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Official Publication of the New Jersey State League of Municipalities

June 2018

Moving Forward

Lt. Gov. Sheila Oliver's plans for DCA & Municipalities



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**Streets
& Communities**



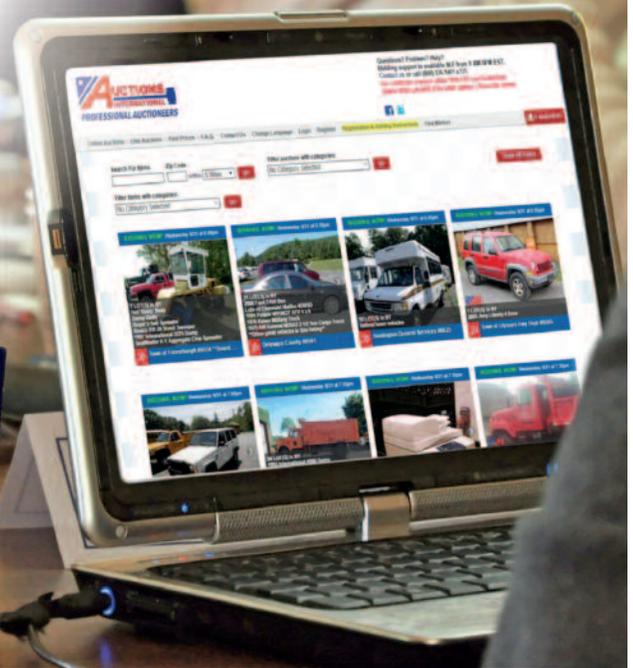
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New Jersey Municipalities Magazine

Volume 95 | Issue 6

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“Your voice will help if you contact your Legislative delegation and remind them municipal property tax relief has declined while the issue remains a voter priority.”

Let’s just say the state trimmed \$555 million in municipal property tax relief over 18 years.

Everyone would agree that would not be helpful when taxes (especially property taxes) are the most prevalent concern expressed by NJ residents year after year. So who is dodging responsibility for property taxes? Not the mayors.

Alarm Bells Are Ringing for Property Tax Relief

They produce balanced budgets while operating under a 2% budget cap, all while responding to economic upheavals, natural disasters, reduced revenues, and evolving needs.

And that is why alarm bells blared when we learned that the State is considering the use of budget language to change the Energy Tax Receipts Property Tax Relief Fund (ETR) from a dedicated General Fund source of local revenues, which the State can only reduce at some risk to its own revenues, to another Property Tax Relief Fund aid program that the state can cut in future years to meet some other priority.

Previously, the State has done this to dedicated municipal revenues and it resulted in the above noted loss of \$555 million municipal property tax relief dollars.

In 1995, not by the passage of a new statute, but instead by inserting new language in the budget, the State created the Consolidated Municipal Property Tax Relief Aid (CMPTRA) program. CMPTRA combined 12 pre-existing municipal property tax relief funding programs. Some, but not all of those, were revenue-replacement programs. They replaced revenues that had been collected locally. And some, but not all, had been funded through the General Fund.

In 1995, the League testified at State budget hearings, warning State budget-makers that because of the change, future continued municipal property tax

relief funding could be placed in jeopardy.

Sadly, this warning proved prophetic. In that first year, CMPTRA was funded at \$755 million. In 2001, CMPTRA’s best year, the fund provided \$818.5 million. By 2010, due to cuts and the steady shift of property tax relief dollars from CMPTRA to the ETR, funding was down to \$264.7 million. And this year’s budget proposal calls for the distribution of \$263.3 million through CMPTRA. A \$555 million decrease in municipal property tax relief in 18 years.

We cannot let the Energy Tax Receipts Property Tax Relief Fund (ETR) suffer the same fate. Like in 1995, the League has raised this alarm in budget testimony. The State Treasurer has met with League leadership, has listened, and understands these issues. Your voice will help if you contact your Legislative delegation and remind them municipal property tax relief has declined while the issue remains a voter priority.

At the League Town Crier Blog you will find a detailed analysis of the creation, evolution, and decline of CMPTRA from dedicated municipal property tax relief to a shrinking discretionary program threatened by State funding priorities other than municipal property tax relief. For more, read this month’s Legislative Update on page 60. 

Michael Darcy

@ For more, read the article “Governor’s ETR Budget Proposal and History’s Hard Lessons” at the blog njlmblog.wordpress.com



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Creative Placemaking

Lincoln Park Coast Cultural District becomes a destination for residents and visitors

By Anthony Smith, Executive Director,
Lincoln Park Coast Cultural District

On the heels of the City of Newark's 350th Anniversary Celebration, Lincoln Park Coast Cultural District celebrated its 15th year as a non-profit organization. This milestone served as capstone on what I call "Lincoln Park 1.0" which was established to lead the development of the historic Lincoln Park neighborhood, along the southern end of Broad Street in downtown Newark.

What made our mission and vision distinct from other Community Development Corporations was creative-placemaking. We understood that brick and mortar without arts, culture, access to fresh food, educational institutions, places to worship, and play does not constitute a community. You need all of these things in addition to a local economy so that residents can work, buy, and circulate the dollar in their community.

Filling the streets

Through creative-placemaking, we attracted families and the "artsy" crowd to move into our 102 units of housing. During our aggressive building phase, we created green job training and employment opportunities for a diverse population and incorporated sustainable development standards and practices through the requirements of USGBC LEED construction. As the population grew, we created the Lincoln Park Music Festival



Emilio Panasci of Lincoln Park Coast Cultural District (l) with Chef Sean Hassan.

in order to re-brand the area as a destination for residents and visitors alike. Now in its 13th year of the annual festival, it's hard to believe that in 2005 the Lincoln Park Music Festival began with only 2,000 attendees over a weekend. Now, at an average of 60,000 attendees over a weekend and season's worth of events, the Lincoln Park Music Festival is a major part of the City of Newark's arts ecosystem.

“ Through creative-placemaking, we attracted families and the “artsy” crowd to move into our 102 units of housing.”

A leading tourism attraction, the annual three-day weekend boasts a lineup of A-listers, legends and emerging artists from worlds of gospel to jazz, house music, R&B, and hip hop. Luke James, Adeva, Cissy Houston, Brand Nubian, Bebe Winans, Vivian Green, V. Bozeman, QTip, Ice T, Big Daddy Kane, Joe Clausell, Kenny Bobien, KRS One, Fat Joe, Naughty By Nature, Lords of the Underground, Rah Digga, and more have all performed during past seasons for Lincoln Park Music Festival. The Lincoln Park Music Festival is home to one of the largest and longest-running outdoor house music dance parties in the region. On festival Saturday–House Music Day–friendly and safe crowds can swell to 29,000.

Healthy village

Our Sustainable Health and Wellness Village showcases sustainable products and services of local and regional businesses and organizations in addition to health screenings and education sessions

in partnership with local hospitals and health care providers. Included is the popular Senior Village, which caters to the senior population. A trip to the festival's South side of the park and Kids Zone Village is always rocking with activities for children and families including skateboarding, basketball, hockey clinic, literacy area, and back-to-school readiness.

We are on two-year plan to evolve this grant and sponsorship dependent arts and culture program to a self-sustaining enterprise that will drive more tourism to the City of Newark and create long-lasting social and economic impact.

2.0 phase

Now as we enter our “Lincoln Park 2.0” phase, we have sharpened our mission and vision and returned to our roots as creative economy builders. LPCCD's mission has always stood on the premise that arts and culture is a pathway out of poverty. The Americans For the Arts most recent Arts & Economic

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Dan and his team at JPM were instrumental in recruiting exactly the right person as our first Executive Director of our newly created Business Improvement District.

Mayor Fred Tagliarini
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★★★★★

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Mayor Beth Holtzman
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Best decision we made; Maria Mento and Joe Verruni are very knowledgeable and always accessible.

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JPM was very responsive to our needs and utilized a process that was fair and organized. They helped us select the best professional for the position.

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Best Municipal Government Advisors I've met in 10 years in elected office. Helped us recruit a fantastic Administrator. Thanks Dan and JPM.

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Bebe Winans at Lincoln Park Music Festival House Music Day 2.

“ LPCCD’s mission has always stood on the premise that arts and culture is a pathway out of poverty.”



Newark Mayor Ras Baraka at Lincoln Park Music Festival.

Prosperity 5 (AEP5) study indicates that the City of Newark’s nonprofit arts and culture industry generates \$178,328,298 in annual economic activity, which supports 4,963 jobs and enables arts non-profits and institutions to impact 2.5 million arts & culture event attendees annually.

Through arts and culture, and now by extension multimedia, we create and support the creative economy that connects an intergenerational population with career pathways for current and future employment opportunities.

For example, during Newark Celebration 350, we re-launched our Music Speaks citywide humanities program. Vis-à-vis the festival, the Music Speaks program is a free lecture, music, and multimedia arts series that celebrates the City’s place as a creative resource for residents and visitors alike.

Touching every ward in the City, programming includes music performances, DJ events, author readings, and discussions of literary work, dance events, and



Growing a Neighborhood

LPCCD's mission and vision of building a sustainable arts & culture district in the historic Lincoln Park neighborhood continues to actualize in partnership Project U.S.E. (Urban Suburban Environments) and the most recent iteration of the Lincoln Park Community Garden, inclusive of a Literacy Garden where community members will be able to borrow books, and sit in a beautiful green space to read.

The Lincoln Park Community Garden started in 2008 and launched in Summer 2010 behind the Lincoln Park Church Façade and now resides at West Kinney Street and Nevada Street in Lincoln Park.

Most recently, Lincoln Park Coast Cultural District's Community Garden was recently among the 10 recipients

of the second annual Whole Foods' Whole Cities Foundation Fresh, Healthy Food Access grant program. In December 2017, 28 groups applied for the second annual Whole Cities Foundation Fresh, Healthy Food Access grant and in March 2018, only 10 organizations were awarded grants.

visual arts displays, such as photography and outdoor installations. Under the *Music Speaks: Rock The Shot* programming, we address the use of technology in art, specifically digital photography, to engage residents with professional photographers introduced populations to photography that might not otherwise be able to afford lessons or their first digital camera. Most importantly, the exposure to our professional working photography instructors shows residents a direct link to photography as a possible career option.

Similarly, in 2017 LPCCD produced its first-ever documentary short film entitled *Lincoln Park Music Speaks: A Great Day In New Jersey Hip Hop*, which chronicles the behind the scenes gathering of nearly 50 hip hop artists to shoot a historic photo at the Newark Museum. This program allowed youth and young adults from Essex County College to gain hands on experience working in filmed/digital media, where they can apply classroom learning and create

pathways to careers in media production or just enhance and enrich their personal and professional lives.

Sustainable arts and culture ecosystem

While we take pride in our accomplishments and have had some successes, our survival depends on the support of like-minded funders and corporate partners especially during our "Lincoln Park 2.0" phase in alignment with the city-wide vision of Hire. Buy. Live. / Newark 2020. An investment in LPCCD helps us hire more year round part-time staff, college students and local consultants throughout the arts, build a community that can sustain small business along southern end of Broad Street, and continue in physically developing a sustainable arts and culture ecosystem. Lincoln Park Coast Cultural District is more than a festival, we are sustainable community builders.

We've touched nearly 750,000 people in 15 years as creative placemakers and are

looking forward to the next 15 years. 🌱

@ Don't forget to join us at the 13th Annual Lincoln Park Music Festival, spanning two weekends from July 27-August 4. Please bookmark the new website LincolnParkMusicFestival.com and follow us on our new festival IG [@LincolnParkMusicFestival](https://www.instagram.com/LincolnParkMusicFestival) and twitter [@LPCCD](https://twitter.com/LPCCD) to stay abreast of upcoming festival season events and community engagement opportunities. For sponsorship, contact our festival director Kim J. Ford at kford@brand-whisperer.com or for vendor opportunities contact Mozell Baker at mozell@lpccd.org or call 973-242-4144.

Anthony Smith, Executive Director, Lincoln Park Coast Cultural District, was part of the original 1999 charette, or planning session, during his tenure as legislative aide to Central Ward Councilwoman Gayle Chaneyfield Jenkins. He officially joined Lincoln Park Coast Cultural District in 2006 as Director of Community Engagement and in 2014 became Executive Director.

NOW & THEN



Amy Spiezio
Managing Editor

Roads More or Less Travelled

From its earliest days, moving around and through New Jersey has been a critical part of the state’s DNA. Stagecoaches passed through its communities, then trains, and then the suburban commuters’ cars and trucks and SUVs journeyed from homes to offices in the state and in neighboring states. Keeping communities moving through attractive spaces continues to be a worthwhile pursuit today.

In this issue, we look at how communities such as Newark’s Lincoln Park have transformed themselves starting at street level. By enacting creative-placemaking efforts to get folks onto the streets and sidewalks and to stay out and mix with their neighbors, events and infrastructure have combined to reinvigorate this area as arts are used as a tool to tempt residents and visitors alike.

The NJ Department of Agriculture shares insights and tips

on starting Farmers Markets—a way to get people out and about in their neighborhoods, opting for healthy foods and healthy lifestyles.

Yet for neighborhoods to truly succeed, there needs to be more than fun, there needs to be safety. In a report from Rutgers University’s Alan M. Voorhees Transportation Center, they show that even with infrastructure in place, people will hesitate to walk to their destinations if they fear high crime rates—and they share policy implications to consider to make your town safer and streets welcoming to all.

Also in this issue, we kickoff coverage of the 103rd Annual League Conference with the June Preview. We’ll share a preliminary schedule, exhibitors list, and useful tips to get your planning started. As we enter our summer hiatus, we hope you stay in touch with us through our redesigned website, www.njslom.org, and reach out to let us know what you’d like to read about—or write about—this fall, by emailing your ideas to aspiezio@njslom.org.

Time Capsule: Street Scenes

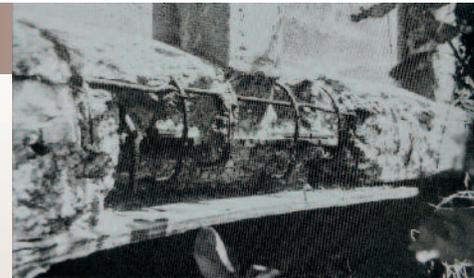


Report Cites Need for Design to Promote Community Beauty

In October 1958, *NJ Municipalities* published a report about the growing concern of community design, noting, “Municipal governments throughout the country are being urged to adopt a new planning device called a ‘community design plan’ to help improve the looks of their communities.”

AD LOOK: Sign of the Times

An ad from the October 1958 issue shows off the interest in new and improved street signage for style and substance in communities.

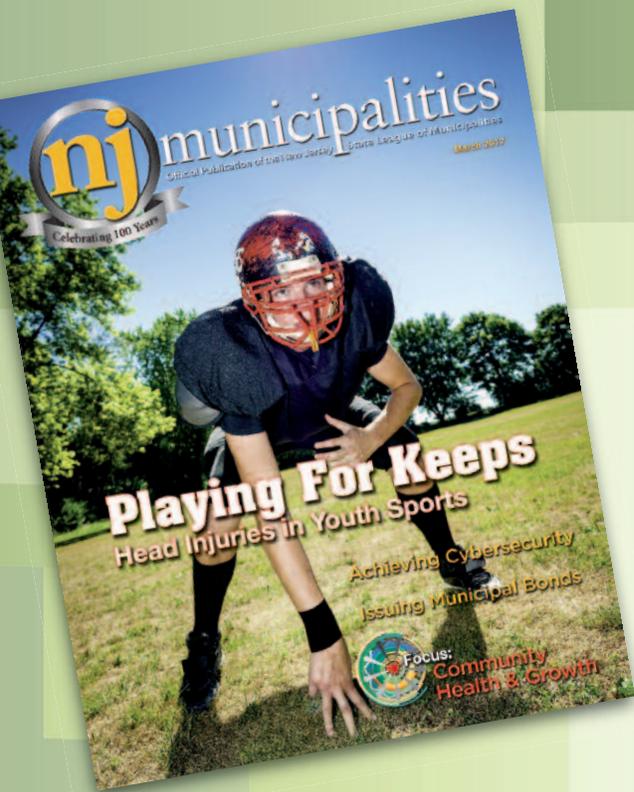


New Jersey’s Crumbling Infrastructure

In the April 1983 issue of *NJ Municipalities*, the state of streets was a serious source of concern as Alan J. Karcher, Speaker, NJ General Assembly noted, “2,676 lane miles—or 26%— of the state’s highway lane miles require immediate repair.” A crumbling bridge support is shown above.

Fight for the Transportation Trust Fund

In the June 2005 issue, Plainsboro Mayor and (now) League Past President Peter Cantu wrote in defense of the Transportation Trust Fund, noting, “we can and we must rally our local residents to join and support the battle. This means organizing public education programs on what transportation means to everyone in our daily lives—from economic and environmental health, to the safety of our families, and indeed, to our overall quality of life.”



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Mildred C. Crump,
Council President,
City of Newark

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Mayor McCabe Made Glassboro (and NJLM) Better

After a distinguished career in both public service and in the private sector, Mayor Leo McCabe of Glassboro has decided to retire from office, and to step down from the League's Executive Board.

A native of Rhode Island, Dr. McCabe settled in The Summit City in 1962. He began his service to the

people of Glassboro as a member of the Planning Board in 1964. He served on the Board of Education from 1973 to 1992, and as President of the Glassboro Education Foundation from 1998 to 2001. In 2002, he was sworn in as Mayor.

He has been an active Member of the Gloucester County Mayor's Association, including a term as its President. He has volunteered on the League's Legislative Committee; and, since 2010, on the League's Executive Board. In that capacity, he has presented the League's position and concerns to a number of Committees of the New Jersey Legislature, and in one-on-one meetings with Legislative Leaders.

Mayor McCabe and his late wife Mary have three children and five grandchildren. He had previously retired from Mobil Oil. He holds a Ph.D. from The Ohio State University and a BS from Providence College.

During his three terms as Glassboro's Chief Executive, Glassboro has made a dramatic comeback—going from a city in need of redevelopment to being recognized as a leading livable and sustainable city. From nationally recognized school gardens and a new Town Square, which recently won a 2018 NJASLA Honor Award, to the \$400-million, LEED Certified, Boulevard Redevelopment Project, Mayor McCabe made sustainability the clear direction for the future of his community.

Thanks to his vision and leadership, Glassboro has a Bronze Level Certification with Sustainable New Jersey and in 2018 will apply to become one of only 49 cities with Silver Status. The Borough of Glassboro has also fully committed to transition to 100% renewable electricity community-wide by 2035, and

to meet all energy needs, including transportation, heating, cooling, and electricity with 100% renewable energy. ♻️

PLEASE NOTE: 2018 Municipal Directory Updates

Bayonne City

Municipal Administrator: Terrence Malloy

Garfield City

Legal: Robert Ferraro, 201-460-9494

Glassboro Borough

Mayor: John E. Wallace, III

Livingston Township

Township Manager: Barry R. Lewis

Roselle Borough

Legal: Karen Brown, 908-245-5600

Seaside Park Borough

Municipal Administrator: Sandra Rice

South Brunswick Township

Mayor: Charles Carley

South Harrison Township

Mayor: Mary Howard

Union City

Municipal Administrator: Position eliminated.

Upper Pittsgrove Township

Municipal Clerk: Linda R. Stephens

Wallington Borough

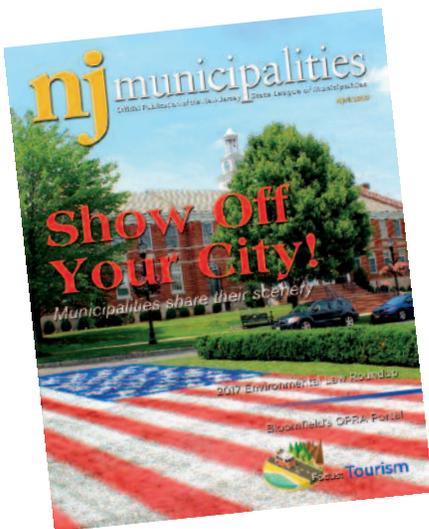
Municipal Administrator: Victor M. Polce

West Amwell Township

Acting Municipal Clerk: Maria Andrews

Affiliated Municipal Associations

Jersey Access Group: rjdesimone@verizon.net



2-for-1: NJ Municipalities Subscription Updated for 2018-19

When *New Jersey Municipalities* magazine kicks off its new subscriptions in October, readers will have a whole new way to read each issue!

As part of the League’s ongoing efforts to update its website, www.njslom.org, and to provide members and supporters with increased value, subscriptions will now automatically be for the combined digital and print editions. With a minor rate increase reflecting the expenses of production, subscriptions will now be \$25 for members, \$30 for non-members, and \$47 for foreign subscribers.

Please remember to include complete email addresses on subscription forms this year and moving forward. Upon submitting payment, your information will be processed and you will receive an email with a link to set up your own password for access of the complete editions of the past three years of the magazine. This means you will be saved the time of having the League process your password and will gain the freedom to select a password of your own creation.

Notes League Executive Director and magazine Editor in Chief Michael J. Darcy, CAE, “*New Jersey Municipalities* magazine has a century-plus history of providing League members with information about the latest issues, events, and concerns for local government. By creating an automatic dual subscription, we hope to provide easier access to the issues wherever you are. We look forward to continuing the publication into the future with consistent improvements in contents and delivery.”

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for changes and updates.

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contact Danielle Holland-Htut
at dholland@njslom.org or
609-695-3481, Ext. 118.



Spring League seminars and webinars attracted municipal officials seeking more information on subjects ranging from Water & Transportation Capital Projects: The Nexus at the NJ Infrastructure Bank to OPRA. 📌

The OPRA seminar discussed two critical areas of OPRA: the statute's privacy provision, and OPRA's requirements governing law enforcement records with presentations by Carl Woodward, Esq., League Associate Counsel, Carella, Byrne, Cecchi, Olstein, Brody & Agnello, P.C., and Lew Scheindlin, Esq., Former Assistant Attorney General for OPRA, New Jersey Division of Law, Office of Attorney General, Firm of Lewis A. Scheindlin, Esq.

Redesigned League Website Wins Award

Have you visited the League's new website?

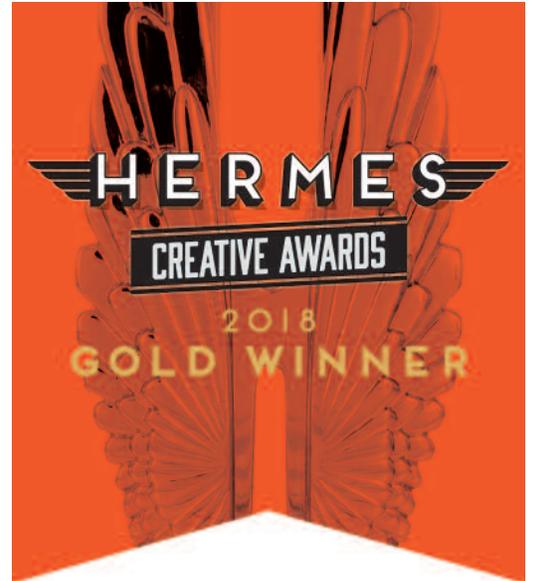
Not only has the design changed, but the site's functionality has also improved; including an upgraded search function making it easier to search for items and navigate the site.

These changes at www.njslom.org have resulted in a Gold-Level recognition in the Hermes Award for its redesign in the category website overall/government.

With about 6,000 submissions this year, Hermes Creative Awards is an international competition for creative professionals involved in the concept, writing, and design of traditional and emerging media. Hermes Creative Awards recognizes outstanding work in the industry while promoting the philanthropic nature of marketing and communication professionals.

Hermes Creative Awards is administered by the Association of Marketing and Communication Professionals (www.amcpros.com). The international organization consists of several thousand marketing, communication, advertising, public relations, digital media production and free-lance professionals. AMCP oversees awards and recognition programs, provides judges and awards outstanding achievement and service to the profession.

AMCP is the industry's preeminent third-party evaluator of creative work. The organization has judged over 200,000 entries since its formation in 1994. 📌



NJLM OPRA Seminar Attracts Full House



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Old Bridge Boosts Employee Health

Mayor Owen Henry and his Health & Wellness Council kicked off the Mayor's Health & Wellness initiative for 2018, encouraging all Township employees to live a healthier lifestyle. The Health and Wellness fair took place at the Old Bridge Township Library meeting room, where employees were able to interact and learn from health screenings, restaurant owners and chefs, therapists, doctors of chiropractic medicine, gym trainers and professionals.



Old Bridge employees at the Health and Wellness Fair.



Mayor Owen Henry (center) joins town employees learning about healthy eating.

The Mayor set up an eight week “FIT” challenge and for eight weeks Mondays, Wednesdays, and Fridays were evaluation days to help employees with their process. On Mondays, doctors and professionals showed 10 to 15 minute presentations and answer questions. Wednesday was set up for employees to check weight and measurements in with nutritionists, pharmacists, physical therapists, and trainers. Fridays were pampering days where employees can enjoy massages, makeovers, motivational conversations, yoga, meditation, and more.

“I’m encouraging everyone to practice an active lifestyle, healthy eating, and routine health screenings,” said Mayor Henry. “A healthy lifestyle can be equally important in your mental health and sense of wellbeing.”

This program will encourage and educate Township employees and residents to healthier life choices. Mayor Henry plans to roll out this Health & Wellness initiative to the community after the employee program is complete. 🍷

Data Center: Summer Boom Towns

As the tourist season kicks in, New Jersey’s shore communities are ready to throw a welcome home party for all of their summer residents. When it comes to the numbers, a report by Stephen Stirling from NJ Advance Media for NJ.com reports on just how much the beachiest communities grow each summer by the Shore.

North Wildwood **+154%** increase

Cape May Point **+157%** increase

Surf City **+161%** increase

Barnegat Light **+171%** increase

Beach Haven **+176%** increase

Sea Isle City **+228%** increase

Long Beach **247%** increase

Stone Harbor **276%** increase

Harvey Cedars **282%** increase

Avalon **288%** increase



Garden Statements

Helmetta Disbands Police Department

Helmetta's three-member police department, one of the state's smallest, has disbanded. The borough council voted on April 18 to disband the department and enter a shared services agreement with Spotswood with a tie broken by Mayor Christopher Slavicek.

The agreement will combine EMS service, which was previously covered by Spotswood, as well as police coverage and dispatch.

The three members of the police force received layoff notices at the beginning of April, while the chief retired earlier this year and the borough's police equipment/vehicles are expected to be auctioned off.

The new agreement will save the town more than \$200,000 per year, officials note.

Gender Neutral Bathrooms for Hoboken

Hoboken Mayor Ravinder S. Bhalla introduced an ordinance at a press conference in City Hall on Wednesday, April 25, requiring all public and private single-occupancy restrooms in the City of Hoboken to be gender-neutral, expanding on a similar executive order he will issue at the same time.

"This is a chance for Hoboken to lead the state and the country in affirming the civil rights and dignity of the LGBTQ+ community," said Bhalla. "Frankly, this is a no-brainer, and I hope the Council will do the right thing and pass this ordinance unanimously. From here, let's continue to identify ways in

which our community can be more supportive of our LGBTQ+ residents and visitors."

Bhalla was joined at the conference by other elected officials as well as Pastor Peter Beeson from St. Matthew Trinity Lutheran

Bhalla's executive order took effect immediately at the time of signing. The City of Hoboken has committed to changing all affected restroom signs by May 31, 2018, in time for the start of June, which is LGBT Pride Month.

Upon passage of the citywide ordinance, existing businesses and other affected entities will have 60 days from the effective date to comply by replacing existing gender-specific signage with gender-neutral signage. New businesses and establishments must comply immediately upon opening to the public.

New Brunswick Assesses Parks

Known as the "Health Care City" due to the prevalence of hospitals and pharmaceutical companies within the city, New Brunswick has long been a leader in ensuring health and wellness for its residents.

Among other recommendations, the blueprint outlines approaches for increasing active living among city residents, including conducting a citywide parks assessment in order to maximize public spaces and parks to help enhance the quality of life of all New Brunswick residents. The New Brunswick Parks Action Plan is intended to fulfill the parks assessment recommendation and help guide several aspects of the management of park assets, including efforts to ensure an equitable distribution of park-planning resources for the residents of New Brunswick.

This report contains park-specific recommendations for each of the 16 parks, as well as system-wide park recommendations for implementation. It also provides insights to further opportunities to promote community stewardship, enhance existing park programming based on expressed interest from the community, and identify ways to maximize existing park space to better serve the community. It includes solutions that involve strengthening existing and new partnerships, leveraging current parklands, and capitalizing on existing park assets that the community already cares for and enjoys. 🌿



TRENTON



Technology Key to Future New Jersey Prosperity

Andrew Zwicker, Assemblyman, 16th District

No one ever got rich drilling for oil or mining for gold in New Jersey. That has never been a concern, of course, because New Jersey has other assets that have made us an economic powerhouse over the years. Our location is unmatched, on the doorstep of the world's financial center. Our people are well educated, with one of the finest public education systems in the country and more scientists and engineers per square mile than anywhere in the world. We are home to world-class research centers and universities.

One key to New Jersey's economic prosperity is to make sure we never squander those valuable assets. So, we need to maintain the public investments needed so our transportation and education systems are state of the art.

And, we need to make sure New Jersey keeps an eye out for new economic trends so we are always ahead of the curve.

For that, we should take a lesson from our history. New Jersey has relied on technological advances to reshape its economy again and again. Years ago, New Jerseyans mined zinc and iron. We built cars and battleships. Once, Paterson had 175 silk mills and was home to the nation's largest maker of locomotives. Trenton provided the steel for the Brooklyn Bridge and many other game-changing structures.

The point is that times change, and our state has always found ways to make change work to our advantage.

We've led in all kinds of inventions—from air conditioning, color TV, lasers, transistors, and the phonograph to Band-Aids, bar codes, and bubble wrap. Change wasn't always easy, but we moved ahead.

Now, a new economy of innovation, invention, and advanced manufacturing beckons, offering jobs that will help families build a future at the same time they make our state healthier and safer. Which way to go is clear.

We need to invest in STEM education (Science, Technology, Engineering, Math) in K-12 and vo-tech schools, 2- and 4-year colleges, like there's no tomorrow. Because, if we don't invest in the young people of New Jersey, there won't be a tomorrow.

And we need to do a much better job of nurturing startup businesses under an economic development strategy that recognizes small businesses are the backbone of New Jersey employment.

Unfortunately, recent state policy has emphasized mega tax

breaks and other subsidies to get large companies to cross the border into the Garden State.

Reality tells a very different story, however: more than 85% of jobs created in New Jersey since the mid-1990s came from startups and businesses that already were here, in cities and suburbs across New Jersey.

Our priority now must be to help grow our existing small businesses and to develop the innovative companies that are the job creators of tomorrow. These are jobs for people at all education levels, high school, vocational, community college, and four-year universities, and these are high-quality, high-paying jobs.

For that we have to make sure that entrepreneurs and small business owners have better access to capital, business incubators that foster key skills like financial management, help forming networks to learn from each other, and public-private partnerships that assist in navigating regulations. And by making college affordable, reducing student loan burdens, and expanding student aid, we can help make sure more of New Jersey's children go to school in New Jersey and start businesses in New Jersey. Most entrepreneurs start businesses where they already live, if where they live is hospitable.

That is why I recently introduced legislation to bring back NJ's Science and Technology Commission (renamed, appropriately, the Science, Innovation, and Technology Commission) to provide a central focus on how the State can best partner with our research universities, the private sector, and our public education system.

Public investment in innovation is one of the smartest things we can do—it creates jobs and economic activity, in the present and for the future. We can just look to our neighboring states for proof. For example, over the last 10 years, Massachusetts has invested approximately \$750 million in innovation, attracted about \$2 billion in private investment, and is now the state with the largest life sciences employment per capita. It's time for New Jersey to stop watching from the sidelines and return to being the innovation leader that we once were.

Today, in someone's garage somewhere in New Jersey, an entrepreneur is working through a problem or burnishing an idea that could change the world. We need to give him or her everything needed to stick with the task and stay here to do it. 🍀

Assemblyman Andrew Zwicker of Kingston represents the 16th District (parts of Hunterdon, Mercer, Middlesex, and Somerset counties) and chairs the Assembly Science, Innovation and Technology Committee. He heads the Office of Communications and Public Outreach at the Princeton Plasma Physics Laboratory.

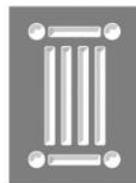
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Renewing DCA's Commitment to Community Revitalization

By Lieutenant Governor Sheila Y. Oliver,
Commissioner of the Department of Community Affairs

When I was Speaker of the New Jersey Assembly, I visited all 40 state legislative districts to meet with local officials and people from all walks of life. By taking this tour, I gained an understanding of the unique needs, issues, and mindsets found in New Jersey. This experience, which helped me immensely in the state legislature, is continuing to pay dividends in my role as Lieutenant Governor and Commissioner of the Department of Community Affairs (DCA). It also taught me that all communities in the state have at least one thing in common—they want economic development that makes sense for them. DCA is in a position to help with this goal.

Expanding local economies

One way DCA is leveraging its assets to expand local economies is through the Main Street New Jersey (MSNJ) Program, which provides communities with technical assistance and training to improve their downtown business districts. Another way is with the Neighborhood Preservation Program (NPP), which aims to revitalize declining neighborhoods through efforts such as job creation, housing rehabilitation, and creative use of abandoned properties.

In recent years, both of these programs had been neglected and left to wither and, in the case of NPP, cease operations. We are recommitting resources to these programs because they focus on working with small businesses and community development projects to create places filled with ambience that draw people to visit. Indeed, municipalities that received NPP funding consistently reported a return on investment of eight dollars for every state dollar invested and MSNJ communities routinely credited the MSNJ program as a critical factor behind the revitalization of their downtowns.

If we marry these effective programs with mass transit initiatives, mixed-use developments, and even the guidance of local planning professionals at DCA, what results are places where people put down roots. This is particularly true for millennials who want walkable communities featuring housing they can afford, businesses that are vibrant and experiential, and neighborhoods full of character and historic charm.

As an example, the City of Trenton is ripe for this type of engagement with DCA. From an employment and property perspective, the State of New Jersey occupies the biggest footprint in the city. As older state workers continue to retire, we have to attract a new generation of public sector employees to work in our state offices. This requires finding ways to take full advantage of the Trenton Transit Center, creating housing



Lt. Gov. Oliver with (l to r) NJLM Past President East Windsor Mayor Janice Mironov, Madison Mayor Bob Conley, and Hightstown Mayor Lawrence Quattrone at the League's Mayors Legislative Day.

opportunities in Trenton that appeal to millennials who want to live close to where they work, attracting business establishments that cater to this generation, and developing community amenities, activities, and events this young workforce finds interesting. DCA and its affiliated agencies, the New Jersey Housing and Mortgage Finance Agency and New Jersey Redevelopment Authority, can be able partners with New Jersey municipalities in these types of endeavors. In fact, our staff at DCA is up to the task of working with communities of all sizes and types from one end of the state to the other.

Helping towns succeed

This effort to expand local economies isn't just the focus of DCA—it is the overall objective of Governor Murphy's administration. Helping our small businesses succeed leads to sustained economic growth for communities. This results in revenue, some of which is passed on to local governments to provide public services that are critical to community vitality.



Lt. Gov. Oliver talks to NJLM Executive Director Michael J. Darcy, CAE, and Assistant Executive Director Mike Cerra at the Annual Mayors Legislative Day in Trenton.

DCA remains committed to helping local governments do the best job they can. This includes ensuring the financial integrity of all local governmental entities in the state.

In this regard, DCA continues to make progress in implementing the Financial Automation Submission Tracking (FAST) solution. This secure web-based portal enables local government units to electronically submit financial documents to DCA for review and approval instead of mailing, faxing, or emailing them. It also enhances my department's ability to

collect, manage, and analyze local government financial data, which can help us better develop policies that support local governments and the work they do.

Currently, annual debt statements, supplemental debt statements, and annual financial statements are being accepted through the FAST solution. A working group of local government finance professionals is presently testing the component that will allow local governments to submit their budgets. Since the end goal of the FAST solution is a financial review process that is cost-effective and labor efficient, this field testing is aimed at making the budget module as easy as possible for local government employees to navigate and enter their data. Local governments operating on the state fiscal year will be expected to submit their budgets via the FAST solution this year while local governments operating on the calendar year will be required to use the FAST solution for their 2019 budgets.

Once all local governments are live

with FAST, my department already has plans for subsequent phases of the FAST solution to improve auditing and analyzing the data collected. We believe local governments will save time preparing reports because the data entered into FAST will roll forward to ensuing years and eliminate redundant reporting of prior data. Also, importantly, there will be a web portal specifically for the public that will centrally collect and store all local government financial reports submitted to DCA, including budgets, audited financial statements, and annual debt statements to provide people with open access to the information.

I look forward to meeting officials and community leaders in all of our state's municipalities and to reconnecting with those individuals I've already met. With DCA as a willing partner, we can accomplish extraordinary things in the local communities and neighborhoods where so much of what makes New Jersey great happens. 🇯🇵



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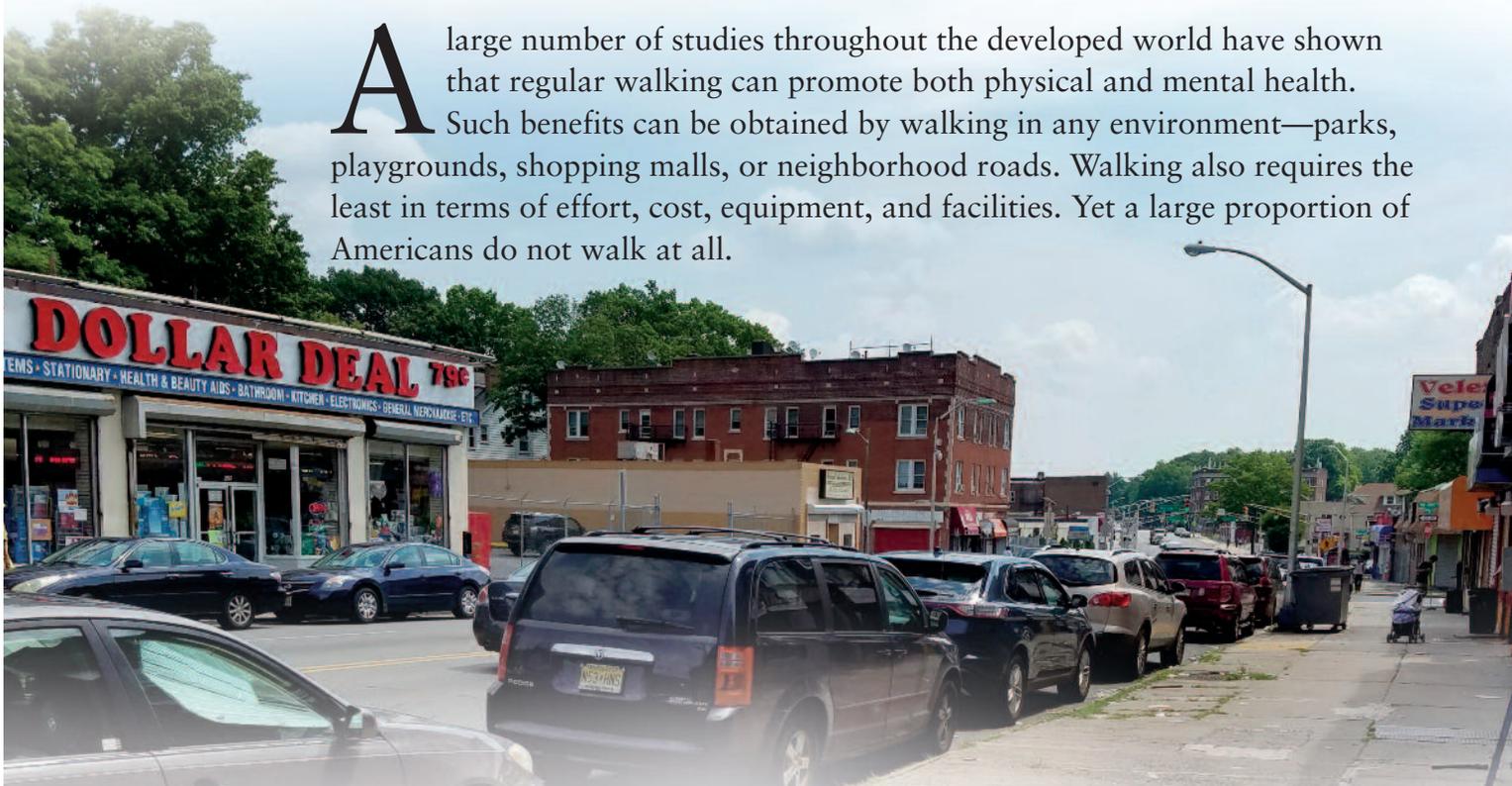


Benefits of Safe Sidewalks

Reducing crime can also improve physical and mental health

By Charles Brown, Deva Deka, Ph.D., James Sinclair, and Susan Blickstein, Ph.D.,
Alan M. Voorhees Transportation Center, Rutgers University

A large number of studies throughout the developed world have shown that regular walking can promote both physical and mental health. Such benefits can be obtained by walking in any environment—parks, playgrounds, shopping malls, or neighborhood roads. Walking also requires the least in terms of effort, cost, equipment, and facilities. Yet a large proportion of Americans do not walk at all.



People in predominantly low-income and minority neighborhoods are more reluctant to walk than residents of other neighborhoods even though the risks for the diseases that can be reduced by walking are higher in those communities. Research has shown that low-income and minority neighborhoods are often more walkable because of optimal street grids, traffic signals and crosswalks, availability of sidewalks, and proximity to stores and other destinations, but people are still reluctant to walk. Their reluctance to walk in such neighborhoods has prompted some to suggest that people refrain from walking because of high crime.

A large number of studies have been conducted in different countries to

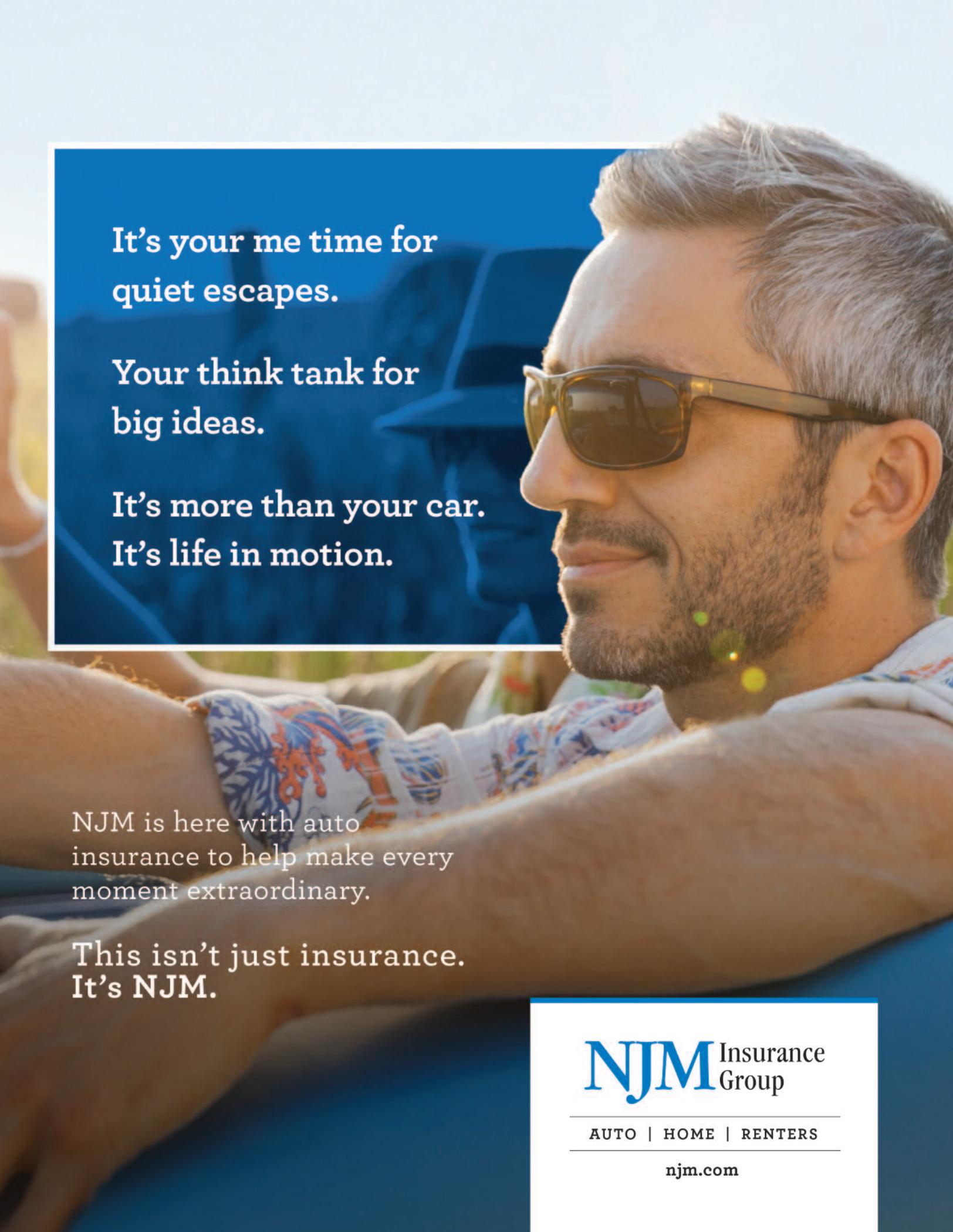
understand how crime reduces walking and other outdoor physical activities. However, the results have turned out to be inconclusive or counterintuitive. The analysis in some studies showed that the statistical relationship between crime and walking is positive, meaning that walking is more frequent in neighborhoods where crime rates are higher.

Studying streets

To understand how crime affects walking in New Jersey, a team of researchers from the Alan M. Voorhees Transportation Center (VTC) of Rutgers University recently conducted a study focused on Newark, Bloomfield, and Verona in Essex County. The study included a survey of people living or working in the three

municipalities and six focus groups with their residents—two in each municipality.

The survey generated data from 1,173 adults, whereas 26 men and 37 women participated in the focus groups. The survey provided information on fear of crime, walking duration during daytime and nighttime hours, neighborhood perception, and perceptions about potential solutions to crime. The focus groups provided an in-depth understanding of the impact of the participants' experiences and perceptions of crime on their walking behavior and frequency. Both the survey and the focus groups inquired about recreational walking and transportation walking—the latter encompassing trips to places such as stores, workplaces, and transit stops.



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Safe Sidewalks

The study team collected location-specific data on violent crime events over a period of time from the police departments of the three municipalities.

Like other studies, preliminary analysis of survey data by the Rutgers team also showed that the relationship between neighborhood crime frequency and walking for both recreation and transportation is positive in the three municipalities combined. However, that relationship only shows that people walk more in neighborhoods with high crime instead of showing the effect of crime on walking. People in those neighborhoods walk more despite high crime because many do not have cars and there are nearby places to walk to.

The research team then conducted a more rigorous statistical analysis that



A lightpost along a Verona sidewalk.

examined causal relationships and the analysis reveals several considerations.

Fear Factor People in neighborhoods with high crime have a greater

Policy Planning

Based on feedback gleaned from the focus groups, the following policy implications should be considered to improve walking in the aforementioned communities.

Change the culture of policing and improve community-police relations.

Advance infrastructure improvements, especially improved lighting.

Change the culture of harassment.

Build community-based leadership capacity.

Prioritize and dedicate infrastructure funding to environmental justice (EJ) communities.



fear of crime, and that fear reduces how much time people spend walking for both recreation and transportation purposes.

Historic Impact Being a victim of crime and being harassed in the past increases people's fear of crime, which has an additional adverse effect on time spent walking.

Perceptions and Impressions

People with negative perceptions of their neighborhoods have a greater fear of crime and people who think police presence has a positive effect on safety have a lower fear of crime.

The overall conclusion from the analysis of survey data is that people walk more in neighborhoods with high crime, but many people forgo walking in those neighborhoods because of a greater fear of crime. If not for fear of crime due to high crime and victimization, people in those neighborhoods would have walked even more.

Fear-fighting strategies

The survey also inquired how people felt about different strategies to reduce the fear of crime. Better lighting was the most sought-after strategy in all three municipalities, where 38% to 46% supported this strategy.

Increased police presence was perceived as a useful strategy by almost the same proportion in Newark, but the residents of Bloomfield and Verona showed less enthusiasm.

Cleanliness and maintenance of public spaces were highly valued in Newark and Bloomfield. Newark residents also had substantial support for security cameras, community events, and neighborhood watch programs.

Perhaps because of higher crime, the residents of Newark had more support for all strategies compared to the residents of the other two municipalities.

Consistent with the survey results, the focus groups showed that there are stark differences between the residents of the three municipalities regarding perceptions of crime, policing, the impact of crime on walking, and the benefits from various strategies.

While the Bloomfield and Verona participants were primarily concerned with safety from traffic, the Newark participants' concerns were more about safety from crime than traffic. They were clearly more concerned about crime affecting their outdoor activities, including walking for recreation and transportation,

than the participants from Bloomfield and Verona.

The women in the Newark focus group were particularly concerned about harassment from men while walking. Newark participants' lack of confidence in local police also seemed to affect their fear of crime. ❧

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UpFront: Streets & Communities

Starting a Farmers Market

Consider your community before beginning

By Jeff Wolfe, Public Information Officer,
NJ Department of Agriculture

The idea of starting a community farmers market is an opportunity for local growers and producers to sell their produce and can be a convenient way for families to add more healthy choices to their daily diets.

But just like a recipe for a well-made dish, it takes several ingredients to turn out right and have people asking for more. The same is true with having a successful farmers market. To be sustainable, it takes considerable buy-in from the community. Below are some questions to ask when it comes to beginning a community farmers market.

Why?

Does your community really want and need a farmers market? Before doing anything else, you should discuss having a market with your townspeople, municipal officials, and local businesses to determine what they think of having a market. Consider the support it will take financially and logistically to be successful.

Who?

Who will sponsor, coordinate, and manage the market? A community farmers market requires someone who is willing to spend the time organizing, marketing, coordinating, and managing a complex and seasonal town business. The market manager needs to solicit farmers and town businesses to participate in and support the market. They will be responsible for the smooth operation of the market, both for the day of the market and the organization leading up to it; answering questions from the public and farmers; ensuring the market regulations are being adhered to; promoting the market; and much more.



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Starting a Farmers Market



Which?

Which farmers will participate in your market? There is a great demand for farmers to participate in markets. Each market is independent of the others and is coordinated as a stand-alone business. Contact the New Jersey Department of Agriculture if you need help reaching out to farmers.

Where?

Where will your market site be? It should be centrally located, easily accessible by both farmers and consumers, have ample parking within a short walking distance, have sufficient room to accommodate farmers' trucks and be highly visible on well-traveled, well-known streets. Consider urban renewal areas, streets, parking lots, parks, and open areas as possible site locations.

When?

When will you be open? Since New Jersey produce is seasonal, you'll need to determine the number of months the market will be open. Plus, decide on a weekly sale day and hours of operation, keeping in mind that the day you choose should be flexible according to local conditions.

What?

What farm products will be allowed in the market? All produce must be of excellent or high quality and priced competitively. Remember, every market is different according to the wants and needs of the community. What products other than produce will be permitted?

How?

How will you pay for and promote the market? Establish a fee schedule for the rental of space at the market, i.e., a set stall fee, per day fee, per month fee, or per season fee. Also, develop an active season-long promotional and information program to alert the community about the existence of the market and benefits to be derived. Potential customers encompass the total population of the community, county, and surrounding area. Adequate publicity is needed to inform these consumers about the market to generate sufficient traffic and support the farmers. See the Web & Social Media Promotional Opportunities at www.findjerseyfresh.com for online and social media marketing tips.

Other Factors

There are other factors to consider, actions to take and resources that are

available leading up to starting a community farmers market.

Talk to your peers. Find a list of each County's community farmers markets, pick your own operations and roadside stands at www.findjerseyfresh.com.

Visit some other markets for the opportunity to gauge local farmers' interest in participating in your new market.

See how other markets are run and which farmers and vendors are participating. 📌

@ Information for this article was provided by the New Jersey Department of Agriculture.

For more information about starting a community farmers market, contact the New Jersey Department of Agriculture's Marketing and Development Division at 609-292-5536.

Rutgers Food Innovation Center

The Center's report entitled "New Opportunities for NJ Community Farmers Markets" provides information for vendors seeking to understand the financial and time commitments required, revenue estimates they might expect, and products consumers want to see at a market. Check out the information at www.foodinnovation.rutgers.edu/educational_resources/market. Managers of community farmers markets can glean information regarding the process of starting a market, vendor fees, market promotion, creation of bylaws, vendor management, and much more.

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For more information, contact **David Isabel** at disabel@msbnj.com.

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UpFront: Streets & Communities

Tenafly ADA: Access For All

Ensuring the handicapped population can safely participate within their community environment

By Peter S. Rustin, Mayor, Tenafly Borough

Since my election in 2004, one of my priorities has been to ensure that Tenafly Borough is a place that is inviting to residents of all abilities. With a school system known for its extensive special needs programs, it is vital that our handicapped population can safely participate within their community environment, as well as in the classroom.

Community participation

With that goal in mind and a handful of dedicated community advocates, we injected a new energy into the existing Tenafly Access for All (AFA) Committee. Comprised of the Mayor and Council along with residents, the AFA's mission is to ensure that ALL Tenafly residents have equal access to everything the Borough has to offer. This means working to improve accessibility throughout the Borough. When safety and accessibility is priority, it also helps to avoid injury and reduce potential litigation.

Having worked closely with many Borough departments including Recreation, Public Works, Police and Emergency Management, Building, and Education, the Committee's accomplishments include:

- **Assisting** Borough officials in the preparation of a Self-Evaluation and Transition Plan for the Borough to satisfy requirements of the ADA for municipal government facilities.
- **Installation** of automatic opening doors at Borough Hall and the Public Library.
- **Construction** of sidewalk ramps at various intersections throughout the community.
- **Purchase** of self-contained handicap restroom facility for the Tenafly Nature Center.



Tenafly Mayor Peter S. Rustin at an accessible playground.

- **Construction** of handicap rest rooms for the Tenafly Senior Center.
- **Construction** of East Plaza sidewalk ramp to Library.
- **Widening** Geissinger Field track for wheelchair access and signage.
- **Putting** Community ID Card in place for individuals with special needs.

ADA Park evaluations

For a semi-suburban borough in such close proximity to the metro New York area, Tenafly has a commendable amount of open space. It contains a variety of active and passive recreational facilities throughout the community. These spaces offer a diverse selection of year-round activities for the residents including water features, historical sculptures, and circuitous trails providing a unique recreational experience within the community for a variety of age groups.

The Borough has a total of eight open spaces: five parks, a nature preserve, one park with combined garden, and a common area that connects a playground and the high school recreational fields.

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EVALUATION CHECKLIST

At the outset, we developed a standardized checklist as a control for all the open spaces. The checklist provided a rating system that culminated in an overall condition score that facilitated work that needed to be performed.



Use Factors

- ✓ Vandalism
- ✓ Use Level
- ✓ Design Age



Materials

- ✓ Resilient Surfacing
- ✓ Primary Material
- ✓ Equipment
- ✓ Age of Equipment



Environmental Factors

- ✓ Acid Soils/Rain/pH
- ✓ Salt Air/Coastal Exposure
- ✓ Sun Exposure
- ✓ Drainage

In 2012, with the assistance of the AFA Committee and our Borough Engineer Maser Consulting, we initiated an inspection and evaluation process for all recreational areas. This inspection assessed the overall condition of each recreational park and playground in accordance with ADA requirements and National Playground Safety Institute Standards. The report identified specific deficiencies contained in and around each recreational facility, and non-compliance pertaining to ASTM and ADA Standards. It also offered modifications that would improve each location and upgrade accessibility to meet current standards.

Park reports

We developed playground safety audit forms that categorized the park space, walkways and material, and inventoried and assessed the onsite equipment structures, and other site amenities. The report also included a section for high and low frequency inspections, summary of repairs and modifications, and a comprehensive conclusion which provided amenity recommendations and cost factor for the improvements to each facility.

Some action items included replacement of old site amenities and additional new ones: benches, fences, trash receptacles, and play equipment. Other items concerned facility access through nature

and terrain and ability to move around and within each facility. This includes play surfaces, walkway material, elevation and continuity, overhanging and fallen tree limbs, tripping hazards such as roots, handicap ramps from street to sidewalk, decked footbridges with handrails, and re-designation of handicap parking spaces with striping and signage.

Getting to work

Two of the parks, Griffin and Froggy, were outfitted with playground amenities designed for children ages 5 to 7 with special needs. Both spaces include playground equipment with ramps that accommodate wheelchair width and lead to landings wide enough to turn-around in.

Play stations at wheelchair height, such as bongo drums, looking glass, and spinning and motion-play equipment were also implemented. The amenities were designed to enable special needs children to interact with both playmates and the environment, while enriching

their childhood experience through sight, sound, and interactive play.

Griffin Park was built with funding from the parents of a residential special needs child who lost his battle with a serious illness. We are proud to have designed this park to be a space where all children can enjoy themselves.

Police Department participation

Providing access for all residents goes hand in hand with creating a safe environment. The Tenaflly Police Department proudly offers a potentially lifesaving initiative for residents with special needs, including functional or developmental disabilities, or those who may require special handling by law enforcement.

The Community ID Program is a collaborative effort between the AFA Committee and the Police Department to promote proactive strategies to prevent tragedies and ensure safety of all residents.

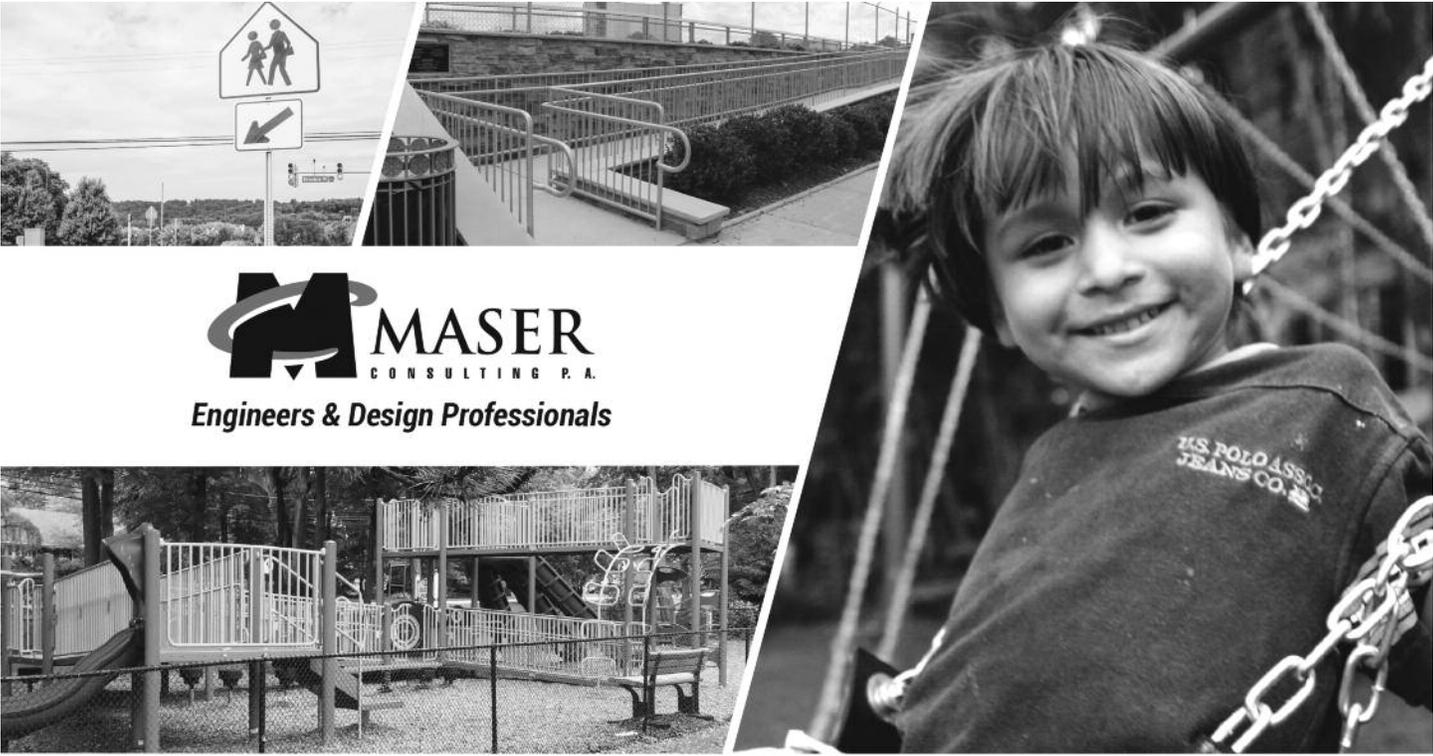
They provide Community ID cards with vital medical information in the

event of emergency or when an individual is not able to give that information themselves. The card includes a photo ID with emergency information that is confidentially maintained by the Tenaflly Police Department. The Police Department also coordinated an effort to work alongside the Borough engineer to establish the required number of handicap parking spaces in every parking lot.

Ongoing efforts

The AFA Committee’s responsibilities don’t stop here. They also work with developers and review every plan request that crosses our desk to ensure accessibility is made a priority in the design of any new or redeveloped parcel/structure within the Borough.

Our original plan set a program for inspection, assessment, repairs and replacements over a five-year period. As of today, we have completed six of the seven parks in town. Keeping our public areas accessible and free of hazards so that all our residents can feel confident is to everyone’s benefit. ♻️



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New Jersey's Disaster Debris Tool Kit

Are you ready for the next storm?

By Jessica L. Palmer, Esq., Norris McLaughlin & Marcus, PA



On October 29, 2012, Superstorm Sandy barreled into New Jersey with unexpected force and generated over 8 million cubic yards of debris across New Jersey's hardest hit counties. This spring, several successive nor'easters left huge amounts of vegetative debris on the ground in the Garden State.

Disaster debris management is a critical step in recovery from a natural disaster, and effective management begins long before the event takes place. As the number and scale of natural disasters increases because of climate change, planning for disaster debris management is more important than ever. While the New Jersey Department of Environmental Protection (NJDEP) has issued disaster debris management guidance, municipalities should also consider incorporating waste-to-energy recycling plans into their disaster planning.

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New Jersey Disaster Debris Management Tool Kit

In November 2015, NJDEP issued a revised “Disaster Debris Management Planning Tool Kit for New Jersey

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Municipalities” (the Tool Kit), which encourages municipalities to prepare to handle debris generated by future weather events, by taking the following steps: (a) receiving pre-approval for Temporary Debris Management Areas (TDMAs); (b) planning for debris handling and waste prioritization and entering into debris-management contracts; and (c) training local personnel on debris handling and recordkeeping.

and size of the affected population. For example, NJDEP found that following Sandy, Bridgewater Township had zero yards of non-vegetative debris, but approximately 500,000 cubic yards of vegetative debris. In contrast, Toms River Township (a densely-populated shore town) generated at least 332,633 cubic yards of non-vegetative debris, and 128,796 cubic yards of vegetative debris.

Where possible, municipalities should

“New Jersey’s Tool Kit is a welcome guide to disaster debris management for local municipalities.”

Siting & utilizing TDMAs

Local landfills are often inundated with debris following a natural disaster. Left unattended, debris may prevent emergency operations, transportation, or recovery efforts. Therefore, it is critical that municipalities establish TDMAs for the staging and characterization of disaster debris. For example, in order to address the amount of debris created by Sandy, NJDEP approved 326 TDMAs where disaster debris could be staged and characterized prior to disposal.

TDMA size will vary by township, based on population size, and the type of waste that could be generated in the township. The type and quantity of disaster debris will vary by the location

elect to use public land to site the TDMA. If private land is selected, the lease agreement must contain provisions for returning the site to original conditions, and should provide for adequate liability insurance. Some municipalities may not have appropriate space to site a TDMA. In those cases, municipalities should investigate regional TDMAs and enter into shared service agreements with neighboring towns. Regardless of where the TDMA is sited, municipalities should conduct a baseline environmental survey, including the sampling of soil and groundwater, before operations begin so that the site can be returned to its original state following debris operations. Municipalities should also ensure

that adequate security measures are in place to prevent unauthorized dumping and possible injury.

Once a TDMA is sized and sited, the municipality must apply for NJDEP approval in advance of an emergency event. NJDEP has issued an application form, which requests information regarding: (a) the location of the site; (b) a site drawing showing proposed debris stockpile areas; (c) a description of the type of debris that will be accepted at the site; (d) an indication of whether vegetative debris will be ground or shredded; and (e) whether additional approvals from the Land Use Regulation Program (i.e., related to wetlands, flood hazard areas, or endangered species) are required. Additional approvals from the Pinelands Commission or Highlands Council may be required.

Waste characterization & debris management contracts

Absent specific direction from the governor, all of New Jersey’s waste and recycling regulations will remain in place through a disaster. Therefore, municipalities must ensure that debris is properly handled and characterized. Waste separation at the TDMA is critical to minimize odors and rodent problems, and protect workers who come into contact with waste materials.

New Jersey municipalities should also have stand-by contracts in place with emergency debris collectors to ensure that debris collection, removal, and monitoring services are available in the immediate aftermath of a natural disaster. The state has entered into standby contracts for debris removal which would allow local municipalities to submit “task orders” once the State activates the overall contract. The downside to this approach is that a municipality may not be the contractor’s sole priority, and the contractor may not have the resources to meet all the municipalities’ needs. It is important for a municipality to determine whether their chosen contractor is also under contract with other municipalities and can

respond quickly to calls for assistance during an emergency.

Training local personnel on handling & recordkeeping

If municipal employees are engaged in any aspect of debris handling, those employees need to be properly trained to handle the matter that they are collecting.

Further, while A-901 licensing requirements do not apply to persons clearing vegetative debris, they may apply to the transportation of solid waste. Municipalities should be careful to avoid using non-A-901 approved contractors for transportation of waste away from TDMA’s.

Finally, it is critical that municipal

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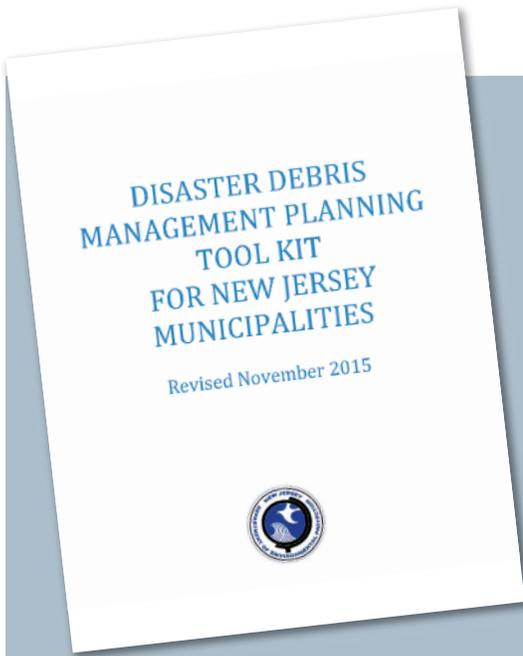
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How Does the Tool Kit Measure Up?

While the Tool Kit provides a road map for municipalities, noticeably lacking is an in-depth discussion of recycling and waste-to-energy options for handling disaster debris. Federal guidance encourages municipalities and state governments to consider waste-to-energy recycling options: much of the debris material generated by natural disasters is recyclable, including scrap metal, white goods, mixed construction debris, asphalt pavement, and particularly vegetative debris.

Several other states have had success in using “waste-to-energy” solutions to address vegetative disaster debris. For example, in Florida, nearly 50% of the vegetative debris generated by Hurricanes Charley, Frances, and Jeanne was used by a local utility to generate electricity. Similarly, at least one million tons of vegetative debris from Louisiana and Mississippi was processed at waste-to-energy facilities following Hurricane Katrina. Contractors working in Florida after Hurricane Ivan were also able to export nearly two million cubic yards of debris to Italy for use as biomass in power plants.

These types of disposal methods are attractive to contractors, who can profit from re-sale of debris they are handling. Local municipalities should be sure to negotiate for a “cut” of that profit.

employees be trained in proper record-keeping regarding disaster debris. To ensure eventual reimbursement from FEMA (where available) employees who are monitoring debris removal should be familiar with FEMA regulations and maintain detailed records of municipal activities.

Conclusion

New Jersey’s Tool Kit is a welcome guide to disaster debris management for local municipalities. Using the steps outlined in the Tool Kit, municipalities should be able to site and gain approval for TDMAs, and develop plans for mobilization of municipal resources. However, five years after Sandy and in light of the recent nor’easters, municipalities should also consider whether waste-to-energy contracts would be beneficial in addressing vegetative debris needs going forward. ♻️



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

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

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Infrastructure Improvements

Coalition for the Northeast Corridor works with NJ to unlock increased federal funding

By Michael Friedberg, Executive Director, Coalitions for the Northeast Corridor



Life in New Jersey is dependent on sound, safe and reliable infrastructure. Citizens of the Garden State know better than citizens of nearly any other state the importance of rail infrastructure to the health of the local, state and national economy—New Jersey residents ride trains to offices within New Jersey and across state lines to their jobs in cities like New York and Philadelphia.

All of those railways combine to make up a system of railways known as the Northeast Corridor (NEC). Unfortunately, the state of that system—the most important stretch of infrastructure not just in the northeast but in all of America—is in an unacceptable state of disrepair. New Jersey, from its policymakers to its everyday citizens, must take the lead in calling for its repair.

New Jersey is the heart of this nearly 500-mile stretch of rail. More than 820,000 riders from D.C. to Boston utilize this railway each day, and almost a quarter of them pass underneath the Hudson River in the North River Tunnel, which is the only

train link between New Jersey and New York City. This figure does not include those trains that travel to Philadelphia or other locations, which only further demonstrates the importance of trains to the state.

That is why every single resident of New Jersey ought to be alarmed by the present condition of the Northeast Corridor. A non-partisan federal commission found that more than \$50 billion is needed to repair the entire system and equip it for the challenges for the 21st century, a figure that will rise the longer the country waits to get to work.

NORTHEAST CORRIDOR BY THE NUMBERS

500 miles of rail

820,000 daily riders from Washington, D.C., to Boston

25% ride through the North River Tunnel, the only train link between New Jersey and New York City.

Urgent projects

There are urgent projects either in the works or in the planning stages in every state through which NEC trains pass, but the most urgent of those is in New Jersey.

During the round of budget discussions in the lead up to the recently-passed federal spending bill for 2018-19, the Gateway Project took center stage. Ultimately, hundreds of millions of dollars were unlocked to fund the project, enough, at least, to get shovels in the ground. It is important to step back from politics to return to the basics of why this project is so important.

Saltwater during Superstorm Sandy infiltrated the aforementioned North River Tunnel in 2012, leading Amtrak to suggest that the tunnel will be completely unusable within the next two decades. It doesn't take a lot of imagination to understand just how devastating the loss of the only two train tracks into New York City would be for New Jersey.

The tunnel under the Hudson is the most famous component of the Gateway Project, but there is also a less-known

and arguably just as important portion of the project that is also a dire need for the Corridor.

There is a bridge over the Hackensack River that has long been the source of frustration for New Jersey's commuters. Built in 1910, the Portal Bridge is simply incapable of handling modern traffic and technology.

An analysis by *The New York Times* in 2014 found that the bridge is both the most-used rail bridge in the Western Hemisphere and the "Achilles' heel of the Northeast Corridor." It is responsible for delays, fires, accidents, and other complications that have ripple effects from Secaucus to the nation's capital and beyond.

Gateway would dig both a new North River Tunnel and build a new Portal Bridge, enhancing rail capability in New Jersey that would increase productivity and speed up commutes, allowing residents to get to and from work faster and safer.

Long-term planning

The project has enough funding to get going, and that is an important first step. But now is the time for New Jersey

to fiercely advocate for the long-term future of the project, and that does not just mean our politicians, many of whom have been championing this project for years already.

It means the New Jersey businesses and Chambers of Commerce that rely on New Jersey Transit and Amtrak to conduct commerce must demonstrate the NEC's importance to their businesses. It means that New Jersey institutions—including hospitals, universities, among others—must speak up and demonstrate that the Northeast Corridor is crucial to their operations. It means that everyday commuters, who understand the impact of crumbling infrastructure better than anyone else, must make their voices heard.

Fortunately, there are already ongoing national discussions about the state of the nation's railways, meaning that there is no shortage of opportunities to become an advocate. And already, a host of New Jersey organizations and institutions, including the New Jersey League of Municipalities, have demonstrated leadership on this critical issue by joining our organization, the Coalition for the Northeast Corridor, which is dedicated to unlocking increased federal funding for the Northeast Corridor.

But it is important to remember that, even if Gateway is 100% completed, there is more work to be done. Across New Jersey, track repairs, station upgrades and other improvements must be completed as well. Doing so would not just benefit New Jersey and the region, but would also unlock the economic potential of the entire Northeast and the United States along with it.

New Jersey's residents, businesses and institutions are equipped to lead national discussions on this critical issue. If the Garden State builds upon its ongoing efforts to finalize crucial projects, make necessary repairs, and take the lead on the importance of the Northeast Corridor to the economy, it will put the country on a path of economic prosperity for generations to come. 📍

Michael Friedberg is the Executive Director of the Coalition for the Northeast Corridor.

Successful Outreach

Nine ways to get the Survey Monkey off your back

By Peter J. Woolley, Founder of the PublicMind Poll, Professor, Fairleigh Dickinson University



Easy access to cheap survey tools brings to mind a basic philosophical divergence: Some say anything worth doing is worth doing well, others say anything worth doing is worth doing poorly. Which comes closer to your view?

Local groups, like Development Commissions, Municipal Committees, Chambers of Commerce, and the YMCA want to survey people, collect data, and make better decisions. New, web-based survey tools are easy to use, but that's not the same as being used well. So, this is a brief guide to easily avoiding common mistakes of the well-intentioned do-it-yourselfers.

1

Make your questions clean and simple. Just because you think you know what you're asking doesn't mean your respondent does. Avoid jargon and insider language. Don't use the word "ubiquitous." One way to make sure your audience understands what you want to ask is to test your questionnaire. Let 10 or 20 people respond and comment before you open it up to a broad population to respond. (You can delete the trial-run answers before launching.)

2

Make it short. Just because your questionnaire is long and detailed doesn't mean you'll collect more data. In fact, a long and detailed questionnaire probably means you'll have more "drop-off," people who begin the survey but don't complete it. They quickly become fatigued or bored and you end up with non-answers or guesses. In other words, the longer your questionnaire, the less useful data you might collect.

3 Let your respondents skip the questions they don't want to answer. Survey platforms give the designer the option of forcing respondents to answer a question before the respondent can continue. But this is usually a bad idea. Don't use force. You will lose. You can provide a "neither" answer or an "I don't wish to answer." Respondents who don't want to answer a question are more likely to quit than knuckle under to you.

4 Be judicious with open-ended questions. An open-ended question asks the respondent to not check a box but actually to write something. For example, some designers ask "do you have any other comments?" or "What can we do better?" But save yourself the trouble. Answers to open-ended questions are often difficult to interpret and time-consuming, and most respondents skip these questions most of the time. Those who do answer them might not write clearly. Worse, each answer will be unique. You will need to examine each and then think of a way to represent these disparate concerns in some kind of short-hand. But then, reducing several dozen written answers to just a few words in a summary is not the richness and depth that you wanted in the first place.

5 Decide whether you are trying to give information or get information. If you are trying to collect intelligence, avoid advertising and be careful what material you embed in your questions. If you're trying to give information, yours is a "push pull." You are pushing information or a point of view on the respondent. This purposely creates a bias. Questionnaires like this are really advertisements and not a legitimate effort to gather information because giving people information before they answer questions obviously changes their answer. This means the people not taking your survey may not agree with the people who did. This could spell trouble if you base subsequent decisions on your respondents' "informed" point-of-view.

6 Know who your respondents are. Are they male, female, over 50, over 40, under 30, employed? Are they public employees, have kids in school, a family member with an addiction? All these demographic pieces help to answer other key questions. What kind of people answered your questions? What kind of people did not answer your questions? Is there disagreement among people who are different from one another? Finally, can you really infer that the general population thinks just like your respondents?

7 If it's worth doing once, it's worth doing again. Some people like to say a survey is a "snapshot" of what people think. But the real value of survey work is to measure change or lack of change over time.

Chances are you are launching a survey because you want to make some decisions. After you make and implement those decisions, then you should want to revisit the questions to see whether you actually had any effect. If people said, before you built the new rec-center, that there wasn't enough recreational space, then their opinions should change after you added some.

8 Assume your audience is not knowledgeable of the topic. Insiders who solve problems and create questionnaires tend to over-estimate other people's knowledge of and interest in the insiders' problems. But most people are focused most of the time on their own lives and interests, not in yours. In fact, a good way to introduce a topic is to ask "how much have you heard or read about" the topic. This gives you some sense of whether and how much people are engaged in the subject.

9 Use a third-party to collect and present the data. If the issues are contentious or political—and they almost always are—some people will attack the survey and the people who administer it. That shouldn't be you. Find an outsider to do it. If you can't afford a professional consultant, how about using the local high school's AP statistics class? Let them handle any or all of the construction, programming, testing, incentivizing, data collection, data cleaning, analysis, and report-writing. You stay above the fray (and take the credit).

Just remember, all survey results can be obtained through OPRA, be ready to share your information. 📌

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Municipalities Leading the Way

An invitation to the 103rd Annual League Conference

Navigating government operations can be complicated and, as with any journey, the place to start mapping it out is on the local roads. Now more than ever, local governments are leading the way through important everyday challenges ranging from infrastructure to internet security all while determining the best routes to work with other towns, the state government, and the federal government.

This year, the 103rd Annual New Jersey State League of Municipalities Conference offers directions, advice, and more. The nation's largest municipal conference has over 100 years' experience bringing together the community of local government officials and helping "Municipalities Leading the Way." With an ever-changing landscape, attending the Annual League Conference each year is an important tool for building guidance systems and becoming educated on the very latest case studies, approaches, and solutions.

EDUCATION

Each year, this annual three-day event offers more than 100 educational sessions covering topics from the basics of today's municipal challenges, to more advanced approaches to technical issues. Formal educational sessions are produced by the League, its 21 Affiliated Associations, and the Exhibitor Learning Sessions. Again this year, certain sessions

will be carefully produced to include more advanced information to appeal to the experienced municipal official. The ability to accumulate Continuing Education Units (CEU) continues to be a top priority.

The Annual League Conference is the most cost-effective method to achieve those credits required for professional recertification.

For 2018, we'll be featuring thought leaders discussing new directions and options in a variety of topics, for example Digital Transformation Impacts on Local Government and Women's Empowerment along with a multitude of hot topics such as Restoring the Urban Enterprise Zone, and discussions on

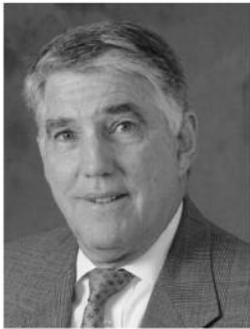


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Prisoner Re-entry and Shared Services. A more complete list of topics is on njslom.org/923/session-listing. Also, the full education session schedule will be available on the popular and easy-to-use mobile app starting in October. It will include useful search functions to help you customize your personal schedule.

EXHIBITS

In addition to the sessions, the Conference offers the largest municipal exhibition in the country, providing an education on the latest products and services. The 150,000 square foot exhibit hall provides a unique, central setting for evaluating and selecting the services,

partnerships, and products that can make municipal operations smooth and successful.

Commercial vendors, government agencies, and non-profits are your information source in the 1,000-booth exhibit hall. The extensive list of exhibitors will be searchable using the conference mobile app starting in October. Using the mobile app, you can add “must see” exhibits to your personal schedule. You can also search and view the list now on njslom.org/exhibit

EVENTS

Along with the education and exhibits, the Annual Conference is your opportunity to participate in a variety of League-related events. Delve into the business of the League by participating in the adoptions of this year’s Resolutions, the policy that guides the League throughout the year. Resolutions are considered by the Resolutions Committee on Tuesday and adopted at the Annual Business Meeting on Thursday, where the new League leadership is also elected.

Want to learn more about statewide concerns of your peers in other communities? The Mayors Box Lunch and Executive Briefing as well as the Women in Municipal Government Networking and Awards Event are held on Wednesday, and on Thursday the League Luncheon for All Delegates is a highlight each year. All events feature speakers and the opportunity to catch up and network with local and state-level leadership.

There are also countless other events held by the League Affiliates, exhibitors, and related groups. These are opportunities to communicate with your peers from all over the Garden State about the subjects which resonate in your municipality each day. Peer-to-peer learning is an incalculably valuable part of attending the Annual League Conference.

START PLANNING NOW

On the following pages you will find more information to help you begin setting your own Conference schedule, coordinating your Conference week with your colleagues, and Leading the Way. 🗺

MUNICIPAL OFFICIALS

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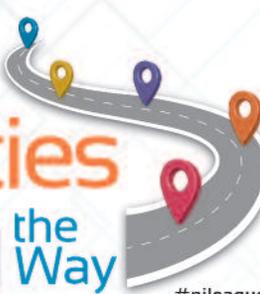
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state issues



Municipalities Leading the Way

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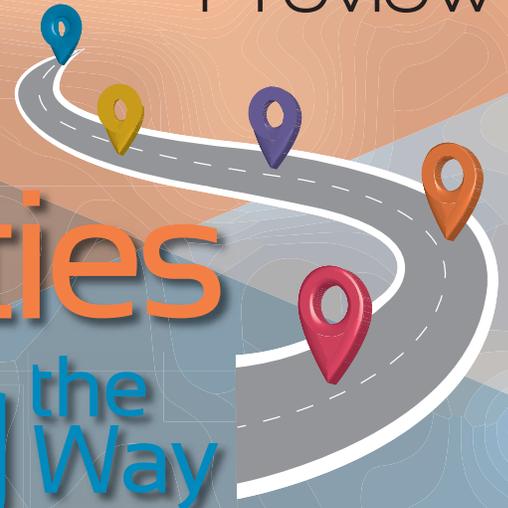
NJLM Conference 2018 Atlantic City Convention Center
103rd Annual • November 13-15

Exhibit Registration is Open!

Contact:
Kristin Lawrence, *Exhibit Manager*
klawrence@njslom.org or 609 695-3481 x125
njslom.org/exhibit

Conference Preview

Municipalities Leading the Way



Tuesday, November 13

- 1,000+ Booth Exhibit Hall (9 a.m. to 5 p.m.)
- Choose from over 35 League & Affiliate sessions including:
 - Bail Reform
 - Next Generations of Professionals for Elected Officials
- NJLM Resolution Committee Meeting
- Conference Orientation: Coffee With Leadership & Legislative Primer



Wednesday, November 14

- 1,000+ Booth Exhibit Hall (8:30 a.m. to 5 p.m.)
- Choose from over 60 League & Affiliate sessions, including:
 - Affordable Housing Update
 - Restoring the Urban Enterprise Zone Program
- Mayors Box Luncheon & Executive Briefing
- Annual Legislative Update
- Women in Municipal Government Networking & Awards Event



Thursday, November 15

- 1,000+ Booth Exhibit Hall (8:30 a.m. to 1 p.m.)
- Choose from over 25 League & Affiliate sessions, including:
 - Public Contracts Law
 - OPMA and Civility in Public Meetings
- League Luncheon for all Delegates
- NJLM Annual Business Meeting



Atlantic City Convention Center
103rd Annual • November 13-15



TIME/PLACE

The 103rd Annual League Conference will be held in the Atlantic City Convention Center Tuesday, Nov. 13, through Thursday, Nov. 15.

ACCOMODATIONS

This month "Universal Attendee Housing Forms" were mailed to municipal clerks and the online housing reservation site went live at njslom.org/conference. The Housing Department reserves limited blocks of rooms at participating hotels for assignment only to League Conference attendees using these official reservation methods.

Please be sure to use the official conference reservation methods. Using unauthorized reservation services creates real problems for you and the conference as a whole. You cannot be assured your payment information is secure and your room reservation may not actually be made. Also, your room will not be part of the official conference housing block, so you won't get emergency housing information nor will there be adequate shuttle bus services to your hotel.

Transportation from official conference hotels to the Convention Center will be provided by shuttle service.

EDUCATION & EXHIBITS

Your visit to the League conference is an opportunity to take part in the nation's largest gathering of municipal officials.

For a list of League and Affiliate conference sessions and lists of exhibitors, visit www.NJSLOM.org/conference or the October issue of *NJ Municipalities* magazine. League and Affiliate sessions will be in the November issue, with details on the app.

The app will be updated for 2018 and ready for download starting October 3. Because the app is all new for the Conference, it must be downloaded from your device's store.



Exhibitors (at press time)

The following companies are exhibiting at the League Conference and are eager to offer their knowledge, products, and services to assist municipal officials. Be sure to visit their booths to see how they can assist you. Look for the leaf icon highlighting vendors and visit, NJSLOM.org/exhibit for more exhibitor information or to learn more about becoming an exhibitor.



Contact: Kristin Lawrence, Exhibit Manager at klawrence@njslom.org or 609-695-3481, Ext. 125.

- A & K Equipment Company, Inc.
- Abbington Engineering, LLC
- Absolute Fire Protection&Vehicle
- AccessRec, LLC
- AccuScan
- Action Data Services
- Adams, Rehmann & Heggan Assoc.
- Aion by VCS
- All Covered
- Allan Briteway ElectricalUtility
- Allen Associates
- Alliance Bus Group
- Alliance Mercantile-Viking
- Allstate Office Interiors
- American Pipe Cleaning, LLC
- American Recycling Technologies
- AmeriHealth New Jersey
- Amy S. Greene Environmental
- Ancero
- Aqua New Jersey, Inc.
- AQUATECH-USA.com
- Asphalt Paving Systems, Inc.
- Asplundh Tree Expert, LLC
- Associated Asphalt
- AstroTurf
- Atlantic Coast Recycling
- Atlantic County Government
- Atlantic, Tomorrows Office
- Auctions International
- AXA Equitable
- Badger Meter, Inc.
- Balady Promotions, Inc.
- Barber Beach Cleaners
- Bayshore Recycling Corp.
- Ben Shaffer Recreation Inc.
- Benecard Services LLC
- Beyer Bros. Corp.
- Beyer Chrysler Dodge Jeep Ram
- Beyer Fleet
- Beyer Ford
- BGIA
- Black Lagoon Pond Management
- Blau & Blau
- Bobcat of North Jersey
- Bortek Industries, Inc.
- Bowman Consulting Group
- Boxcar
- Boyce Associates, Inc.
- Brinkerhoff Environmental Svcs
- Britton Industries
- Brown & Brown Insurance
- Bruno Associates, Inc.
- Burlington Co. Bridge Commissn.
- CAIT Technology Transfer Group
- Cambria Truck Center, Inc.
- Campbell Freightliner, LLC.
- Capehart Scatchard
- Capital Benefits, LLC.
- Card Data Systems /Toshiba
- CASA Payroll Services
- Center State Engineering
- Central Jersey Equipment
- Certified Cirrus Control Systems
- Chambers Architecture, Inc.
- Cherry Valley Tractor Sales
- City Fire Equipment Co., Inc.
- City of Atlantic City
- City of Long Branch
- City of Plainfield
- CivicPlus
- Civil Solutions
- Claims Resolution Corporation
- Classic Turf Company
- Cliffside Body Corp.
- CME Associates
- Coded Systems, LLC.
- Colonial Life
- Comcast Newsmakers
- Commercial Recreation Specialist
- Community Associations Inst. NJ
- Conner Strong & Buckelew
- Consolidated Fence Co.
- Contemporary Sprinter/Metris
- Control Point Associates, Inc.
- Convault/DieselPure
- Cooper Electric Supply Co.
- Cooper's Office Furniture
- County of Union
- CRAM-A-LOT
- Create
- Creston Hydraulics, Inc.
- CUES
- DARE America
- DCO Energy LLC
- Dejana Truck & Utility Equipment
- Dell/Ocean Computer Group Inc.
- Delta Dental of New Jersey, Inc.
- Deluxe International Trucks
- Deschamps Mats Systems, Inc.
- Direct Flooring
- Discount Playground Supply
- DMR Architects
- Docusafe Records Management
- Dome Corp. of North America
- Dossier Systems, Inc.
- Downes Forest Products, LLC
- Downtown Decorations, Inc.
- Downtown New Jersey
- Dun-Rite Sand & Gravel
- Earth Materials, LLC (Copertino)
- Eastern DataComm, Inc.
- Eastern Lift Truck
- Eastern Surplus & Equip. Co.
- Eaton's Cooper Lighting
- Edmunds & Associates, Inc.
- Electronic Risks Consultants
- Elizabeth Truck Center
- EMEX, LLC
- EMS Council of New Jersey
- Enfotech & Consulting, Inc.
- Engineering & Land Planning Asso
- Environmental Equipment Co.
- Environmental Resolutions, Inc.
- ESCNJ Co-op Services
- Excel Environmental Resources
- EZ Docks Mid Atlantic
- EZ Street Company
- Facility Solutions Group
- Fairleigh Dickinson University
- FDR Hitches
- Felician University
- Ferriero Engineering, Inc.
- Finch Services, Inc.
- Finger's Radiator Hospital Inc.
- Fire & Safety Services, LTD.
- Flemington Car & Truck Country
- Foley Incorporated
- Force America, LLC.
- Foveonics Imaging Technologies
- Franklin-Griffith Electrical
- FreeSpan Structures, Inc.
- French & Parrello Associates
- FuelForce Multiforce Systems
- Gabrielli Truck Sales
- GAF
- Gallagher Asphalt Corporation

GameTime Park & Playground Equip
 Garden State Bobcat Group
 Garden State Laboratories, Inc.
 Garden State Municipal JIF
 Gates Flag & Banner Co.
 Geese Chasers
 General Code
 General Recreation, Inc.
 GEOD Corporation
 George Ely Associates
 Golden Equipment Co. Inc.
 GovDeals, Inc.
 GovPilot
 Gramco Business Communications
 Granturk Equipment Co., Inc.
 Greenfields Outdoor Fitness
 Greyhawk
 GRM Information Management
 Grotto Engineering Assoc LLC
 H2M Associates, Inc.
 Hackensack Riverkeeper Inc.
 Harbor Consultants, Inc.
 Harter Equipment, Inc.
 Heyer, Gruel & Associates
 Hoffman Equipment
 Hoffman Services, Inc.
 Hoover Truck Centers
 Horizon BCBSNJ
 Hudson County Motors, Inc.
 Hunter Technologies
 Hunter Truck Sales
 Hutchinson Mechanical Services
 I.M.S.A. New Jersey
 IAA Insurance Administrator
 IBEW Local 102
 Icon/EPA-Comp/Universal Valve
 Info-Cop By GTBM, Inc.
 Inservco Insurance Services
 Insurance Design Administrators
 Integrated Technical Systems
 Integrity Health
 International Code Council
 Interport
 Investors Bank
 Invoice Cloud
 IPL Plastics Environment
 IPS Group
 J&J Bodies/Bristol Donald
 Jersey Access Group/NJ NATOA
 Jersey Cape
 Jersey Central Power & Light
 Jersey Professional Management
 JESCO, Inc.
 Jet Vac Equipment
 John Guire Supply
 John W. Kennedy Company, Inc.
 Johnson & Towers, Inc.
 Johnston Communications
 Joshua Marcus Group Promotions
 Kamstrup Water Metering
 Kapsch TrafficCom USA
 KC Sign
 Keller & Kirkpatrick, Inc.
 Keyport Army Navy
 Keystone Purchasing Network
 Keystone Structures, Inc.
 Kiely Family of Companies
 Kueper North America
 LAN Associates
 Laurel Equipment
 Liberty Parks & Playgrounds
 Lincoln Financial Group
 LOCALINTEL
 Marbelite Co., Inc.
 Maser Consulting
 Max Spann Real Estate/Auction Co
 Mazza Recycling Services
 McGrath Municipal Equipment
 McLaren Engineering Group
 MetLife
 MGL Printing Solutions
 Mid-Atlantic Truck Centre
 Mid-Atlantic Waste Systems
 Mike's Better Shoes
 Millennium Communications Group
 Millennium Strategies LLC
 Mitchell Associates Architects
 Mitchell Humphrey & Co.
 Monmouth Truck Equipment
 Monmouth Univ. Urban Coast Inst.
 Montana Construction Corp Inc.
 Mott MacDonald
 Muncie Power Products
 Muncibid
 Municipal Clerks' Assoc. of NJ
 Municipal Excess Liability Fund

Municipal Software, Inc.
 Municode
 Munidex, Inc.
 Musco Sports Lighting
 Najarian Associates
 National Water Main Cleaning Co.
 New Horizon Lighting Inc.
 New Jersey American Water
 New Jersey Beekeepers
 New Jersey Conference of Mayors
 New Jersey Infrastructure Bank
 New Jersey Natural Gas
 New Jersey Natural Gas (NGV)
 New Jersey One Call
 New York Life Insurance Co.
 NJ - Catastrophic Illness Progm
 NJ - Council on Dev Disabilities
 NJ - DEP Local Gov't Assistance
 NJ - Dept of Agriculture
 NJ - Dept of Community Affairs
 NJ - Dept of Transportation
 NJ - Division of Taxation LPT
 NJ - Highlands Council
 NJ - Housing & Mortgage Finance
 NJ - Motor Vehicle Commission
 NJ - Redevelopment Authority
 NJ - State Library
 NJ - Unclaimed Property
 NJ Certified Animal Control
 NJ Clean Communities
 NJ GMIS
 NJ Police Chiefs Association
 NJ SEM
 NJ Shade Tree Federation
 NJ Society of Prof Land Surveyor
 NJ State Chamber of Commerce
 NJ Water Environment Assoc.
 NJEDA
 NJEdge
 NJHCQI Mayors Wellness
 NJM Insurance Company
 Norris Sales Co. Inc.
 North American Pipeline Services
 Northeast Communications, Inc.
 Northeast Sweepers & Rentals
 Northfield Bank
 Office Business Systems
 Oldcastle Precast Easiset Bldgs
 Omega Environmental Services
 OMER/First-Choice
 One Source of New Jersey
 Onspot Automatic Tire Chains
 Ørsted
 OSI Technology

P.L. Custom Emergency Vehicles
 Paper Mart, Inc.
 Parker-Helac
 Party Perfect Rentals
 Passaic Valley Sewerage
 Passport Labs, Inc.
 Payment Service Network, Inc.
 Peirce-Eagle Equipment Company
 Pennoni
 PERMA Risk Management Services
 Philips Lighting North America
 Phoenix Advisors, LLC.
 Piazza & Associates, Inc.
 PKA Technologies
 Plainfield M.U.A.
 PMA Management Corp.
 PNC Bank, N.A.
 Preservation New Jersey
 Presray Corporation
 Protecting the NJ Shore
 Providence Engineering
 Provident Bank
 Prudential
 PSE&G
 Public Works Association of NJ
 PubWorks
 Purazzo Ins-Voluntary Specialist
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 RFP Solutions, Inc.
 RFS Commercial, Inc.
 RGA, Inc.
 Rileighs Outdoor Décor
 RIO Supply/Neptune
 RJP Hotsy
 Roberts Engineering Group LLC
 Robinson
 Rotochopper, Inc.
 Rutgers Continuing Education
 Sanitation Equipment Corp.
 Santander Bank, N.A.
 Save Barnegat Bay
 Schaefer Systems Int. Inc.
 SealMaster
 Sensus USA
 Seton Hall University
 Shaw Sports Turf
 Simon's Agency, Inc.
 sofSURFACES
 South Jersey Fed. Credit Union
 Spatial Data Logic (SDL)
 Statewide Insurance Fund
 Statewide Traffic Safety

Stewart & Stevenson/
 Atlantic-DDA
 Stormwater Compliance
 Solutions
 Storr Tractor
 Company
 Suburban Consulting
 Engineers
 SUEZ
 Sunrise Systems
 Sustainable Jersey
 SwiftReach
 T&M Associates
 T. Slack Environmental Services
 Tax Collectors & Treasurers NJ
 TD Bank, N.A.
 Tennant Company
 The Difference Card
 The Gillespie Group
 The Goldstein Partnership
 The Shauger Group, Inc.
 Thomas Edison State University
 Trackless Vehicles, Ltd.
 Triad Associates
 Tristate LED
 Trius, Inc.
 Turf Equipment & Supply Co.
 U.S. Municipal
 Unicorn HRO
 Unique Paving Materials Corp.
 United Storm Water, Inc.
 USDA Rural Development
 V.E. Ralph & Sons, Inc.
 Valic
 Valk Manufacturing Co.
 Valley National Bank
 Van Cleef Engineering Associates
 Van Note-Harvey Associates, Inc.
 VCI Emergency Vehicle Specialist
 Veeder-Root/Gasboy
 Verizon Networkfleet
 Vermeer North Atlantic
 Versalift East, LLC
 Virtual Towns & Schools
 W. E. Timmerman Co. Inc.
 Warshauer Electric Supply Co.
 Waste Management of New Jersey
 Weather Works, LLC
 Whitmarsh Corporation
 Widmer Time Recorder
 Wilfred MacDonald, Inc.
 Winner Ford
 WM Policy
 Zoll Medical Corporation



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Going Mobile

Attending the conference is easier than ever with a variety of information resources to help keep you in touch and up-to-date.



SOCIAL NETWORKING Follow us on Facebook and Twitter, @NJ_League or #njleague, for immediate notices on changes to the schedule of League educational sessions, shuttle bus changes, announcements about sold-out League events, and more!

WEBSITE Visit the League's newly redesigned website, www.njslom.org, to catch up on the latest developments for the 103rd Annual Conference.

DOWNLOAD THE APP Download the new 2018 Conference app on October 3 for an interactive exhibit floor plan and searchable list of exhibitors along with fully searchable session schedule, and up-to-the-minute event information. Create a personalized schedule before you arrive to maximize your conference experience!

TIMELINE Mapping Out Your Conference

June 1

Room reservations open for everyone.
www.NJSLOM.org/Conference

JUNE

August 1 Conference Registration opens via mail or www.NJSLOM.org/Conference

August 31 Meal function ticket forms available at www.NJSLOM.org/Conference

AUGUST

October 2 Conference Pre-Registration rate ends. Onsite registration rates apply

October 3 Download Conference App

October 5 League Resolution topics due to Assistant Executive Director Michael Cerra
mcerra@NJSLOM.org

OCTOBER

NOVEMBER

November 6-8 Room cancellation deadlines (visit www.NJSLOM.org/Conference for details)

November 13-15 103rd League Conference

November 13 League Resolution Committee Meeting

November 14 Mayors Box Luncheon, Hall of Fame Awards, Innovation in Government Awards & Briefing

November 14 Women in Municipal Government (WIMG) Networking & Awards Event

November 15 NJLM Annual Business Meeting

November 15 League Luncheon for all Delegates

CEUs for Municipal Professionals

In addition to dozens of League sessions approved for CEUs, NJLM's 21 Affiliated Associations are also producing sessions approved for CEUs:

- American Public Works Association—New Jersey Chapter
- Association of Municipal Assessors of New Jersey
- Community Recreation Society of New Jersey
- Government Finance Officers Association of New Jersey
- Governmental Purchasing Association of New Jersey
- Jersey Access Group
- Municipal Clerks' Association of New Jersey, Inc.
- Municipal Court Administrators Association of New Jersey
- Municipal Electrical Inspectors Association of New Jersey, Inc.
- Municipal Welfare Association of New Jersey
- New Jersey Association of County and City Health Officials (NJACCHO)
- New Jersey Building Officials Association
- New Jersey Fire Prevention and Protection Association
- New Jersey Institute of Local Government Attorneys
- New Jersey Municipal Management Association
- New Jersey Planning Officials, Inc.
- New Jersey Society of Municipal Engineers, Inc.
- New Jersey State Municipal Prosecutors Association
- New Jersey State Plumbing Inspectors Association, Inc.
- Registrars' Association of New Jersey
- Tax Collectors and Treasurers Association of New Jersey

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FINANCE CENTER



OSC's Procurement Oversight for Health Insurance & Insurance Brokers

By Philip James Degnan, NJ State Comptroller

Perhaps best known for its audits and investigations of government entities, the Office of the State Comptroller (OSC) is also responsible for overseeing the procurement process for more than 1,900 state and local government entities. OSC's Procurement Division reviews a steady stream of bids, requests for proposals and other contracts over \$2 million. The Division has found that procuring health insurance benefits and insurance broker services can be troublesome.

Purchase of insurance is subject to OSC review

Health insurance, like any other procurement, is subject to OSC review when the total contract value exceeds \$2 million. If the contract is likely to exceed \$10 million, OSC must be notified at least 30 days before: (1) soliciting quotes if following the extraordinary unspecifiable services (EUS) process; or (2) advertising a request for proposals under competitive contracting or sealed bid.

We know that many government entities rely upon the advice of an insurance broker to procure health insurance. OSC recommends letting insurance brokers do what they do best: evaluate the quality and cost of insurance and make recommendations to the government entity. The procurement professional needs to be actively involved in whichever procurement process is used to ensure that Local Public Contracts Law (LPCL) is followed, including, at minimum, following the EUS process correctly.

Below are some common errors we see and ways to avoid them.

EUS applies to both insurance coverage and insurance brokerage services

Many entities incorrectly award insurance broker contracts under the professional services exception to public bidding. Rather, under the LPCL, broker contracts are considered "insurance consulting" contracts falling under the same exception as insurance coverage and therefore may be procured by following the EUS process.

The EUS process requires a documented effort to secure competitive quotations. Before a contract is awarded, a designated official (e.g., the business administrator or purchasing agent)

must file a certification with the governing body that clearly states that the purchase is for insurance coverage or broker services, as appropriate, and that LPCL permits such purchases to follow the EUS procurement method. The resolution awarding the contract must state that the contract is being awarded pursuant to EUS. Finally, a legal notice of the contract award must be placed in the governing body's official newspaper and state: the nature of the contract (insurance coverage or broker services); the amount of the contract; the duration of the contract; a description of the services, and that the resolution and contract are available for inspection in the county or municipal clerk's office.

OSC's record retention language must be in all public contracts:

"The (bidder/proposer/contractor) shall maintain all documentation related to products, transactions or services under this contract for a period of five years from the date of final payment. Such records shall be made available to the New Jersey Office of the State Comptroller upon request." *N.J.A.C. 17:44-2.2.*

Health insurance procurements must follow all statutory requirements

The solicitation of quotes from insurance carriers often fails to comply with other provisions of New Jersey law. This includes the mandatory equal employment opportunity and affirmative action requirements, disclosure of corporate ownership, disclosure of investment activities in Iran, business registration certificate, and OSC's record retention language.

When purchasing professionals do not take an active role in conducting health insurance procurements, the result can be an undesirable or even illegal contract. For example, we recently reviewed an insurance contract in which the public entity agreed to allow Missouri law to govern contract disputes. Form contracts may also have other undesirable conditions such as limited vendor liability or indemnification provisions. Public entities should not sign these form contracts without reviewing them carefully, preferably with advice from counsel.

REMEMBER

Insurance contracts for brokers and insurance coverage must include:

- Ownership Disclosure Certification
- Business Registration Certificate
- Equal Employment Opportunity and Affirmative Action Compliance
- Disclosure of Investment Activities in Iran

Contracts should state a definite term

Under LPCL, insurance contracts can be awarded for a term of up to three years and extended for an additional two years at the discretion of the government entity. However, the initial term and any extension period must be stated in the contract. Form contracts that renew indefinitely from year to year are not compliant.

Ensure that contracts are not renewed past the five-year term limit and that a new procurement process is conducted in a timely manner when required.

Transparency of insurance broker fees

Many insurance brokers collect their fees in the form of commissions from the insurance carriers that they recommend to the public entity.

As part of the OSC audit, *Cost Analysis of Selected Local Government Units Joining the State Health Benefits Plan, February 28, 2012* (SHBP Report), OSC surveyed local government officials and found that more than 50% of respondents did not know how much their brokers were paid in commissions from their insurance carrier and, as a consequence, their true insurance cost. Brokers whose commissions are directly related to the cost of premiums may have little incentive to recommend lower cost alternatives.

Insurance brokers are required by state insurance law, to disclose the amount of any “commission, service fee, brokerage, or other valuable consideration that the producer will receive as a result of the sale, solicitation or negotiation of the

health insurance policy or contract.” *N.J.S.A. 17:22A-41.1(a)*. To comply with this law, we recommend that a written disclosure of the commission be included in every broker’s contract.

Recently, we have noticed that some government entities are prohibiting their brokers, by ordinance or otherwise, from being paid by their insurance carrier, resulting in greater transparency of both broker commissions and the cost of health insurance.

Recommended Reading

Local Finance Notice AU-2002-2 issued by the Division of Local Government Services within the Department of Community Affairs is an excellent resource for all procurements using the EUS process.

Brokers should include the SHBP in cost comparisons

As noted in OSC’s SHBP Report, brokers have no incentive to quote the SHBP because they would not receive a commission if a government entity chose to join. OSC auditors found that the entities they looked at could have saved money by joining the SHBP. Although the SHBP may not always be the least expensive option, we recommend including it in any cost comparison. 📌

The EUS Process for Insurance and Broker Services

- Documented effort by purchasing agent to secure competitive quotations. *N.J.S.A. 40A:11-6.1(b)*.
- Before award, a designated county or municipal official must file a certificate with the governing body on a form prescribed by the state Department of Community Affairs that:
 - Clearly describes the nature of the contract;
 - States that the law permits insurance to be considered an EUS pursuant to *N.J.S.A. 40A:11-5(1)(m)*; and
 - Describes the informal solicitation of quotations.
- The resolution awarding the contract must state that the contract is being awarded as an EUS pursuant to *N.J.S.A. 40A:11-5(a)(ii)*.
- The governing body must place a notice of award in the newspaper that states:
 - The amount of the contract;
 - The nature of contract;
 - The duration of contract;
 - A description of service; and
 - That the resolution and contract can be inspected in the county or municipal clerk’s office. *N.J.S.A. 40A:11-5(1)(a)(ii)*.

GOLD DOME



Democrats Already Thinking 2019 and, More Importantly, 2021

By Ben Dworkin, Ph.D., Director, Rowan University Institute for Public Policy & Citizenship

In another sign that it is a new day in Trenton, Governor Phil Murphy recently signed a revised and expanded “motor-voter” law. Any eligible citizen who engages with the Motor Vehicle Commission (MVC) will now be registered to vote automatically, with the ability to opt-out. Previously, it wasn’t an automatic process and citizens had to opt-in to become registered.

Further, the new law will allow, with approval from the Secretary of State, any other state agency or office that collects the relevant information from a potential voter to automatically register that person to vote.

Democrats and progressive advocates across the state praised the law’s passage as a step toward broader enfranchisement and citizen participation. Opponents, including Republican Senate Leader Tom Kean and Assembly Leader Jon Bramnick, decried the legislation. They maintain it is wasting taxpayer dollars, is susceptible to fraud, and is far too favorable to the Democrats.

Public policy considerations aside, the political ramifications are hard to ignore. Legislative Democrats are already thinking about 2019 when the Assembly will be at the top of the ticket. Election observers expect turnout to be a paltry 20% or so.

They are rightfully concerned that adopting Murphy’s broad, liberal agenda—even if it meshes well with larger political trends among the population and Democratic partisans—will not be embraced as much by those who actually vote in a low-turnout year.

Thus, the potential political benefits of the motor-voter law for Democrats, who often find support among poorer and urban communities where voter registration lags behind wealthier and more suburban areas, is certainly real.

But the 2019 election isn’t even the biggest challenge facing legislative Democrats. It’s 2021 and legislative redistricting. The motor-voter law is just a precursor to a much larger fight.

The Democratic majorities in both the Assembly and the Senate have been sustained since 2003 for a number of reasons,

including demographic trends, candidate recruitment, collective fundraising, and, critically, the legislative map.

Following the decennial census, New Jersey’s population is divided into 40 districts, each with the same number of residents. In New Jersey, the two major parties enter the redistricting process equally: five members from each side chosen by the state chair of each party.

The tie-breaker—the all-important 11th member—is chosen by the Chief Justice of the state Supreme Court. In both 2001 and 2011, the 11th member ended up favoring the map proposed by the Democrats.

“In New Jersey, there are more blue voters. A lot more. And it’s growing.”

The criteria used by the 11th member of the redistricting commission is limited only by federal and state law and judicial precedent. This means he or she has tremendous latitude to decide what’s important when determining district lines.

Before the end of 2018, Democrats in Trenton may once again seek a vote on a constitutional amendment that would impose specific criteria on the redistricting process, rather than leaving it up to the commission, and in effect, the 11th member to decide.

One of the fundamental questions that the bill seeks to address is: How do you define “competitive” in the redistricting process?

If you create districts 50-50 based on voter registration numbers, that could be called “competitive.” The 14th district, currently represented by Democrats Linda Greenstein in the Senate and Dan Benson and Wayne DeAngelo in the Assembly, would qualify by this standard as “competitive.” In reality, it is a pretty safe seat for the incumbents.

Nonetheless, Republicans continue to push that definition of

“competitive.” Given the trends in statewide voter registration, adopting such a rule would probably give them a better shot in far more districts.

The Democratic leadership’s idea is to look at how people vote, not registration. Their proposal is that statewide voting—US Senate, President, and governor—over the previous 10 years would be averaged.

If the Democrats, say, averaged 56% of the vote in those elections, then 20 of the 40 legislative districts would have to have their average Democratic vote (also referred to as “Democratic performance”) above 56% and 20 of the districts would need to be below.

Ten “competitive” districts would be ensured by requiring five districts to fall within 5% above the dividing line, and five districts within 5% below the dividing line (in this hypothetical, 56%).

It’s easy to see why Republicans and others are enraged by such a plan. If, as in this example, Democratic statewide performance average is 56% over the

previous 10 years, then a district that is 53% Democratic performance is actually considered “competitive” and so would a district that has 59% Democratic performance index. On its face, this seems patently unfair and contrary to the common understanding of “competitive.”

But here’s where the Democrats have a point worthy of consideration: The voters in New Jersey are not arranged like a deck of playing cards. There isn’t an even number of black and red cards—or in this case, blue and red voters.

In New Jersey, there are more blue voters. A lot more. And it’s growing.

In 2007, there were 1 million registered Democrats in New Jersey. Ten years later, that number had doubled.

Republicans increased their numbers, too, over the past decade, but from 800,000 to 1.2 million. In other words, Democrats used to have a 200,000 statewide registration advantage, and today have an 800,000 voter registration advantage.

This is not just a story about existing voters registering with a party. The number of unaffiliated voters was about 2.4 million in 2007, and remains about 2.4 million today.

So if you’re a Democrat, why would you accept any kind of legislative map that imposes a larger number of 50-50 districts when, in your view, it’s a really Democratic state?

Instead, why wouldn’t you seek to ensure that the actual voting patterns of the voters are reflected in the map? This would be far better than gerrymandering more “equal” districts that don’t represent the true partisanship of the population.

Murphy’s progressive agenda will remain controversial, and no one is quite sure if it will prove successful with New Jerseyans in 2019 and 2021. But Democrats in Trenton, starting with the motor-voter law, and possibly moving on to redistricting reform, are hoping for some insurance while also responding to a public policy need. ♣

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OPRA Redaction Rules & OPMA Publication Requirements

By Frank Marshall, Esq., NJLM Staff Attorney



I have received an OPRA request, seeking our mayor's emails for the week prior to our last council meeting. Some of the mayor's emails are to residents and are sent to their personal email addresses. Out of concern for privacy, am I permitted to redact these personal email addresses?



Yes, you should redact personal email addresses. Under current interpretation of OPRA, personal email addresses are viewed as personal identifiers, and, similar to unlisted telephone numbers, should be protected from disclosure by the expectation of privacy.

The Government Records Council ("GRC") discussed the issue of disclosing personal email addresses in its 2013 decision, *William Gettler v. Twp. of Wantage*. In *Gettler*, the GRC examined OPRA's dual aims of public access and protection of personal information using a group of factors known as Burnett factors. In balancing the public's right to access against privacy concerns, the GRC noted that when the OPRA law was passed email was not as widely used as it is today, and went on to determine that a personal email address is a personal identifier of which the potential for misuse if disclosed outweighs the public need for disclosure.

The *Gettler* decision was affirmed in 2015 when the GRC once again took on the issue of personal email disclosure in *James D'Andrea v. NJ Civil Service Commission*. Additional validity was added to these GRC decision when the Appellate Division issued its unpublished decision in *Jesse Wolosky v. Somerset County*. Again, in *Wolosky* privacy concerns outweighed the need for disclosure of personal email addresses. The Court in *Wolosky*, in addition to examining disclosure through OPRA, also had the opportunity to examine personal

email address disclosure through the lens of the common law right of public access. The Court, just the same, ruled that under the facts of the case disclosure of personal email addresses would not be proper, regardless of which theory of law disclosure was sought.

While the three matters cited above all held that personal email addresses should not be disclosed, none required that the identity of the individuals should be redacted. Instead, the opposite is true. In each one of the matters above the records requestor was still able to view the name of the individuals participating in the email exchange. The availability of the individuals' names, without needing to divulge their personal email address, was something both the Court and the GRC considered when deciding against disclosure. Additionally, the rulings fail to provide for a bright-line rule requiring all personal email addresses to be redacted whenever they appear. The possibility remains, where under certain circumstances, disclosure of personal emails would be required under OPRA.

Finally, but importantly, while the two GRC decisions and the Appellate Court's unpublished opinions are instructive on the issue, they cannot be relied on as precedential. Meaning, these ruling could be overturned or altered by future court cases or through legislative changes to the OPRA law.



Our clerk provided notice of a special meeting of our council to the appropriate newspapers well before the deadline required by the newspapers to ensure publication of the notice 48 hours in advance of our meeting. Unfortunately, despite the efforts of our clerk, one of the newspapers failed to actually publish the notice. Does the failure

of the newspaper to publish notice 48 hours in advance of the council's special meeting violate the Open Public Meetings Act, thus invalidating the actions of the council?



No. Actual publication is not required in order to be in compliance with the Open Public Meetings Act (OPMA).

Under OPMA, written notice of any meeting must be provided at least 48 hours in advance. The notice must provide, the time, date, location, and to the extent known, the agenda of any meeting. Additionally, such notice must be

posted in a public place, filed with the municipal clerk, and mailed, telephoned, telegraphed, or hand delivered to at least two qualifying newspapers. While it may not seem clear from an initial reading of OPMA law, subsequent case law has clarified that actual publication in a newspaper is not required for compliance with OPMA.

Instead, quite literally, all that is required for OPMA compliance is that notice be transmitted to the appropriate newspapers at least 48 hours in advance of any meeting. Once notice has been transmitted to the newspaper, a municipality is under no further obligation to ensure publication actually occurs. This stands to reason as the operations of a newspaper are beyond the control of the municipal government.

The circumstances you describe are analogous to those found in *Worts v. Mayor and Council of Upper Twp.* and

Houman v. Mayor and Council of Borough of Pompton Lakes, two cases instructive in this area. These cases both involved consideration of whether or not notice provided to a newspaper by the municipal clerk 48 hours in advance of a council meeting satisfied OPMA requirements even though the newspapers failed to actually publish notice.

In both of these cases, the court found the clerk made a reasonable effort to have the notices published by the newspapers when she submitted notice 48 hours in advance of the meeting and had no reason to believe that additional time was necessary in order to meet a publication deadline.

So, while it is unfortunate that the newspaper failed to actually publish the notice your clerk provided, there has been no violation of OPMA. Because of this, your council's actions are safe from challenges arising under OPMA. 📌

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LABOR RELATIONS

AG Requires New Jersey Police Departments To Randomly Drug Test Officers

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

The New Jersey Attorney General has issued a new directive requiring all law enforcement agencies in the state to conduct random drug testing. The guidelines now make all officers subject to drug testing, whether they are employed by state, county, or municipal departments. This article will summarize the provisions of the new directive as well as highlight drug testing requirements set forth by the Attorney General Guidelines.

The new directive provides that at a minimum, random drug testing shall be conducted at least once for the remainder of 2018 and at least twice every year thereafter. Each time, at least 10% of the total number of sworn officers in an agency will have to be tested. Previously, drug testing was only required for police applicants or trainees or where there was a reasonable suspicion to believe that an officer was using illegal drugs.

Each agency must also notify officers of the implementation of the random drug testing policy. This includes notification that, upon an initial positive result, the officer shall be suspended immediately from all duties. Upon final disciplinary action, the officer shall be terminated from employment as a law enforcement officer, reported to the Central Drug Registry maintained by the State Police, and permanently barred from future law enforcement employment in New Jersey.

Reporting requirements

The new guidelines also contain reporting requirements. Each department will be required to notify the County prosecutor within 10 days of a positive drug test by an officer, a refusal by an officer to take a drug test, or administration of a reasonable suspicion drug test to an officer.

Upon completion of any disciplinary action, each agency must report the discipline to the County Prosecutor. By December 31 each year, each law enforcement agency shall provide written notice to the County prosecutor of the dates of testing conducted during the prior year, the total number of sworn officers employed by the agency, the total number of

sworn officers tested, and the total number of sworn officers who tested positive.

By January 31 of each year, each County prosecutor will have to send the Attorney General a report including a statement indicating those agencies under the County Prosecutor's supervision that are in compliance with this Directive and those that are not. This summary shall not reveal any subject officer's identity.

“Police departments statewide must now implement these procedures not only for applicants and trainees or where there is reasonable suspicion, but for the now mandatory biannual random drug testing.”

Before this directive, the Attorney General Law Enforcement Drug Testing Policy set required procedures for drug testing of police officers, but left the decision to conduct random drug testing to the discretion of each department. The procedures for conducting drug tests, including random drug tests, remain largely in place. Officers must be tested for amphetamines/methamphetamine, barbiturates, benzodiazepine, cannabinoids, cocaine, methadone, phencyclidine, and opiates and departments may also request testing for steroids.

Testing procedure

The officers' identities must remain confidential throughout the entire testing process. Individual specimens may only be identified using Social Security numbers.

Each time an officer is tested, the department must designate a member of its staff to monitor the process of acquiring the

sample. This monitor must be the same gender as the officer being tested. The monitor's job is to ensure that all documentation is fully and accurately completed by the officer being tested, to collect the specimen in a manner that ensures both the privacy of the officer and the integrity of the specimen, and to comply with proper chain of custody procedures.

Before submitting a specimen, officers being tested must complete a medical questionnaire which clearly describes all prescription or over the counter medications taken by the officer in the last 30 days. After the monitor has inspected the appropriate forms for accuracy, the officer will then void into a container. This will occur without direct observation unless the department has reason to suspect that the officer will adulterate the specimen or in any other way compromise the integrity of the testing process. If such a belief is present, law enforcement agencies must document the facts underlying their belief that an individual may adulterate a specimen or compromise the integrity of the test process. If the officer is unable to produce a sample, the monitor may give the officer more time and allow the officer to drink fluids. If, after a reasonable period of time, the officer still cannot produce a specimen, the monitor may have the officer examined by a doctor to determine whether the inability to produce a specimen was caused by a medical reason or constituted a refusal to provide a sample.

Once the specimen has been produced, the officer must seal the container and deliver it to the monitor. Upon taking possession of the specimen, the monitor must ensure its delivery to the State Toxicology Laboratory, which is designated as the sole facility for analyzing law enforcement drug tests. Specimens should be delivered within one working day. If that is not possible, they must be stored in a controlled access refrigerated storage area until they can be submitted to the state lab. Samples may be submitted either by a member of the department's personnel or by a common carrier. If the department chooses to use

a commercial courier for delivery, it must use next day delivery and include two additional seals in the packaging of the specimens.

Police departments are notified of positive results in writing within 15 days of the submission of the sample. The department, in turn, shall notify the officer of the result as soon as practicable. The department may request written documentation from the state lab of negative test results.

Recordkeeping requirements

The recordkeeping requirements from the previous policy also remain effective. Each police department's Internal Affairs unit must maintain all records relating to random drug testing. These records must include the identities of those ordered to submit samples, the reason for that order, the date the sample was collected, the monitor of the collection process, the chain of custody from the time the monitor received the sample to its delivery to the state lab, the results, copies of notifications to the subject, documentation from the officer's doctor that the medication was lawfully prescribed and does not render the officer unfit for duty if applicable

for a positive result, and appropriate documentation of disciplinary action for any positive result or refusal. For random drug testing, the records must also include a description of the process used to randomly select officers, the date the selection was made, a copy of the document listing the identities of those selected, a list of officers who were actually tested, and the dates those officers were tested. These records must be kept with the usual level of confidentiality required for internal affairs files.

Police departments statewide must now implement these procedures not only for applicants and trainees or where there is reasonable suspicion, but for the now mandatory biannual random drug testing. Law enforcement agencies were required to adopt or amend their random drug testing policies to meet the requirements of the new directive within 30 days of its March 20, 2018 promulgation.

Municipalities and their police departments should consult with their counsel regarding the new directive and all drug testing procedures. ❧

Mr. Hannon would like to thank Brian McKeegan, Esq., for his assistance with this article.

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LEGISLATIVE UPDATE

Call to Action: State Budget Decisions Coming This Month

Lori Buckelew & Jon R. Moran, NJLM Senior Legislative Analysts; Michael F. Cerra, NJLM Assistant Executive Director; Frank Marshall, Esq., NJLM Staff Attorney

By the end of this month, the State of New Jersey needs to have a budget. Please contact your State Legislators and urge them to oppose any provision that would jeopardize the long-term viability of the Energy Tax Receipts Property Tax Relief Fund (ETR).

The Governor's March budget proposal included such a provision.

The Governor's proposal would shake the foundations of the ETR, which, for more than 20 years, has delivered reliable, significant property tax relief to municipal home and business owners, all around our state. That proposal would, for the first time, transfer \$788.5 million of dedicated energy taxes to the State's General Fund. While, for this year, the Governor intends to replace the dedicated funds with other revenues, we need assurances that we will be able to count on funding in the future.

Specifically, the Governor's proposal would zero-out the ETR, which has always been funded through taxes (Sales and Corporate) levied on energy supplying utilities. The statutes dedicate these funds to municipal property tax relief and restrict the State's ability to use them for any other purpose. In lieu of the ETR, this year's funding would be derived through the Income Tax. This change, we have been told, will be effected not by the passage of a new statute, but instead by the insertion of new budgetary language.

This shift would give State budget makers \$788.5 million to spend, as they see fit.

We see two concerns with the proposal.

1 It would open the 'lock box' that has ensured annual ETR distributions, as required by the statutes, since 1997. The Energy Tax, in one form or another, has been a reliable and significant source of non-property tax revenue for local governments for over a century. Though often underfunded, the 1997 reforms set a floor, below which the fund could not sink. Pursuant to those reforms, sales taxes on energy utility bills and corporate taxes on energy utilities are collected by the State and placed in a dedicated, off-budget Energy Tax 'lock box.' At least \$788.5 million of the funds are dedicated, and must be distributed to New Jersey municipalities for property tax relief.

2 This wouldn't be the first time that the State has used budget language to give itself greater spending discretion. The last time it happened led, over several years, to the deterioration of CMPTRA property tax relief.

By inserting new language in the budget, the State created the Consolidated Municipal Property Tax Relief Aid (CMPTRA) program in 1995. It was a new program, but it didn't provide any new money. CMPTRA was an amalgamation of 12 pre-existing municipal property tax relief funding programs.

In that first year, CMPTRA was funded at \$755 million. In 2001, CMPTRA's best year, the fund provided \$818.5 million. By 2010, due to cuts and the steady shift of property tax relief dollars from CMPTRA to the ETR, funding was down to \$264.7 million. And this year's budget proposal calls for the distribution of \$263.3 million through CMPTRA.

This year, we had hoped to see some indication that the State was ready to begin restoring municipal property tax relief funding to its previous level. But unless the Legislature adjusts the proposal, this will be the eighth straight year of level funding. And in the three preceding years, as the State struggled to balance its budget during the great recession, the level was lowered by about \$320 million.

In a *NJSpotlight* report, earlier this year, Colleen O'Dea noted that since 2007, the CPI has risen by 22%; while property tax relief funding from these sources has decreased by 17%. Municipal officials don't expect any credit for keeping property taxes as low as possible, while continuing to deliver quality services, despite the short-fall. And they will wait, if they have to, for the restoration of that \$320 million.

But, on behalf of our property taxpayers, we will strongly oppose any proposal that changes the Energy Tax Receipts Property Tax Relief Fund from a dedicated source of local revenues, which the state can only reduce at some risk to its own revenues, to another discretionary aid program, which the state can cut to meet some other, future, priority.

Please, remind your Legislators that these funds were established to restore monies from sources that were originally assessed and collected by municipalities. These are, by and large, revenue replacement funds, meant to protect our property taxpayers from the impact of policy decisions made in Trenton, after the state made itself the collector of these revenues. Their purpose was not to make things better for property taxpayers. The purpose was to keep things from getting any worse.

Please ask your Legislators to protect future ETR funding.

S-5 Conditionally Vetoes

On May 10, Governor Murphy conditionally vetoed S-5, which would transfer the management of the Police and Fire Retirement System (PFRS) to a Board of Trustees comprised of Labor and Management representatives. In his veto message, Governor Murphy noted that he is confident that his recommended changes “strike an appropriate balance by both empowering the new board with management of PFRS while continuing to protect the stability of the State’s pension funds, the expectations of PFRS members and, ultimately, the financial interests of the taxpayers of this State.”

The League and Association of Counties opposed S-5 based on the lack of adequate protections and safeguards for property taxpayers.

The Governor’s conditional veto improves the original legislation by adding taxpayer protections and safeguards, such as:

- Having the rate of return determined by the State Treasurer
- Prohibiting any enhancement or reduction of benefits, including cost of living adjustments and changes to employee contribution rates, unless an actuary certifies that it does not increase employer contribution in the

current year, and that such a change will not impact the long-term viability of the fund

- Removing the Board of Trustees’ authority to invest and reinvest the fund’s monies, as that power remains with the State Investment Council and Division of Investments
- Giving the Board of Trustees the authority to formulate and establish, amend, modify or repeal policies that will govern the methods, practices, and procedures for investments, reinvestments, purchase, sale or exchange of transactions, which the State Investment Council would follow for the PFRS fund.

At this time, the Senate has indicated that they will consider the conditional veto on June 7.

The fiscal perfect storm local governments are facing has dissipated a little with the conditional veto of S-5, but on the horizon are the continued expiration of the 2% Interest Arbitration cap, the underfunding of property tax relief, and the impact of federal tax changes regarding the state and local government tax deductions. We call upon the Legislature and Administration to act immediately to renew the interest arbitration cap while we await the recommendations of the legislative committee to address the local property tax structure.

For more on the conditional veto please see our blog post at <https://njlmblog.wordpress.com/2018/05/10/governor-issues-conditional-veto-on-s-5/>

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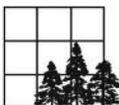
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Around the State

Setting for Summer

Reasoner Park, a popular town center gathering place for public events, features Chatham Borough's iconic gazebo and town clock. The clock was painstakingly restored with hand-painted efforts by resident Jeff Davis for free as a service to the town last year. A place of pride for the entire community, this image was part of the Borough's submission to the Show Off Your City Contest. Most recently, the park was part of the annual Spring Clean event. 📍

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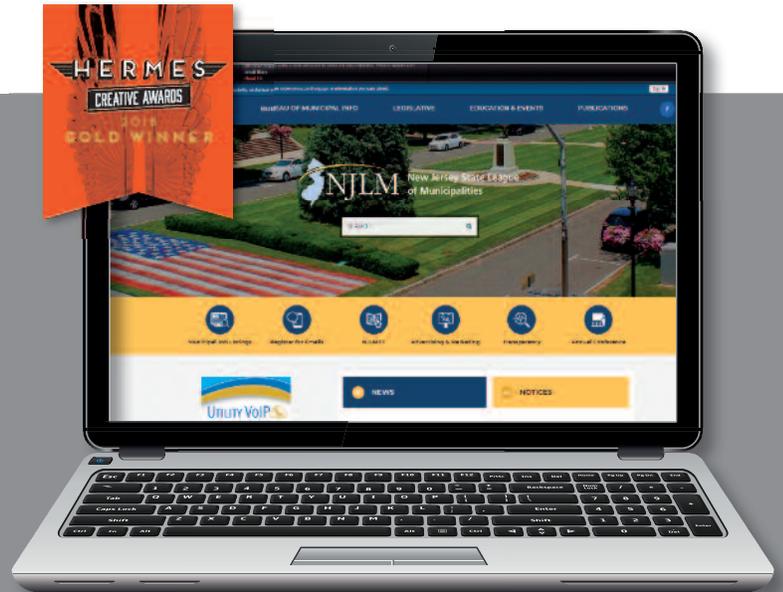
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