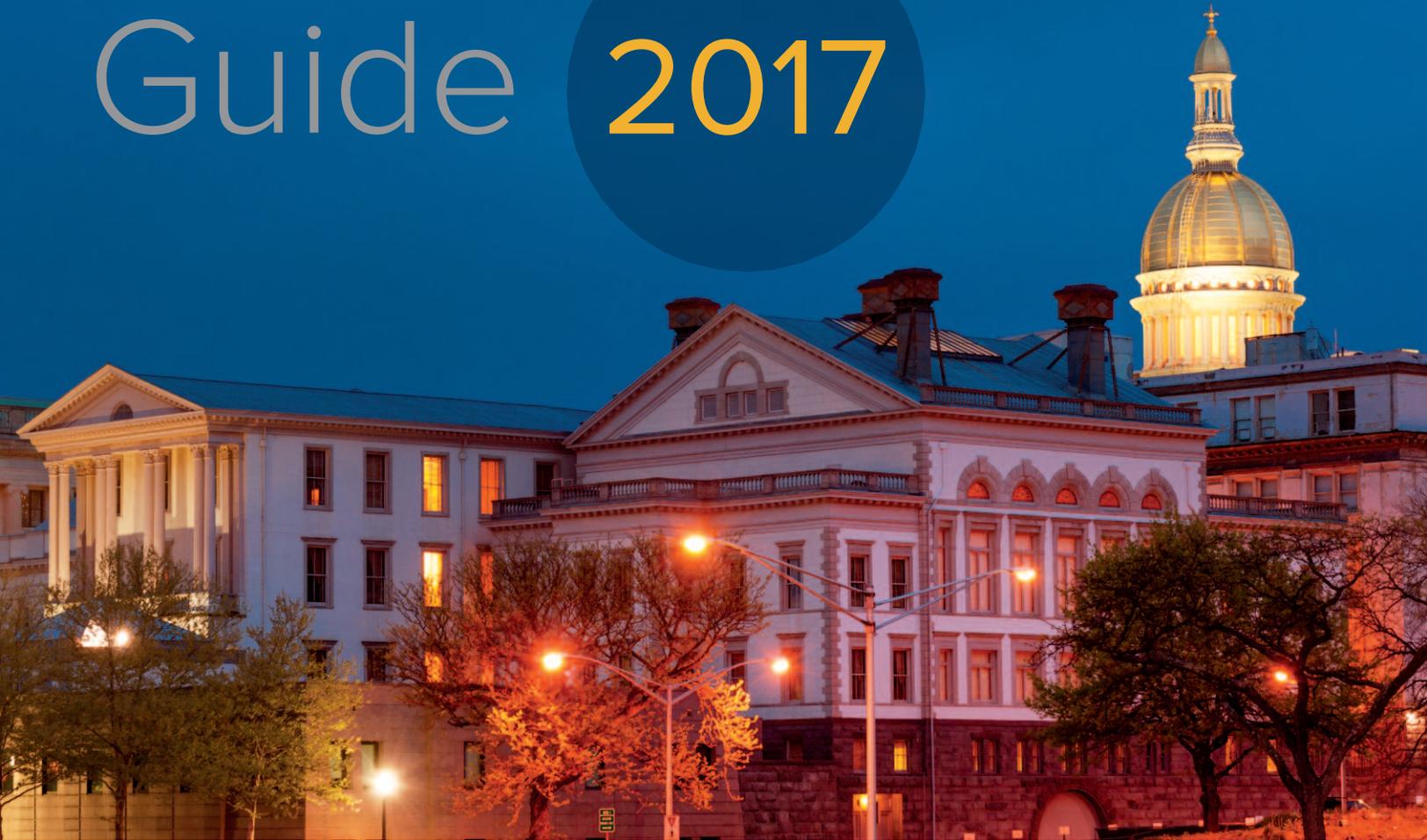
Hudson County has taken Medication Assisted Treatment a step further—the Hudson County Department of Corrections (HCDOC) has partnered with Alkermes, the manufacturer of the drug Vivitrol, to bring medication-assisted treatment to the jail.

Vivitrol is a long-acting injection drug that blocks opioid receptors and thus prevents individuals from getting high. The HCDOC Reintegration Program is the only county correctional facility providing Division of Mental Health & Addiction Services Certified substance abuse treatment to the inmate population. To enhance the program's already robust services, Vivitrol is provided to those suffering from addiction issues in the correctional center and is continued through the program's various clinical community-based vendors after release.

HCDOC is the first in the state of New Jersey to provide this medication assisted treatment utilizing Vivitrol, which won approval from the U.S. Food and Drug Administration for the treatment of opioid addiction in 2010, administered through injection every four weeks.

# Legislative

Guide 2017



*Your Voice in*

*Trenton*



# Standing Together with the League

## NJLM President's Letter

In 2017, we in New Jersey municipal government are determined to make this year one of our best. We embrace this chance to shape our own destinies and to influence the destinies of those who have given us their trust and their votes. If we can do good while we have the chance, the benefits will remain forever, woven threads into the fiber of the future.

Profound decisions face our State in 2017. Elections will fill all 80 seats in the General Assembly. All 40 seats in our State Senate will be up for grabs. And, we will be asked to choose a new Governor. Throughout the year, the Second Annual Session of New Jersey's 217th Legislature will consider myriad issues that will affect, for good or ill, our ability to meet the needs and aspirations of our fellow citizens.

For moments such as this, the League was created. With our united effort, we can make a positive difference. That is the key. We must learn together. We must speak together. We must stand together. The League is the tool we can use to do all three.

Our League Legislative team works hard to keep us informed of developments in the State Capital. They co-write a regular "Legislative Update" column, which appears regularly in our magazine, *New Jersey Municipalities*. They also collaborate in the publication of the "Legislative Bulletins." And the Legislative team sends us weekly letters to mark the progress, or lack thereof, of bills of special importance. These "Updates" serve two purposes. The first is to inform us. The second is to inspire us to get involved.

Unless enough of us are willing to put pen to paper, or to pick up a phone, or to let fly a text message, or to pound out an email, they toil in vain. On any issue that is important to you, your municipality and your fellow citizens, you need to follow up with your two representatives in the General Assembly, your State Senator and, when and if a bill should reach the Chief Executive's desk, with our Governor.

If you would like to get more deeply involved in our legislative program, please contact myself or our Executive Director, Michael J. Darcy, CAE. We need officials who are willing to come to Trenton to testify on issues that would have a direct and profound impact on your municipality and your neighbors. And, we welcome new volunteers to our Legislative Committee.

It meets monthly in the Spring and Fall to develop League policy on newly drafted initiatives. In any one of these capacities, your participation could spell the difference between success and failure in the public policy arena.

**“With our united effort, we can make a positive difference. That is the key. We must learn together. We must speak together. We must stand together. The League is the tool we can use to do all three.”**

In this section of our magazine, you will find our Legislative Agenda for the Second Annual Session of New Jersey's 217th Legislature. As you will see, we've added some new issues to those that seem to be perennial bones of contention in New Jersey State-Municipal relations. These represent an outline of a starting point for a possible journey through the coming months. Nothing more. Nothing less.

We hope you find this helpful. We wish you good luck. And we salute you on the choice you have made to dedicate yourself to a life of public service. 🍀

Very truly yours,  
Albert B. Kelly  
President, NJLM; Mayor, Bridgeton

# New Tools for Better Policy Outcomes

With the hope that we will be able to provide you with a more thorough discussion of State and Federal policy developments that might have a significant impact on your municipality and its property taxpaying citizens and businesses, and to enhance your ability to influence State and Federal decision-makers, last year, the League launched two innovative new services.

“VoterVoice” is a grassroots, online tool, designed to help you contact key decision makers at key times, during the development of legislative and administrative policies. This system can alert you to make your voice heard, at the right time, with easy-to-use internet technology. Registration is simple.

First, visit our website [njslom.org/voterveice](http://njslom.org/voterveice). Enter your email address and your postal zip code. The system will, then, match you with your elected representatives. You will receive an email when we think your voice could make a difference in an outcome most favorable to New Jersey municipalities. It will direct you to the website and guide you through the message delivery process, in a matter of seconds.

Just as your representatives are considering their positions on vital matters, they will know what your position is, and why that position would promote better government in your home town.

“The Town Crier” is a blog focused on legislative and regulatory issues. We use this tool to drill a bit deeper into important policy developments. Past postings have dealt with issues like: the Transportation Trust Fund reauthorization; the “Best Practices” inventory; Highway Safety Act amendments; the disposal of E-Waste; State Health Benefit Plan changes; Affordable Housing; Appellate Division OPRA decisions; and third-party tax appeals, to name a few.

Please subscribe to “The Town Crier” at [njlmblog.wordpress.com](http://njlmblog.wordpress.com) to get the latest analysis on the largest questions facing policy makers in our State, and our Nation’s Capital.

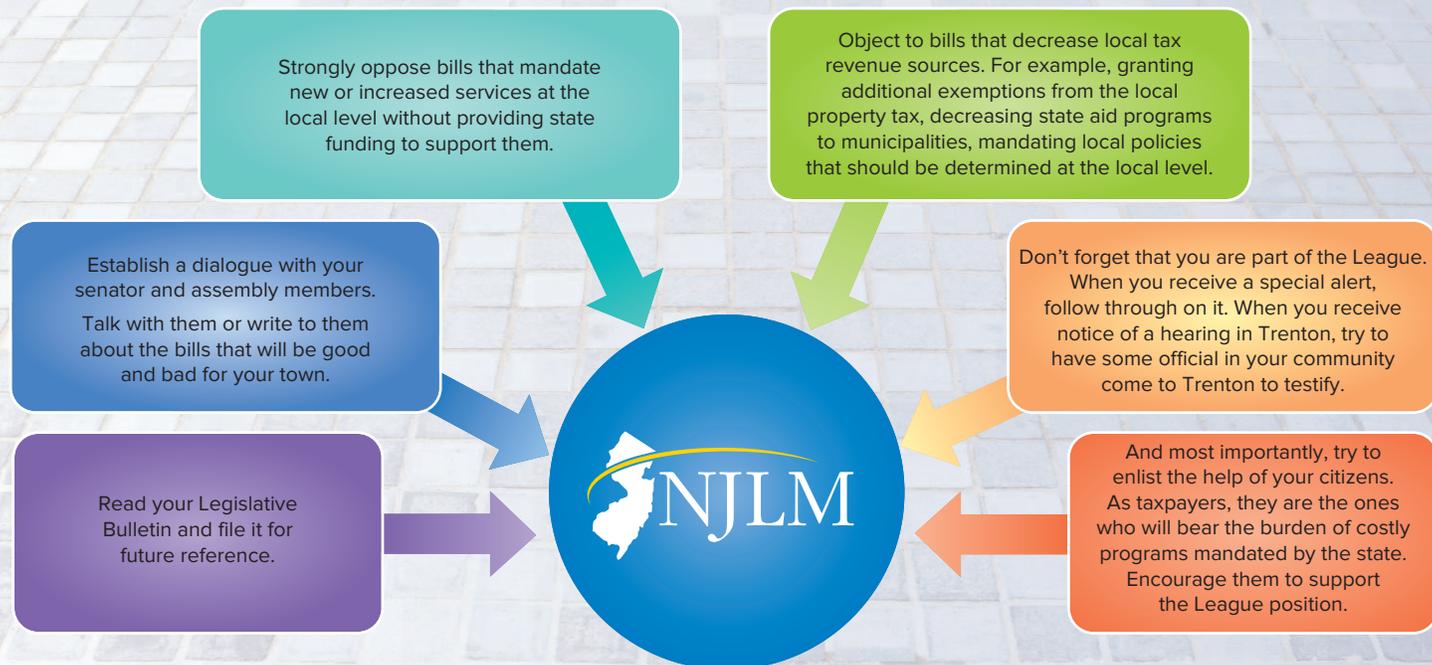
More information about Bills and other related information can be viewed and printed, free to the public, through the Office of Legislative Services’ website, [www.njleg.state.nj](http://www.njleg.state.nj). Digitized bills from the 1996-1997 session through today can be searched by Bill Number, Bill Sponsors, Bills in Committee, Keyword(s), and Bill Subject.

The Government News Network/Govnet, the subscriber service [govnet.com](http://govnet.com), offers a cumulative record of the action on each bill and resolution along with a brief synopsis of each bill. Service also includes legislative roster and directory. Published months during the Session, memoranda are provided in between. Email or online subscriber services are available. 📧

@ Check the League Home Page, [njslom.org](http://njslom.org), for the latest information on the League’s legislative activities.

## Getting Active

The League of Municipalities speaks on your behalf, and to be effective, it needs you to take an active part. Here are some of the things you can do to help the League help you.



# Priorities & Plans

## The League's Legislative Work

**A**s a local official, your active participation is critical. In the 2nd half of 2016, the League rolled out a number of new tools to facilitate our advocacy efforts, including the “Town Crier” legislative blog and the grass roots “VoterVoice” tool. But as we implement and utilize these new tools, it is helpful to take a careful look at our recent efforts. Thus, the following provides an overview of the League's legislative efforts during the 216<sup>th</sup> State Legislature (2014-2015), which ended on January 12, 2016.

The 2014-2015 (the 216th Legislature) legislative session ended on January 12, 2016. In that two-year period, just over 9,000 bills were introduced in the Legislature with 583 (6.4%) of those bills passing both Houses and sent to the Governor for his consideration and 419 (4.6%) signed into law. Of those bills, 2,247, or approximately 25%, impacted the League and were monitored by the League. Of those, the League Supported 636 and Opposed 557. As for the rest, the League either reviewed the bill and took no action or simply monitored the bill. In the case of the latter, it is very common for League staff to identify a bill that does not directly impact municipalities but could have an indirect impact or could possibly be amended to have a direct impact.

Ultimately, 51 separate bills that the League took a position on passed both Houses and were sent to the Governor. Here is the breakdown:

- 29 bills **supported** by the League were signed into law in the 216th Legislature.
- 7 bills **opposed** by the League were signed into law in the 216th Legislature (One of these 7 bills was the law mandating cameras in police vehicles. That law was subsequently struck down by the Council on Local Mandates.)
- 9 bills **supported** by the League were either vetoed or conditionally vetoed by the Governor.
- 6 bills **opposed** by the League were either vetoed or conditionally vetoed by the Governor.

### The League's Numbers

- 29 bills **supported** by the League were signed into law in the 216th Legislature. Included among these bills are:
  - PL 2014, c. 11, which revised the laws governing police and fire interest arbitration. This was the bill which extended the cap on IA awards to 2% until the end of 2017 and was the League's top legislative priority in 2014.



- PL 2014, c. 35, which bill permits a municipality to adopt ordinances to regulate the care, maintenance, security, and upkeep of vacant residential properties on which a summons and complaint in an action to foreclose has been filed. The bill also requires out-of-state creditors, who have served a summons and complaint in an action to foreclose on a residential property, to designate an in-state person or entity to be responsible for the care,

maintenance, security, and upkeep of the property. This bill has prompted a significant number of municipalities to adopt such ordinances.

- **7 bills opposed** by the League were signed into law. Included among these bills are:
  - **PL 2014, c.54**, Mandating equipping new police vehicles with cameras. This law was later invalidated by the Council on Local Mandates in a challenge brought forth by Deptford Township and in which the League participated as an amicus.
- **9 bills, supported** by the League were either vetoed or conditionally vetoed by the Governor. Included among these bills are:
  - **S-3277**, which would have expanded municipal authority to license and inspect residential rental property. The League supported this as it would have clarified that the Licensing Act is an important tool for local government that ensures residents' safety and decent living conditions. This bill was a result of the Appellate Division decision, *Timber Glen v. Township of Hamilton*, which raised the concern that municipalities may no longer be able to annually inspect residential rentals leased for more than 175 days. The Governor pocket vetoed this bill following the lame duck. However, a subsequent

court ruling refined the Timber Glen decision to such an extent that it appears that this bill is no longer required. We advised the sponsors of this and suggested that unless another court ruling is issued which further clouds the issue, that this bill is no longer needed and have not pursued it in this term.

- **6 bills opposed** by the League were either vetoed or conditionally vetoed by the Governor. Included among these bills are:
  - **S-3299**, which was advanced in light of the Morristown Memorial Hospital tax court case. The legislation was crafted and advanced by the hospital industry to maintain the non-profit status of all hospitals (regardless of whether the particular hospital was engaged in for-profit activities, as was the case with Morristown Hospital); would have removed property that is currently taxable and put in place a community contribution fee. After working with a number of the impacted host municipalities and unable to reach a compromise with the industry, the League adamantly opposed the bill on constitutional grounds (blanket property tax exemptions) and the inadequacy of the fee. The Governor pocket vetoed the bill following the lame duck session. No bill has advanced in the current term. This issue has now been identified as a policy priority of League President Kelly. 📌

## How the League's Legislative Action Team Helps You

The League has a veteran staff of duly registered Governmental Affairs Agents. Under the leadership of Mike Cerra, our Assistant Executive Director, they monitor the weekly meetings of Assembly and Senate Committees and provide the Committee Members with background on the League's position on the bills under their consideration.

**At the Conference** First, they listen to you. They meet you at the League Conference, they come to your county league sessions, you call or write the office, you send them resolutions you've adopted. Also, they read newspaper articles to learn your concerns and opinions and they meet you at various other functions and seminars. Finally, you respond to surveys that they send, from time to time.

The longer they've been listening and the better they've paid attention, the better prepared they are to recognize proposed legislation that would present you with a problem or an opportunity.

**At the office** Back at the office, they review lists of bills, recently introduced or amended. They flag those most likely to affect local government. They pull copies of those bills for more thorough analysis. Based on that analysis, they prepare an agenda of bills to take before the League Legislative Committee.

That Committee is composed of over 100 local officials, just like you. In fact, if you can spare one work day a month, 6 to 9 days a year, we encourage you to join that Committee. There you can help your colleagues from all around our State and serve on one of our four Subcommittees—Taxation and Finance, Intra-Municipal Affairs, Land Use, Environment and Community Development or General Legislation. Each of those Subcommittees has an agenda of 10-15 bills, which it studies, debates, and votes upon. Then we convene in the Committee of the Whole, which takes final action on the recommendations of the Subcommittees.

After the meetings, your League Legislative Action team returns to Trenton. Based on the Committee's debates and action, they draft position letters on the various bills. These are sent to sponsors and to any Legislators who could be asked to vote on the proposals. Our Committee actions are also briefly summarized and published in our Legislative Bulletin, which enjoys broad circulation among municipal officials, State Legislators, and Executive Branch Officers.

Finally, the Legislative Action team reports on several of them in the "Legislative Update" column—a regular feature of the award-winning magazine, *New Jersey Municipalities*.



# Inside the Legislative Process



## Idea Developed

A legislator from either the Senate or General Assembly may sponsor a bill individually or at the suggestion of a constituent, interest group, public official, or the Governor. The legislator may ask other legislators in the same House to join as co-sponsors.

## Bill Drafted

At the legislator's direction, the Office of Legislative Services, a non-partisan agency of the Legislature, provides research and drafting assistance, and prepares the bill in proper technical form.

## Bill Introduced

The prime sponsor delivers the bill to the House. Copies of the "proposed" bill are printed. The bill title is read aloud at the next session by the Senate Secretary or General Assembly Clerk. This is the first reading. The bill is made available in electronic form

## Committee Reference

The President of the Senate or Speaker of the General Assembly usually refers the bill to a committee for review, but may send the bill directly to second reading to speed its consideration.

## Committee Action

When scheduled by the chair, the committee considers the bill at an open public meeting. The committee may report the bill to the House as is, with amendments, or by a substitute bill. If not considered or reported, the bill remains in committee.

## Second Reading

When the bill is reported to the floor (or referred directly without committee review), its title is read aloud for the second reading. The bill can also be amended on the floor at this point.

## Third Reading

When scheduled by the President or Speaker, the bill is given a third reading. As it is posted for a vote, members may debate the bill. To ensure thorough consideration, rules prohibit a second and third reading on the same day, except by an emergency vote of 3/4 of the members.

## House Vote

A bill passes each House when approved by a majority of the authorized members (21 votes in the Senate, 41 votes in the Assembly).

## Law

A bill becomes law upon the Governor's signature or after 45 days if no action is taken. If the House of origin is in recess on the 45th day, the time is extended until it reconvenes. (Different rules apply to bills passed during the last 45 days of a two-year session.) If vetoed, a bill can become law if the Legislature overrides the veto by a 2/3 vote in each house. A law takes effect on the day specified in its text or, if unspecified, the next July 4.

## Governor's Action

After legislative passage, the bill is sent to the Governor.

The Governor may sign it, conditionally veto it (returning it for changes), or veto it absolutely. The Governor may also veto single line items of appropriation bills.

## Second House

When a bill is delivered to the second House, it will go through the same process from first reading, committee referral through final vote. If the second House amends the bill, it is returned to the first House for a vote on the changes. A bill received final legislative approval only when it passes both Houses in identical form.

## 2017 League Legislative Committee

The League would like to thank all the members of the Legislative Committee. Our advocacy efforts would not be possible without their willingness to share their valuable time and expertise.

William J. Kearns, Jr. Esq., NJLM General Counsel,  
Co-Chairperson, NJLM Legislative Committee  
Kristina P. Hadinger, Esq., Co-Chairperson,  
NJLM Legislative Committee  
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Nathaniel Anderson, Councilman, Willingboro Twp.  
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Caroline Ehrlich, Director, Woodbridge Redevelopment Agency  
Albert Ellis, Planning Board, Watchung Borough  
Gregory Fehrenbach, NJLM, Interlocal Service Coordinator  
Gary E Finger, Ombudsman, Board of Public Utilities  
Angela Garretson, Mayor, Hillside Twp.  
Clifford Gibbons, NJLM Mun. Land Use Counsel  
Erin Patterson-Gill, Esq., Chief of Staff/Deputy Solicitor,  
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Richard Goldberg, Mayor, Hawthorne Borough  
Abel Gomez, Councilman, Bound Brook Borough  
Phil Greiner, Mayor, Flemington Borough  
Ayesha Hamilton, Councilwoman, West Windsor  
Owen Henry, Mayor, Old Bridge Twp.  
Sophie Heymann, Planning Board, Closter Borough  
Josephine (Jo) Hochman, Councilwoman, South Brunswick Twp.  
Phyllis Holly-Ward, Councilwoman, Trenton City  
Jason Holt, City Manager, Atlantic City  
William Horton, NJLM Public Works Advisor

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Glen Jasonowski, Mayor, River Vale Twp.  
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NJ Urban Mayors Association  
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Lavonne Johnson, Planning Board Member, Willingboro Twp.  
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Left to right: Assembly Republican Leader Bramnick, District 21; Assembly Speaker Prieto, District 32; Republican Leader, Senator Kean, District 21; and Senate President Sweeney, District 3

# FINANCE CENTER

## Budget Communication: The Importance of Process and its Presentation

By Michael F. Rogers, City Administrator, Summit

**T**he City of Summit's annual municipal budget is the most important document it produces for its citizens. It is a financial operations and capital spending plan based on strategic initiatives and goals created by city administration. It sets priorities for the calendar year, and acts as a roadmap for the city to follow.

### Budget Development with Community Input

In Summit, we view our budget as a policy document, operations guide, and communications device, articulating the municipality's challenges and priorities, goals, and objectives.

Creating a balanced document that appeals to everyone is not a simple task. Every community has a handful of financially savvy residents that clamor for transparency and demand more detailed information than what is required in standard form, State-mandated budget documents. Instead of being reactionary and only providing the minimum information required, Summit believes its citizens deserve better and demonstrates this through its approach to the budget process and what it illustrates in various documents produced for the community.

Yet, how do we provide more detailed information while balancing what most taxpayers want? By believing it is a simple, straightforward overview of the annual budget and its impact on their personal finances. For Summit, that involves a phased approach to clarifying the entire financial composition in preparation for the budget public hearing.

The budget process begins in August when department heads look to the coming year and start formulating goals and objectives with senior management teams. Department heads then engage their respective committees, comprised of elected officials, to review proposed operating and capital budgets. The budgetary process continues into December when city administration discusses its preliminary capital budget and staffing requests at a public workshop meeting with the entire governing body. It provides the public an early opportunity to ask questions and share thoughts about what is presented and proposed for this part of the financial plan.

In January, each department head comes before the Finance Committee to discuss operating and capital budgets in greater

depth. Once this vetting process is complete, city administration finalizes the annual financial plan and holds another public workshop to present organizational goals, objectives, and budgets. This provides the community clear insight about its municipal service plan and financial condition. Soon thereafter, the municipal budget is presented at a regularly scheduled Council meeting for formal introduction. At any point between budget introduction and adoption, the City Administrator and department heads are open to meeting with elected officials and members of the public to discuss any aspect or detail from the financial document. Upon completion of the public hearing and budget adoption, the result is a municipal government spending plan that closely reflects the community's values and highest priorities for that given year.

### Simple Strategies, Big Focus

We have all heard that knowledge is power. However, in order to make our budget data actually powerful, information must be displayed in a coherent and compelling way. Until recently, Summit provided public budget information using Excel and PowerPoint software. These programs are excellent organization tools, but lack the desired impact of a modern presentation.

To more effectively share our budget message, Summit's financial team decided to rethink how we present budget information. Last year, infographics were incorporated into the executive summary presentation for the first time. Infographics provide a much needed visual cue and often help to explain the numbers in a relevant and meaningful way. Infographics and mind maps serve to improve cognition by utilizing graphics to enhance the human visual system's ability to see patterns and trends.

This narrative is presented at a series of budget workshops beginning in December and uploaded to the city website for public review.

Once the annual municipal budget is introduced and the executive summary presentation complete, we begin work on the City of Summit Budget Snapshot, a six-sided summary document that is mailed to all Summit households in preparation for the public hearing. It also resides online. The Budget Snapshot is a comprehensive overview of Summit's household tax picture containing a tax bill breakdown, property tax rates,

## Finance Center

municipal revenues, appropriations, personnel expenses, and more—all visually illustrated through use of charts, graphs, and tables. It changes incrementally every year to accommodate elected official and community preferences. Last year, my first year as City Administrator, the change was significant and focused on accommodating recipients of all levels of interest and sophistication. The goal was to tell a story with a strong graphic pull to draw the reader into the information on the front and back covers. Inside the snapshot document, tables of figures were offset by visually-interesting graphic representations of the same or related financial details. Again, the objective is to visually engage the reader in the information.

The Budget Snapshot document holds vast visual appeal and reflects our brand in a positive way. It is polished and professional, incorporating Summit colors and modern design.

In addition to the executive summary and snapshot documents, there is a major effort involved in compiling a comprehensive budget document that closely models the national Government Finance Officers Association best practices. A large binder containing more than 500 pages of detailed budget information is prepared for each member of the governing body and department heads. We post the information online at [cityofsummit.org/157/budgets](http://cityofsummit.org/157/budgets), as well.

From the infographics in the executive summary presentation to the well-designed Budget Snapshot to the information-laden full budget binder, we have produced material that educates and informs taxpayers on city priorities and goals. Citizens are able to obtain the type and amount of budget information they want and understand our municipal organization's service delivery plan in a way that is relevant to them.

## Accessibility Is Key

At each step during the budget review process, Summit's communications office shares the timeline, executive summary presentation, Budget Snapshot and detailed report with the media, on the website and on Summit's social media channels. Meeting, workshop and hearing dates are also widely publicized.

All of this work is realized during the public hearing when, ideally, comprehending taxpayers and an informed governing body come together to review, discuss and vote on the budget.

Feedback from the general public on our communications and prepared material has been positive. Our priority continues to be facilitating comprehension and generating increased interest in the City's high-level service delivery and fiscal prudence. By implementing a phased and nuanced approach to distributing public information and garnering public input, we achieve it. 📢

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# GOLD DOME

## Property Tax Relief and the Irony of Christie's Supreme Court



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

Governor Chris Christie is seeking to radically rewrite New Jersey's school funding law. Such an effort would once again brand him as the defender of taxpayers, and perhaps revive his political fortunes during his final year in office.

The governor's proposed "Fairness Formula" would provide every school district with the exact same amount per student—\$6,599. Aside from special education, no other considerations (poverty, ESL, etc.) would be made. The plan would dramatically increase funding in some—largely wealthier, suburban—towns, thereby providing potentially huge property tax relief. At the same time, the proposal would significantly cut school aid to other municipalities—primarily poor, urban areas—forcing them to cope with a fraction of what they used to receive for their students.

Restructuring like this will require the support of the state Supreme Court. The governor, since coming to Trenton, and despite a protracted battle with Senate President Steve Sweeney over the nominations, was able to pick four of the seven current justices—Anne Patterson, Faustino Fernandez-Vina, Lee Solomon, and Walter Timpone.

Ironically, after spending years blasting the court for "judicial activism," Governor Christie may well be counting on his newly appointed majority to overturn decades of precedent on the state's education funding formula, and thereby secure the governor's legacy as someone who completely reshaped the state's political landscape and tax structure.

Historical context helps here. In 1875, the state constitution was amended to guarantee every child a "thorough and efficient" education. The phrase was never defined.

In 1973, New Jersey's overreliance on property taxes to fund its schools was ruled unconstitutional because it didn't meet the high court's interpretation of "thorough and efficient." Under Governor Brendan Byrne, and only following the court-mandated closing of all public schools, New Jersey established its first income tax, dedicated to property tax relief, thereby providing a subsidy for school districts that could not properly fund themselves given their municipal property tax bases and the needs of their students.

The money was now coming into the system, but still had to be allocated. Thus, the debate turned to the method of distributing school funding. In 1990, the first of multiple *Abbott v.*

*Burke* decisions ruled the state's existing school aid formula unconstitutional. Both Governors Jim Florio and Christine Todd Whitman were unsuccessful in finding an alternative that passed constitutional muster.

However, the School Financing Reform Act (SFRA), signed into law by Governor Jon Corzine, DID meet the court's threshold. The guiding principle behind SFRA was that additional money for needy students should follow the student, regardless of where they lived.

SFRA was fully funded in FY2009. However, in 2010, facing the Great Recession and a dramatic shortfall in state revenue, Governor Christie slashed over \$1 billion in school funding. When education advocates filed legal challenges, the state Supreme Court sided with the governor, effectively allowing the political process to fund schools its own way, despite SFRA.

Thus, each year, the state budget overrides the school funding law. A 2016 state audit found that efforts to hold all school districts "harmless" in school aid—and thereby limit property tax increases despite changes in populations and other demographics—have led to wide disparities between district funding and what was called for in SFRA.

The issue is not going away. Even as a lame duck governor with a dismal approval rating, Governor Christie is still strong enough to shape the agenda. Republican Assemblyman and gubernatorial candidate Jack Ciattarelli makes the current school funding disparities a key part of his stump speech.

Democrat Phil Murphy, the favorite for his party's nomination, admits the current formula "needs to be tweaked and updated."

The Christie administration has filed motions to force a high court decision before he leaves office. The governor may also choose to impose his new "fairness formula" numbers on local districts in February, at his annual budget address. Such a move would face immediate legal challenges.

Governor Christie is trying to create a situation whereby the state Supreme Court would have the power to scrap the current system completely. The big question for 2017 is: Did the governor pick four justices ready to overturn the entire *Abbott* construct, who just need the right case before them to reframe the entire issue of the state's obligation to provide a "thorough and efficient" education?

As a conservative governor, Chris Christie has had some significant accomplishments. In his final year, it is ironically the potential of an activist court decision on school funding that can alter his legacy like nothing else before. ♣

## A Short Primer: Liability & Indemnification for Local Government Employees

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

Robert Frost wrote the “only successful lawsuit is the one worn by a policeman.” And, while tort lawyers may quibble with that comment, worries about personal liability are, not surprisingly, common amongst newly elected officials. To that end, this month’s article will provide a general overview of: 1) individual liability for local government employees; and 2) local government’s ability to indemnify public employees.

The starting point is local government itself. The Tort Claims Act (TCA) establishes governmental immunity as the rule and sets forth specific instances when liability should exist but it also gives government any defenses that would be available to a private person. Unless an exception is found in the TCA, local government employees (this includes elected officials) are liable for injury caused by their act or omission to the same extent as a private person. But, a local government employee is not liable for an injury where a public entity is immune from liability as well. For the purposes of this article, it’s valuable to review the instances where the TCA grants local government employees a clear exception to liability in the performance of their duties.

*N.J.S.A. 59:3-2* sets out four instances where a public employee will not be liable:

- for an injury resulting from the exercise of judgment or discretion vested in them;
- for legislative or judicial action or inaction, or administrative action or inaction of a legislative or judicial nature;
- for the exercise of discretion in determining whether to seek or whether to provide the resources necessary for the purchase of equipment, the construction or maintenance of facilities, the hiring of personnel and, in general, the provision of adequate governmental services;
- for the exercise of discretion when, in the face of competing demands, they determine whether and how to utilize or apply existing resources, including those allocated for equipment, facilities and personnel unless a court concludes that the determination of the public employee was palpably unreasonable.

Broadly speaking, under this provision, a public employee is not liable for any action or inaction that requires judgment or discretion. For example, a police officer who exercises his discretion and decides not to take a suicidal woman into protective custody is immune from lawsuit if she subsequently injures herself. Likewise, a board of education that decides not to spend public funds to combat a noisy air conditioning unit by installing a sound barrier is also immune from liability.

However, if a duty is ministerial, i.e., required by law, a local government employee may be found culpable for negligence or omissions in carrying it out. For example, a court clerk is required by law to file certain papers. If the clerk does not file certain papers, the TCA does not provide complete immunity, because the action in question is not discretionary.

Now, as for indemnification of local government employees, the TCA states that “local public entities are ... empowered to indemnify employees consistent with the provisions of this act.” *N.J.S.A. 59:10-4*. As a practical matter, the League recommends that towns adopt such ordinances. Michael Pane’s treatise on local government law states that such an ordinance should provide for the following:

- Immediate notification of the public entity by the employee as to any action threatened against the employee.
- The agency’s option to defend an employee or provide the employee with the means of defense or indicate that it will indemnify the employee and employee’s defense if successful.
- That no reimbursement or indemnification shall lie in the event of an award of punitive damages, unless the governing body first determines that the employee’s actions did not constitute actual fraud, actual malice, gross misconduct, or an intentional tort.
- That no defense or indemnification shall be obtained if: a) the act or omission was not within the scope of employment; or b) the act or omission was due to actual fraud, willful misconduct, or actual malice; or c) constituted a crime. See *New Jersey Practice* sec. 27.18.

Indemnification ordinances are important. It’s worthwhile to review your municipal ordinances and see if you have one. 🦨

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A short article like this must necessarily be very general. There are hundreds of court cases addressing municipal liability. Questions about specific circumstances should be discussed with your municipal attorney.

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

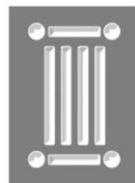
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# LABOR RELATIONS

## The Supreme Court Clarifies Municipalities' Ability to Utilize Furloughs

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

It is undisputed that municipalities have the right to permanently lay off workers when facing exigent financial circumstances. It is a managerial prerogative. The question of whether a municipality may impose a furlough is more clouded. It is the middle ground between the employer's right to layoff and the negotiable issues of wages and hours of work. A recent Supreme Court decision, *Robbinsville Twp. Bd. of Ed. v. Washington Twp. Ed. Ass'n*, puts limits on the employer's right to issue furloughs, backtracking from a 2015 decision which seemingly provided greater rights to public employers to issue furloughs.

In 2010, the Robbinsville Board of Education ("Board") was facing budgetary constraints and found itself in the predicament of deciding whether to lay off workers. At the time, the State of New Jersey had just notified the school district that educational funding would be cut by 58% for the upcoming year. Drastic measures would need to be taken to ensure that the district was still able to function. The Board cut education programs, froze salaries, and laid off 13 teachers and staff positions in an attempt to balance the school district's budget. It was not enough. The Board sought to reopen discussions mid-contract with the union to renegotiate. On three separate occasions the Board sought to reopen the contract, all to no avail. The union refused to negotiate citing its members' best interests. The Board took action. As part of their plan to close the budget shortfall, which subsequently included a reduction in funds from Robbinsville Township, the Board instituted three involuntary furlough days for teachers. The union filed an unfair practice labor charge with the Public Employment Relations Commission challenging the Board's action as violating the parties' collective negotiations agreement and the New Jersey Employer-Employee Relations Act, *N.J.S.A. 34:13A-1 et seq.* The dispute made its way to the Supreme Court.

On November 29, 2016, in what was a 6-0 decision, the Supreme Court held that the Board did not have the authority to unilaterally impose unpaid furlough days on its teaching staff members. The Court held that the Appellate Division and PERC misapplied *Borough of Keyport v. International Union of Operating Engineers, Local 68*, and that the manner in which the Board instituted the involuntary layoffs "would eviscerate the

durability of collective negotiated agreements." The Court explained that the Appellate Division in *Robbinsville* erroneously expanded *Keyport* rendering it "unrecognizable." *Id.*

*Keyport* was a similar Supreme Court case from one year earlier in which the Supreme Court held that negotiation of temporary layoffs would significantly interfere with the determination of governmental policy and thus, the municipalities at issue did not need to negotiate with union representatives before taking action that negatively impacted the hours and wages of affected employees.

In *Keyport*, just like *Robbinsville*, the municipalities (Keyport, Belmar, and Mount Laurel) were experiencing financial strain and took action to reduce their budget deficits. The municipalities in *Keyport* instituted various temporary layoff plans which reduced workers' hours and thus impacted wages. The Keyport unions filed various unfair labor practice charges and PERC ruled in favor of the unions. The Appellate Division reversed, observing that the Civil Service Commission had approved all three municipalities' layoff plans during the time when the Commission's emergency regulation (*N.J.A.C. 4A:8-1.1A*), permitting "temporary layoffs," was in effect. *N.J.A.C. 4A:8-1.1A* was an emergency regulation adopted on March 25, 2009, to provide greater flexibility to local governments concerning temporary layoffs in a financial crisis. It was repealed December 21, 2009. The Supreme Court in *Keyport* held the municipalities were not required to negotiate with union representatives before taking layoff actions that negatively impacted the hours and wages of affected employees because of *N.J.A.C. 4A:8-1.1A*.

*N.J.A.C. 4A:8-1.1A* provides the critical distinction between *Robbinsville* and *Keyport*. The Supreme Court in *Robbinsville* stated "due to the 2008 economic crisis, an emergency regulation was promulgated that temporarily authorized "[m]unicipalities governed by the civil service system ... to [temporarily] lay off employees when facing exigent financial circumstances." The Court opined that in the *Robbinsville* case there was no authority equivalent to the previous civil service emergency regulation that authorized furloughs. The Court considered it a mistake to expand *Keyport* so that anytime a municipal public employer can claim an economic crisis, there is a managerial prerogative that allows the public employer to eviscerate a collectively negotiated agreement. To allow municipalities to do so "would undermine [Local 195, *IFTTE v. State*, 88 N.J. 393 (1982)] and decades of public sector labor law on collective negotiations."

*The views expressed and the data presented by contributors are theirs and are not necessarily shared by the League.*

The *Robbinsville* and *Keyport* decisions provide a guide for how to manage budgetary constraints in dire fiscal times. The Court upheld the “time-honored test” for negotiability that was announced in Local 195. Under Local 195, a subject is negotiable when “(1) the item intimately and directly affects the work and welfare of public employees; (2) the subject has not been fully or partially preempted by statute or regulation; and (3) a negotiated agreement would not significantly interfere with the determination of governmental policy.” The third prong of the Local 195 test was the determinative factor in both the *Robbinsville* and *Keyport* decisions. The Court stated that in balancing “the determination of governmental policy” and the employees’ interest in “the[ir] work and welfare,” the Court recognized the clear expression of legitimate public policy authorizing the temporary furlough actions to be taken in *Keyport*. The fact that the municipalities did indeed face a financial crisis added to the legitimacy of their actions. The Supreme Court found it imperative that municipalities trying to institute temporary layoffs have clear authority to circumvent negotiations and that they act when an emergency regulation is in place. The Court determined that the emergency regulation promulgated by the governmental agency overseeing layoff activity in civil service jurisdictions purposefully added to the managerial discretion resting with municipalities. Further, the emergency regulation was the impetus for the Court’s conclusion that forcing the civil service municipalities in *Keyport* to abide by their respective “negotiated agreement[s] would significantly interfere with the determination of governmental policy.”

Municipalities must be wary of circumventing collective negotiations agreements and bypassing negotiations with unions. The Supreme Court made clear that they did not endorse municipalities walking away from collective negotiations agreements, promises on wages, rates of pay, hours, and other traditional terms and conditions of employment. The fact that an employer is facing a detrimental financial setback in and of

itself is not enough to prevent negotiability on a topic. The Court opined that to take such an approach would undermine collective negotiations. *Keyport* was unique in that the employers were acting under a regulation that buttressed their managerial prerogative. According to the Court, holding *Keyport* to a negotiated agreement that prevented the municipality

from exercising their rights under the regulation would be detrimental to governmental policy. For such reasons, employers considering temporary furloughs should act in accordance with the appropriate regulations and consult with counsel before taking such action. 📌

Mr. Hannon thanks Aaron Carter, Esq., for his assistance on this article.

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The League has been very busy advocating for municipalities in the courts this past year. Our legal department participated in nine amicus interventions in 2016 at the New Jersey Appellate and Supreme Court levels. Indeed, the League even helped win a case before the Council on Local Mandates.

The legal matters at issue were diverse: business improvement districts, tax liens, constitutional rights, OPRA and, of course, Affordable Housing. The League participates in these cases because they have significant legal precedent.

**A Special Word on Affordable Housing** The League has been successfully fighting the arguments put forth by some building and housing advocates to advance new and unachievable obligations. In the

latest fight, the League, and other municipal advocates, successfully reversed an adverse Superior Court ruling and ultimately shaped the New Jersey Supreme Court's gap decision. While the decision expands the Court's affordable housing doctrine, the Court also took great pains to push back against our opponents' needs assessment.

The League's General Counsel, William J. Kearns, Jr., assisted the League in monitoring cases which will have an impact on municipalities and has shared his vast experience with our membership by conducting a number of training sessions during the year.

As always, the League's legal department has acted as a helpful resource to municipal attorneys. We act as a clearinghouse for ideas and practices. Attorneys must continually adapt to a changing legal landscape. Our legal department is a strong resource to help them in this task. ♣

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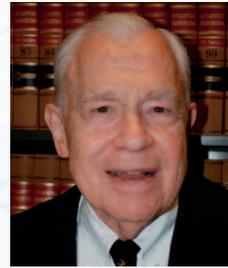
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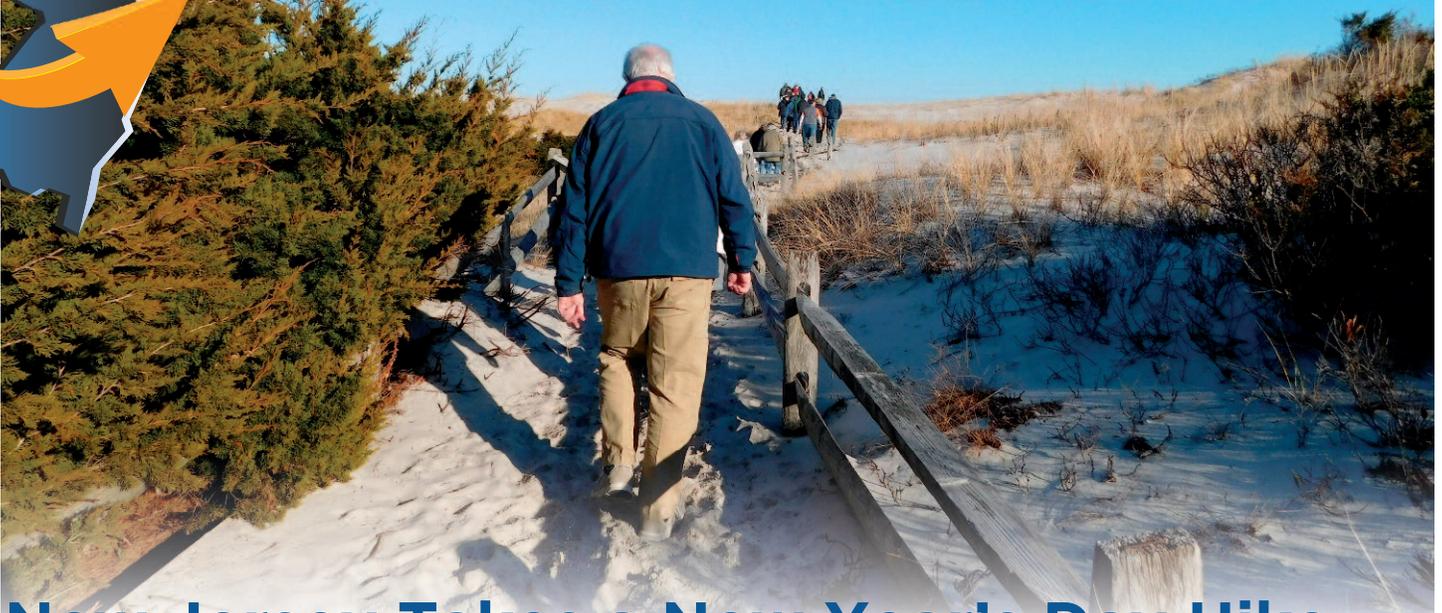
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# Around the State



## New Jersey Takes a New Year's Day Hike

New Jersey State Parks were filled with good-intentioned hikers out to enjoy the sunny first day of the year. A total of 19 guided hikes, one mountain bike ride, and one horseback ride in Garden State parks, forests, and historic sites on New Year's Day were part of America's State Parks First Day Hikes program. Shown here, the Friends of Island Beach State Park conduct a history tour and trail hike that took attendees from the beach to the bay. Fascinating fact shared: Island Beach was a freestanding municipality in the 1930s, the Borough of Island Beach, complete with three town officials filling all town roles. ↴

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