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municipalities

Official Publication of the New Jersey State League of Municipalities

December 2019

Cleaning Up Lead

Newark & the State work to resolve water issues

New NJLM Officers & Board

Building Communications in Paterson



Water Infrastructure



ASSESSMENT
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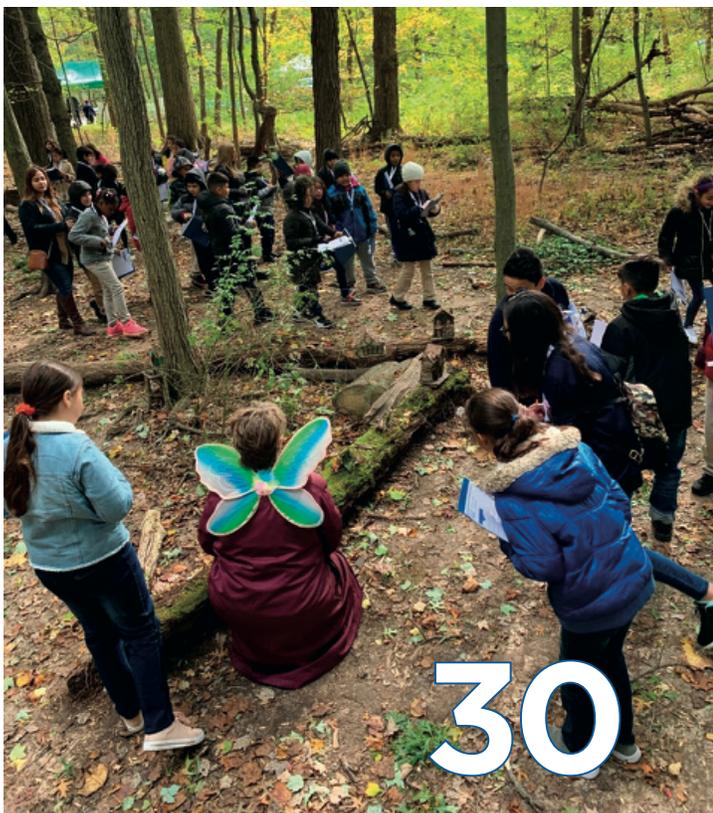
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Resolve to Learn and Grow in 2020

As 2019 draws to a close, municipal officials can have much on their minds. Some need to adjust with the outcomes of elections, most begin to prepare for the next budget cycle and for reorganization meetings, and hopefully everyone has some time to think about new initiatives and solutions discovered at the Annual League Conference. This is often a time for thought and planning for the year ahead. I ask that part of your plan is regular reading of *New Jersey Municipalities*.

Regular reading keeps you uniquely informed on both policy and technical issues facing municipal government and keeps you aware of issue you will be addressing and approaches that have helped others. In this issue, you will gain thorough understanding of the solutions being implemented to correct lead in drinking water. You will read policy summaries from State officials and experts, and you can choose from a variety of technical articles on finance and procurement and legal issues. This content variety is all designed with the municipal perspective in mind to help you address priorities in your hometown.

As you take time to reflect on your municipal priorities, there is one that is well-worth including: your ongoing development of knowledge and expertise in municipal affairs. This goes well beyond understanding the politics of an issue and includes learning from experiences of others, technical knowledge from experts, and communicating with your local professionals to understand specifically how to apply this experience and knowledge in your hometown. Fortunately the League is focused on providing you great opportunities that will help in your ongoing development.

If local elections are changing the elected or professional officials you

will be working with, you can extend a helpful recommendation to these new colleagues to check out the resources at www.njlm.org, particularly the Bureau of Municipal Information. The Bureau has been a part of the League from the beginning and is a repository of specialized and technical information that can bring new officials up to speed on important issues. Another vital resource you can recommend to these new colleagues is attending the Newly Elected Officials Saturday seminars January 11 in East Rutherford or January 25 in Mt. Laurel. These full-day training programs are popular with both new and veteran officials because they combine expert instruction with time to network and exchange ideas over lunch.

And, when considering the importance of ongoing development, don't forget your department heads and professionals. After all, how can you expect to get the best, innovative, and effective solutions locally if you don't invest in their development as well? Your human resources can benefit from access to League knowledge, resources such as subscriptions to this magazine, participating in League webinars and seminars, and obtaining League technical publications and survey data.

Lastly, I recommend taking time to especially make yourself accessible to our next generation of municipal leaders and professionals. As we consider ways to address the brain drain New Jersey is experiencing, the issue is particularly acute in the public sector. As you plan for the year ahead, think of it as an important opportunity to strengthen the next generation of New Jersey's public sector by offering your knowledge, experience, and support for their development.

I wish you peace and goodwill as we close 2019 and prepare for 2020 and beyond. 🍀

Michael Darcy

“
As you plan for the year ahead, think of it as an important opportunity to strengthen the next generation of New Jersey's public sector by offering your knowledge, experience, and support for their development.
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A 10-Year Plan to Eliminate Lead in NJ's Drinking Water

Highlights from a report by Jersey Water Works

CHRIS DAGGETT, *Chair, Jersey Water Works Lead in Drinking Water Task Force*

New Jerseyans deserve a safe, healthy environment to reach their full potential. The dangers of lead exposure have been known for decades, yet it continues to present a major health risk, particularly to young children and pregnant women. These risks include developmental delays, learning difficulties, behavioral problems, and mood disorders, and they persist long after exposure to lead has ceased. Although paint is the leading source of lead exposure, water is also a significant source, especially for infants fed with formula made with tap water that contains lead.

Lead service lines (LSLs), the hose-sized pipes that connect water mains under streets to homes and buildings, exist in communities across the state in both densely populated and suburban areas. As of August 2019, 104 water systems have reported the presence of LSLs in their service areas. This number will grow as more LSLs are discovered by water systems.

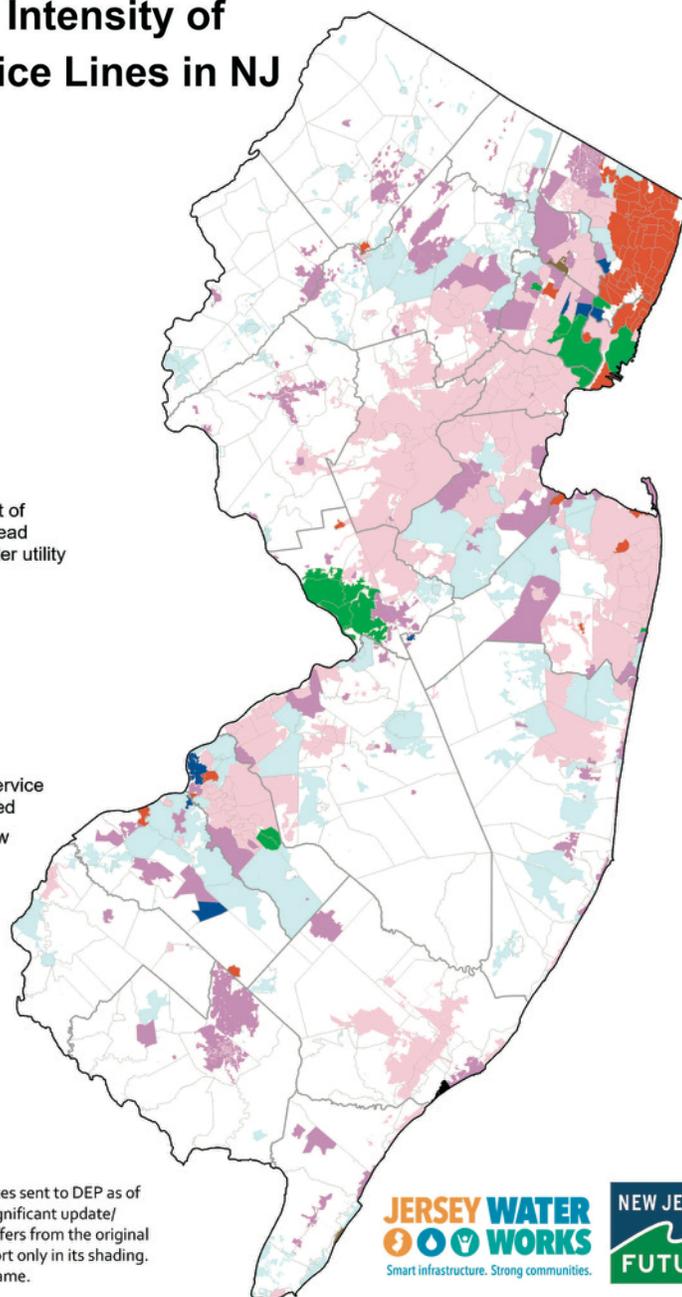
This is a statewide problem that requires a statewide solution. LSLs are responsible for 50% to 75% of lead-in-water contamination, and, as we've seen, interim measures like corrosion control and filters are not fail-safe.

Jersey Water Works, a collaborative of diverse organizations with a common purpose of transforming New Jersey's inadequate water infrastructure, convened a 30-member task force

Estimated Intensity of Lead Service Lines in NJ

Estimated percent of households with lead service line in water utility service area

- ≤ 5%
- 5 to 15%
- 15 to 30%
- 30 to 60%
- 60 to 80%
- > 80%
- zero lead service lines reported
- under review
- well water



Based on water utility estimates sent to DEP as of August 15, 2019 (subject to significant update/revision). This map version differs from the original that was published in the report only in its shading. The underlying data are the same.



to develop a set of solutions to ensure all New Jerseyans can access drinking water free from the risks of lead. The full report, released on October 10, can be found at www.jerseywaterworks.org/leadreport.

Task force actions

The task force consisted of representatives from local, state, and federal governments; water utilities; academia; environmental and public health groups; and community organizations. Together, they identified 19 interdependent steps within five key actions which, as a package, can virtually eliminate lead in drinking water in 10 years.

The recommendations start with a comprehensive state-level campaign to address lead from all sources: water, paint, and soil.

Lead Ombudsman A lead ombudsman, appointed by the governor, is necessary to oversee and coordinate lead-related issues and state departments to establish best practice and address lead holistically.

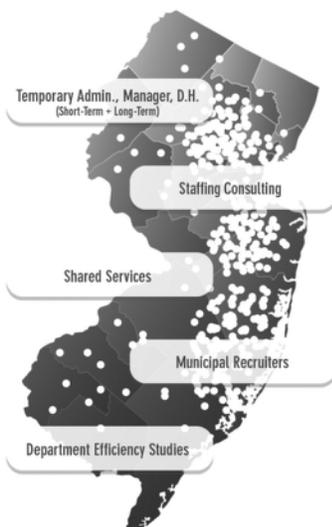
Schools and childcare facilities that have a lead exceedance should be required to submit drinking water management plans and to inform parents.

LSL Inventories Water utilities need to compile LSL inventories that are updated annually. Summaries of these inventories should be shared with state government and compiled in a central, electronic database at the New Jersey

Department of Environmental Protection (NJDEP). Local drinking water utilities should post location-specific data to help protect residents and prompt property owners to remove LSLs. During the real estate transaction process, prospective homebuyers and tenants should be informed if their homes contain lead hazards.

Line Replacement Water utilities should be required to replace the entire length of the LSL pipes from the water main to the house within 10 years, at no cost to property-owners. LSL replacement requires access to each property. Laws to compel property owners to provide access should be enacted.

Replacement Funding The cost to replace a single lead service line is estimated to be between \$5,000 and \$6,700. A 10-year funding program for LSL replacement should be put in place and include these two solutions: authorizing utilities to use rate revenues for total LSL replacement, and providing



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JPM's thorough recruitment and selection process led us to just the experienced professional we were looking for.

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state funds to water utilities that would experience undue financial hardship as a result of the rate increases.

Regulations While the primary source of lead in water is lead service lines, it also can be caused by indoor lead plumbing such as pipes, fixtures, and soldered connections. The Task Force recommended that DEP's drinking water regulations be strengthened and a stakeholder process to do just that has begun. State-funded home inspection and improvement programs should test for all sources of lead and comprehensive educational materials should be provided to at-risk populations.

Testing Kids Children are particularly vulnerable to the effects of lead. Accordingly, the testing cycle of lead in schools' water should be reduced from six to three years to match the requirement for state-licensed child care facilities, and these results should be compiled in a centrally administered and accessible database. Schools and childcare facilities that have a lead exceedance should be

required to submit drinking water management plans and to inform parents.

Long-term investment

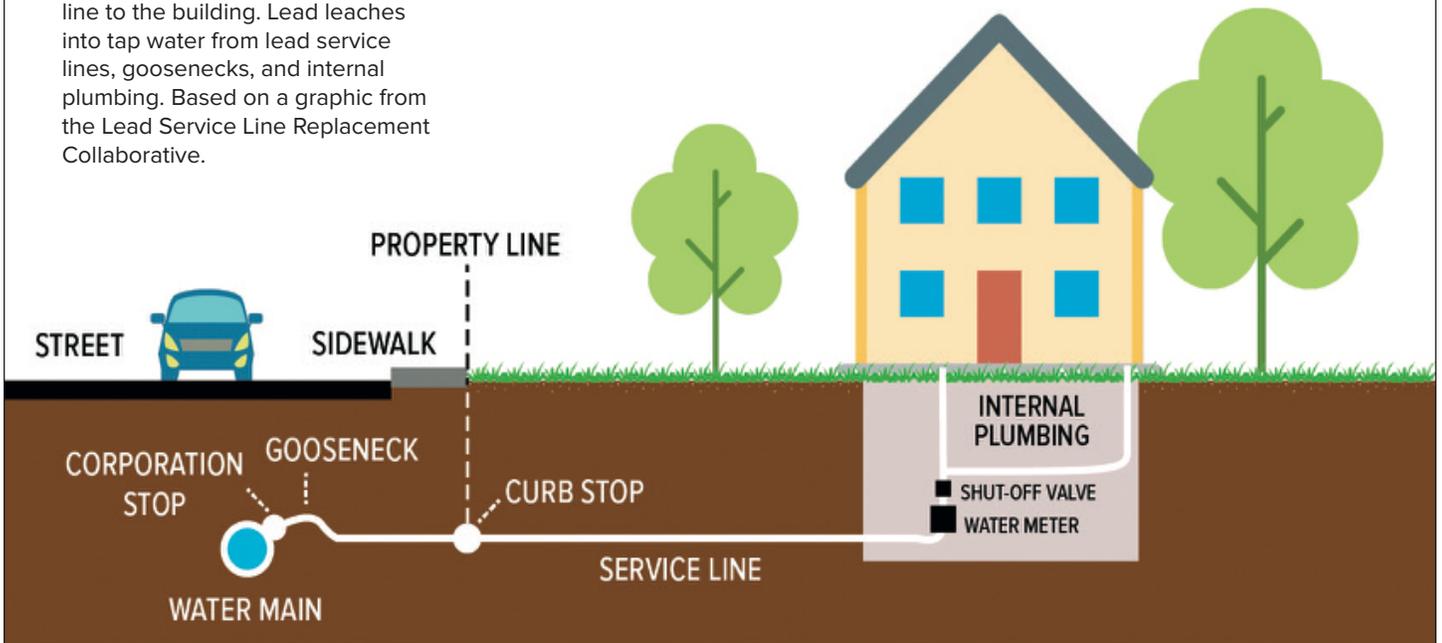
The solution will be costly, and the timeframe ambitious, but it is a one-time investment that will result in long-term

savings in healthcare and special education that will exceed the initial investment. These solutions require action from the state, the legislature, water utilities, and residents to become a reality. Lead in drinking water is a problem we can—and must—solve. ♪



Photo credit: Edwin J. Torres/Governor's Office.

The water distribution system has multiple components, including the gooseneck (a curved connection from the water main) and the service line to the building. Lead leaches into tap water from lead service lines, goosenecks, and internal plumbing. Based on a graphic from the Lead Service Line Replacement Collaborative.



NJ LOCAL APRIL 19-25 GOVERNMENT 2020 WEEK

#njlocalgovt

Celebrate Local Government!

This year, the New Jersey State League of Municipalities invites you to celebrate **NJ Local Government Week**.

We invite you to join in with municipalities across the Garden State **April 19-25, 2020**, to engage citizens while celebrating the work of local government.

NJ Local Government Week is a time for municipalities to encourage civic education, community collaboration, volunteerism, and local pride. Municipalities throughout the Garden State are encouraged to participate, and the NJ State League of Municipalities (NJLM) suggests you get the celebration started with the following:

Showcase. Highlight the programs and services you offer, showcasing the hard work of local government and the value residents receive on a daily basis.

Coordinate. Tap into local resources such as community service and volunteering events in partnership with local organizations to cross-promote NJ Local Government Week.

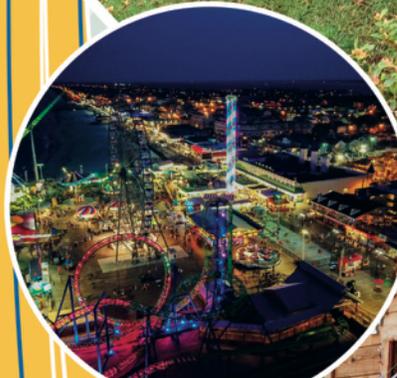
Exhibit. Encourage citizens to share their civic pride with an essay, photography, or design showcase/contest. Why not make it a feeder program for your entry for the League's Show Off Your Municipality photo contest?

Wondering Where to Begin?

The website includes ideas and materials for celebrating **NJ Local Government Week**, publicity tips and strategies, and links to a sample press release and resolution. Information and resources, as well as a downloadable NJ Local Government Week logo, are available at www.njlm.org/njlocalgovt.



BLOOMFIELD CELEBRATES LOCAL GOVERNMENT WEEK



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NOW & THEN



A Healthy New Year One Drop at a Time

AMY SPIEZIO,
Managing Editor

Water infrastructure is a costly concern for municipalities as aging water mains around the state and the nation break down and cause worrisome issues for local government and residents alike. While traffic issues and property damage are major pain points, the serious and permanent damage from lead in pipes getting into the drinking water of children and adults is the most concerning aspect.

This year, New Jersey leadership are making this a major issue, as seen in the contributions to this issue. NJ Governor Phil Murphy notes in his piece about a comprehensive approach for getting lead out of homes in the Garden State (see page 20), “Our administration has committed to bringing together cabinet departments and agencies, county and local officials, housing advocates, and homeowner associations and landlords, to create strong cross-industry partnerships focused on ensuring residents are safe from the far-larger problem of lead in their homes.”

Fewer local government officials in the country and none in New Jersey are faced with a more serious immediate lead challenge than Newark Mayor Ras Baraka. This month he shares his community’s innovative approaches to the challenge of lead in drinking water (see page 22). He noted, “The truth is, Newark isn’t alone. There are thousands of cities across America, big and small, that currently have elevated lead levels in drinking water. Solving this challenge will require bold action and true partnership.”

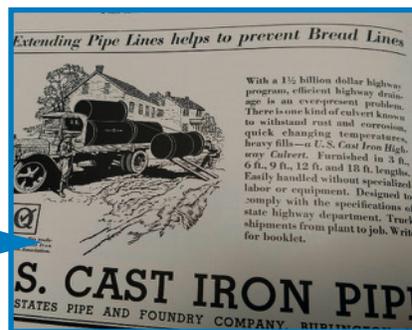
The issue also looks back at 2019 through the League’s eyes with the Annual Report (see page 48). As NJLM Executive Director Michael J. Darcy, CAE, observes, “The challenge of finding solutions locally brought to light an encouraging theme in 2019. Local government stepped up in big, innovative ways to address the problems so many others cannot seem to address.”

We end 2019 on a positive note, with hopes of a healthier and happier State of New Jersey. We look forward to sharing more information and insights with you through the pages of *NJ Municipalities* and hope you send in your ideas and stories to aspiezio@njlm.org to share with your peers in 2020. 🌊

TIMELINE: Water Issues

April 1932

During the Depression Era, civil projects served two purposes: to meet the needs of communities and to employ those left jobless by the economic crisis. Here, an ad for the U.S. Cast Iron Pipe



and Foundry Company promotes its product with the motto, “Extending Pipe Lines helps to prevent Bread Lines.”

April 1957

“Even if the only change caused by the development is an increase in the volume of run-off, this alone may lead to serious flooding and damage to other property, especially if the flow is concentrated in one place.”

—Thomas P. Cook, Possessor’s Use of Land Affecting Flow of Surface Waters



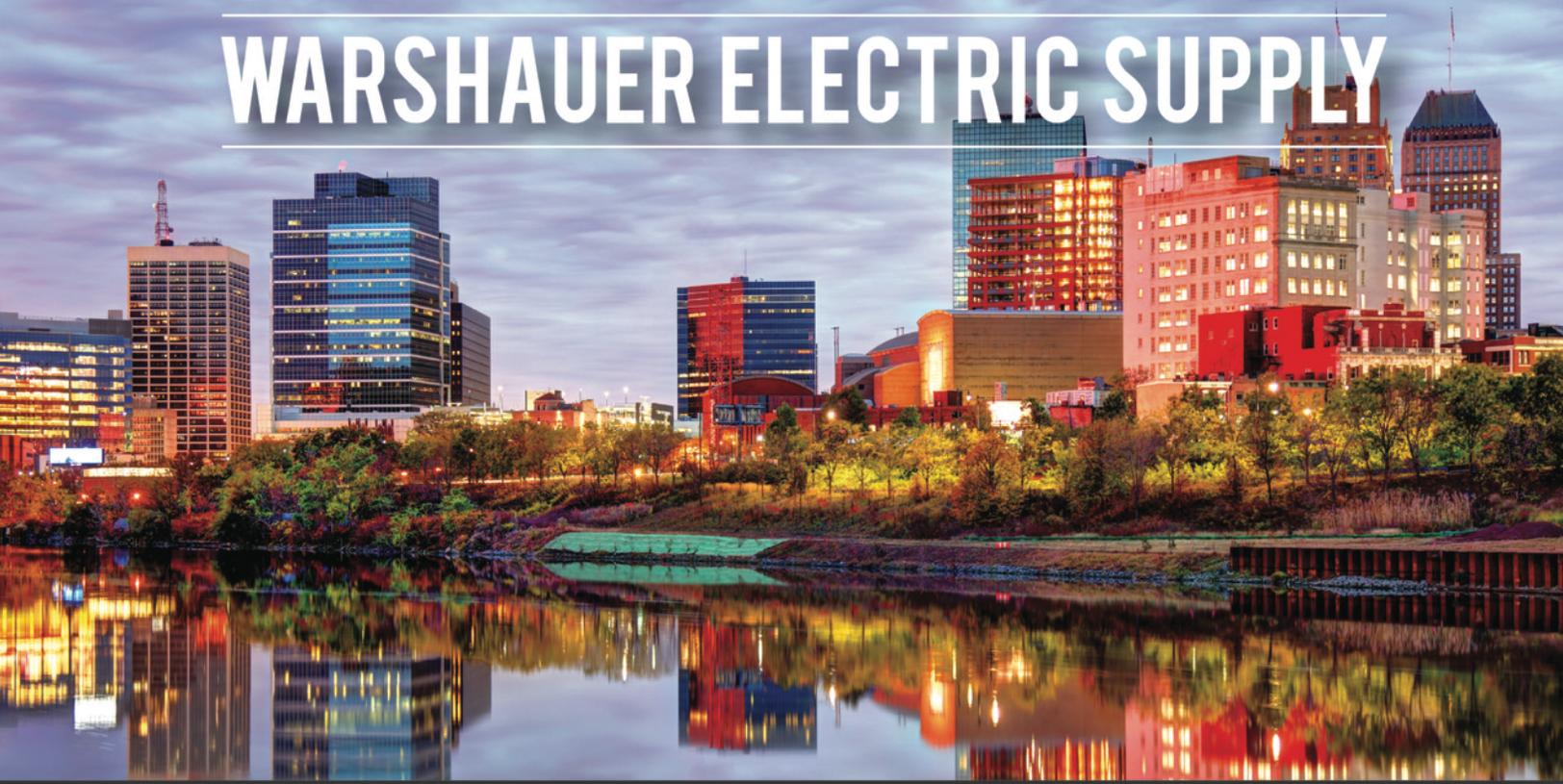
November 1998

“Although the prospects of financing expensive projects can seem daunting to local officials, the consequences of avoiding these responsibilities are likely to be even more expensive.”

—Clean Water Doesn’t Have to Break the Bank, Ellis S. Vieser, Chairman, NJ Environmental Infrastructure Trust



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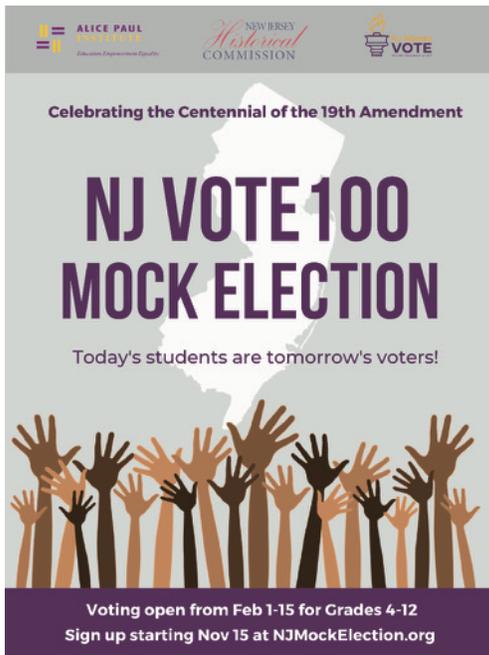
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This Month



Getting Involved:

NJ Vote 100 Runs Online Vote for Students

On February 9, 1920, New Jersey became the 29th state to ratify the Nineteenth Amendment to the U.S. Constitution. The statewide NJ Women Vote: the 19th Amendment at 100 project is sponsoring an online election for school students to mark this pivotal moment in New Jersey history.

The NJ Vote 100 election is open to students in grades 4-12 throughout the state. During the month of February, 4th through

8th graders can vote on two “public questions”—one on making Daylight Savings Time permanent and another on delaying the start of the school day. Students in grades 9 to 12 will vote on the same questions as well as the 2020 presidential primary.

NJ educators can sign up classes to participate in NJ Vote 100 at www.njmockelection.org. Results will be tabulated and published online with comparisons by county and Congressional District.

This project is a partnership between the New Jersey Center for Civic Education and NJ Women Vote, a statewide collaboration involving 70+ organizations that is co-chaired by the New Jersey Historical Commission and the Alice Paul Institute. Visit www.discovernjhistory.org/njwomenvote2020 to learn more.

New Jersey elected officials, whether on the municipal, county or state level, are invited to get involved with the NJ Vote 100 election. Encourage your local schools to participate and visit the schools in February to vote along with the students. The NJ Vote 100 election provides an engaging opportunity to participate in the state’s democratic process and honor the monumental feat American heroes made in ensuring citizens the right to vote. More than ever before, young voices are taking an active role in shaping our nation’s democracy. Help build on this excitement and give New Jersey students a sense of civic duty. 🇺🇸

@ Visit NJ Women Vote: The 19th Amendment at 100 at www.DiscoverNJHistory.org

New Police and Fire Labor Data Released



This October the League published the first edition of the latest Police and Fire Labor Data Service. The last time this data was updated was in the fall of 2016. This service provides resources tracking the trends in police and fire contract settlements. Included are selected contract provisions, such as: agreement years, college provisions, travel reimbursement, vacation and longevity schedules, health benefits, and more. Also included are department salary scales, which include a calculation of horizontal and vertical increases for each year. A full list of the contract provisions included in this dataset can be found at www.njlm.org/PoliceandFire.

League staff began collecting this data in January 2019, and will continue collecting through 2020. Because the League’s goal is to provide its membership with the most current data for the most departments across the State, and because the League knows how important and time sensitive this information is, we are releasing this data in two editions. The first edition is available now, and includes all data that has been collected thus far, including data for approximately 330 police departments and 50 fire departments. The second edition is anticipated to be available in spring 2020. Once the second edition is available, it will be emailed automatically to all those that purchased the first edition.

With purchase, the data will be emailed as Microsoft Excel files, allowing users to easily search and sort through information as it best applies to individual municipalities. To order your copy, please visit www.njlm.org/publications. 🇺🇸

Statewide Tourism Program Highlights Elizabeth's Revolutionary History



Dating back to 1664 as the state's original capital, Elizabeth is now home to the Crossroads of the American Revolution NJ Statewide signage program. The story of the City of Elizabeth's deep Revolutionary War heritage is now being told by two interpretive signs located outdoors on the campus of the historic First Presbyterian Church and burial grounds on Broad Street.

The signage was unveiled by representatives from the City of Elizabeth, The Elizabeth Destination Marketing Organization [EDMO], the Greater Elizabeth Chamber of Commerce, Crossroads of the American Revolution, and the Snyder Academy.

The Elizabeth markers are a vital part of the Crossroads of the American Revolution Association's statewide signage program to create a recognizable brand for more than 200 sites that tell the story of New Jersey's crucial role in the war for independence. Featuring the six-pointed star used in the original United States flag, the signs are designed to make it easier for residents and heritage tourists to locate key Revolutionary-era historic sites and learn more about the state's deep Revolutionary War heritage.

Janice Selinger, executive director of Crossroads of the American Revolution noted, "Crossroads is proud to highlight the many contributions of Elizabeth's Revolutionary notables, especially as we work towards ... the commemoration of the nation's 250th anniversary in 2026."

"As the first capital of New Jersey and home to our first Governor, Elizabeth has played a vital role in our state's and nation's past," said Mayor J. Christian Bollwage. "Now residents and visitors can learn about Elizabeth's deep ties with the Revolutionary War through these informative signs and what better place to do so than in front of the City's First Presbyterian Church, where the first Colonial Assembly met in 1668." 📍

@ For more information, visit www.revolutionarynj.org



The CAI New Jersey Legislative Action Committee (NJ-LAC) is your go-to resource for community association issues. Through one united voice for legislative and regulatory issues, NJ-LAC builds relationships and educates state and local officials.

League Ethics Seminar Takes Attendees “Down the Rabbit Hole”



Shown above: Susan Jacobucci, Esq., speaks at the event in Hasbrouck Heights. An audience follows the in-depth ethics session.

The recent Down the Rabbit Hole: Ethics for Local Government Seminar walked attendees through case law and life examples of the many ethical dilemmas officials face.

Presenter Susan Jacobucci, Esq., Administrator, Borough of Paulsboro spoke about ethics in two-part session held in North and South Jersey.

The first part of the program updated recent cases and laws germane to government employees and elected officials, including Federal, State, and local case and trends within the courts.

The second half of this seminar explained why employees and elected officials may “fall down the rabbit hole” when presented with ethical dilemmas. It also reviewed the Local Government Ethics Laws and the Criminal Code, with examples of how officials often “get lost” within their own decision making process and reviewed best practices. ↴

Code Firms Consolidate

New Jersey municipalities currently use International Codes (I-Codes), the most widely used and adopted set of building safety codes in the world, as the basis for its construction and safety ordinances, covering structural, fire prevention, mechanical, resiliency and energy. Code content, digital access and codification services were available from General Code and NJ-based Coded Systems until this past July when the Code Council announced the merger of the two largest codification companies in the state.

“This merger allows us to combine the strengths of both companies and offer more robust services to our clients in New Jersey,” says General Code Chief Operating Officer Lynn Martin. Now operating as General Code, the new partnership will support the growing needs of code officials, municipal planners and zoning officials by providing more powerful and innovative ways to access, use and share code content. ↴

DECEMBER

December 5

The Americans with Disabilities Act
DoubleTree Hotel, Tinton Falls

January 11

Orientation for Newly Elected, Reelected, and Experienced Municipal Officials
Hilton Hotel, East Rutherford

January 25

Orientation for Newly Elected, Reelected, and Experienced Municipal Officials
Westin Hotel, Mount Laurel

FEBRUARY

February 22

Budgeting for Elected Officials
Conference Center at Mercer, West Windsor

Visit www.njlm.org/seminars or contact Danielle Holland-Htut at dholland@njlm.org or 609-695-3481, Ext. 118.

Data Center



The website Jerseydigs.com reports that short-term rentals from Airbnb are soaring in the Garden State. Reporter Chris Fry noted, “Home-share giant Airbnb’s recently released statistics about short-term rentals they commissioned in New Jersey are eye-opening. The company says the state’s host community is expected to earn a combined \$88 million in supplemental income as they welcomed approximately 438,900 guests from Memorial Day through Labor Day, which set a record for short-term rentals in New Jersey.”

For the second year, Hudson County was the top county destination for Airbnb summer rentals, drawing about 141,800 guests throughout the season generating \$26.2 million. Following is a rundown from Airbnb of the total summer 2019 guest arrivals and host income.

Read about Jersey City’s ballot question on this matter in next month’s issue. [↗](#)

| County | Total Summer 2019 Guest Arrivals | Total Summer 2019 Host Income |
|------------|----------------------------------|-------------------------------|
| Atlantic | 43,800 | \$7.6 million |
| Bergen | 11,300 | \$2.6 million |
| Burlington | 1,000 | \$152,000 |
| Camden | 2,800 | \$392,000 |
| Cape May | 114,300 | \$25.7 million |
| Cumberland | 1,800 | \$299,000 |
| Essex | 25,500 | \$3.3 million |
| Gloucester | 790 | \$108,000 |
| Hudson | 141,800 | \$26.2 million |
| Hunterdon | 3,300 | \$606,000 |
| Mercer | 6,700 | \$1.5 million |
| Middlesex | 4,600 | \$804,000 |
| Monmouth | 23,000 | \$5.8 million |
| Morris | 1,600 | \$519,000 |
| Ocean | 34,900 | \$9.1 million |
| Passaic | 5,500 | \$956,000 |
| Salem | 900 | \$110,000 |
| Somerset | 960 | \$246,000 |
| Sussex | 3,900 | \$569,000 |
| Union | 9,400 | \$1.2 million |
| Warren | 1,000 | \$144,000 |

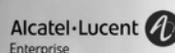


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Garden Statements



Project “Keep Wood-Ridge Beautiful” Celebrates 20th Year

The Keep Wood-Ridge Beautiful Committee, Mayor, and Council, were joined by more than 175 volunteers for the group’s 20th annual cleanup day.

The purpose of this event is to raise awareness of our environment and the impact of litter.

Councilman Ezio Altamura and Councilman Ed Marino, Co-Chairmen, KWRB Borough of Wood-Ridge, noted that Hackensack Street, Valley Boulevard, and the ramps on Route 17 were cleaned while flowers were freshly planted at the

Library, Civic Center, Senior Center, CE Doyle School, and Veterans Park on Valley Boulevard. A shredding event was also held in front of the Civic Center sponsored by the Bergen County Board of Health and the BCUA.

FSP WARRIOR WEEK 2019

Fanwood and Scotch Plains United in Honoring our Veterans and Their Contributions to our Community

Fanwood Celebrates Warrior Week

Fanwood hosted a series of events in November for Warrior Week, dedicated to military experiences and veteran celebration.

Warrior Week included a series of events in Fanwood culminating with Fanwood Scotch Plains Veterans Recognition Committee Salute to Veterans BBQ in Scotch Plains; 100% of the profits went to the Veterans Recognition Committee as well as veteran events held throughout the year.

Oshanda Erb, Fanwood resident and VRC representative, spearheaded the first annual week-long event for the Borough of Fanwood. “At first, it started out as a simple idea: getting the community involved and teaching more about veteran experiences,” she said. “Then, it generated a buzz. Why not have the community be a part of veteran experiences, understand what it means to be a veteran and what it means to be in support of our veteran community? That’s when the magic happened.”

“Oshanda has been a longtime Fanwood resident and we are extremely thankful to her for working so hard to put this event together,” said Mayor Colleen Mahr. “Fanwood is home to so much support. What better way to show that camaraderie throughout the town than to celebrate our veterans and honor their service and commitment? We are so excited to kick off Warrior Week!”

Events included Reading Veterans: Heroes in our Neighborhood; Recognizing Women Veterans; Warrior Week Cadence Run, and Paint and Sip with Creative Scene Brooklyn. 🇺🇸

AVAILABLE NOW!

Police & Fire Labor Data Service

This data will be released in two editions. A 1st edition (now), & 2nd edition expected in spring 2020; anyone that purchases the 1st edition will receive the 2nd edition when it becomes available.

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Data includes selected contract provisions and department salary scales.

PUBLISHED IN OCTOBER 2019!

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NJLM New Jersey State League of Municipalities

LeadersLink Launches Disaster Leadership Award



LeadersLink is establishing the Tommy Longo Disaster Leadership Award, an annual nationwide award to recognize an elected official at the city or county level whose efforts have enabled his or her community to recover successfully from a disaster. It is named in honor of LeadersLink's first disaster mentor, former Waveland, Mississippi Mayor Tommy Longo, who died in March and spent years coaching communities through the disaster recovery process, including some of the Jersey Shore towns.



5) Speed of recovery.

6) Initiative and innovation displayed during recovery.

7) Efforts made by the official to protect the community from future disaster losses.

Any individual elected to office at the city or county level of a community that suffered physical damage following a disaster sometime in the past 10 years is eligible to be nominated for this award.

They can be nominated by any individual or organization interested or involved in city/county governance, community emergency preparedness or disaster recovery. Individuals also may self-nominate for this award.

The winner will be announced in the spring of 2020 and the award will be presented in a ceremony in the winner's community.

Completed nomination forms should be emailed to Info@leaderslink.org by December 31, 2019. ↴



The Criteria for the award is:

1) Recent disaster.

Disaster must have occurred after January 1, 2010.

2) Resilience.

The city or county is thriving and has successfully recovered.

3) Extent of damage.

The community suffered at least 40% physical damage.

4) Staying Power.

The community was able to maintain at least 90% of its pre-disaster population.

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Shamong: Pot growing capital of NJ? You may say I'm a dreamer, but I'm not the only one

MICHAEL DICROCE, *Mayor, Shamong Township*

Imagine: What if we could create 100 new jobs in Shamong, drastically cut property taxes, increase home values, help fund our schools, and build a new community center complete with Olympic-size pool?

What if we could do all this while protecting our children, air, water, supporting our farmers, and keeping the sleepy, pristine Pinelands feel of our hometown unchanged?

The previously restrictive NJ medical marijuana law was recently changed so that its use is now approved for pain or anxiety, leading to many new applications and increased demand for new growing facilities.

Legislators introduced a bill in the state Senate to legalize the use of marijuana for pleasure but, this is currently stalled and will be placed before the voters next year.

So, legalization is coming. No matter how you feel (those over age 70 “no way,” between 40- 69, “why not,” under 40 “about time”), can we position our Pinelands town and State to benefit?

Governor Murphy has come out in support and has been “pushing” this idea as a way to help balance our out of whack budget deficits.

Nine other states (Alaska, California, Colorado, Maine, Massachusetts, Nevada, Oregon, Vermont, and Washington) have already legalized recreational use and are using the newly generated taxes to fund everything from school funds to reducing property taxes.

I believe that the Governor is on the right track and this action, along with spending cuts, could be just the thing to stop the flight from NJ, reduce property taxes, fund pensions,

and bring common sense to the laws by redirecting police to fight violent crime, while increasing personal liberty.

I understand that there are many hands in this pocket. A 15% tax to the state on the growth and then the sale, makes sense to me. Colorado just announced it has raised \$1 billion from the tax revenues as a result of legalization. Imagine the big changes could we make in NJ with \$1 billion in new tax revenue, representing about 1.5% of the states budget?

Let's deal with the social justice issue by making expungements automatic for those non-dealers convicted of less than 1 ounce of possession.

So, legalization is coming. No matter how you feel (those over age 70 “no way,” between 40- 69, “why not,” under 40 “about time”), can we position our Pinelands town and State to benefit?

In addition to calling for the state to share a portion of the taxes collected in a “Local Government Fund,” I propose that Shamong impose a license fee and special property tax for every business seeking to enter this market. These funds would be used to lower our local taxes, hire new local workers, fund our school budget, and build a community center serving our residents.

I have asked our Shamong residents if we should take action to encourage farm activity and allow cannabis and hemp growing as a permitted farmland activity. The overwhelming answer has been positive. Recently we passed a resolution and after full discussion and agreement, I hope our ordinance will be passed and cannabis manufacturers will discover our free, crystal clear Pinelands air and water, our safe, clean, and business friendly community so that we can supply the entire State.

Some people say we “killed the goose that laid the golden egg” by taxing the casino industry, overregulating, charging for parking, increased police targeting of casino goers, and that these changes conspired to create competition from Pennsylvania, Delaware, and New York, killing Atlantic City.

Let's be smart...take the lessons that have worked in other states, reduce crime, increase revenue, increase personal responsibility and liberty. 🦋

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Community-Based Solutions to the Gun Violence Epidemic

LOU GREENWALD, *Assembly Majority Leader, District 6*

Over the last few years, gun violence has risen to the forefront of the public consciousness. There isn't a day that goes by that we don't hear about the tragedies of gun violence in the news. From Columbine to Sandy Hook, Parkland to El Paso, these atrocities are publically remembered and mourned, but the consequences of gun violence are more pervasive than what we see on the news or read on Facebook. It affects our communities, families, and especially our children.

In New Jersey, we have proactively taken action on this epidemic and enacted common sense gun safety measures such as "Red Flag" laws which allow law enforcement to temporarily remove firearms from an individual exhibiting violent tendencies with the intent to do harm. We strengthened background checks, banned armor piercing bullets to protect our police officers and reduced magazine capacity from 15 rounds to 10.

Because of the reforms we have made, New Jersey has the 6th lowest gun death rate; and yet, New Jersey still sees more than 1,000 gun related incidents each year, exacting a high physical and emotional toll on families and communities throughout our state. When you factor in healthcare related costs, law enforcement and criminal justice expenses, and loss of income, gun violence costs our economy approximately \$1.2 billion each year. It has a direct annual cost to New Jersey taxpayers of approximately \$273 million. Our entire state is impacted when victims and their families are hurt by gun violence.

Gun violence is not just a criminal justice issue, it's a public health issue. And it's why we recently enacted legislation to invest in evidence-based violence intervention and prevention strategies, like the Hospital Based Violence Intervention Program currently being operated at University Hospital in Newark. These programs reach victims of gun violence and others touched by violence right at the time of their crisis. They leverage the moment when medical care and treatment can be combined with social services, mental health counseling, job placement,

and education to change the mindset of guns and violence, effectively preventing future incidents from occurring.

When you factor in healthcare related costs, law enforcement and criminal justice expenses, and loss of income, gun violence costs our economy approximately \$1.2 billion each year.

In Baltimore, a hospital-based violence intervention program found an injury recidivism rate of 5% compared to 36% for non-participants, which represented an estimated savings of \$600,000 in health care costs. In some communities in Massachusetts, these evidence-based violence intervention programs have helped to cut the rate of gun homicides in half over the span of 6 years. And at University Hospital in Newark, they calculated that if they can prevent 2.5 patients from returning to the hospital as a result of gun violence the program is rendered cost-neutral. They have successfully intervened in over a dozen cases.

As a result of this legislation, the New Jersey Attorney General recently announced the allocation of \$20 million to establish nine hospital-based or hospital-linked violence intervention programs across New Jersey. This funding is critical for our communities that experience a disproportionate rate of gun violence and will help expand desperately needed services to victims. We have a real opportunity to prevent and end the cycles of gun violence that plague our communities. I am confident that if we can work together and partner with hospitals and community-based organizations, we can turn the page on this public health crisis and get our residents the support and resources they need to recover and move forward with their lives. 📌

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Get the Lead Out

A comprehensive approach for New Jersey

PHIL MURPHY, *Governor, State of New Jersey*

Lead in New Jersey's drinking water has been making the headlines recently because of the immediacy that Newark's aging water infrastructure has forced upon us. However, lead contamination is a problem that we know extends far beyond Newark's borders and far beyond just water.



Working across agencies and with stakeholders from around the state, our administration has developed a truly comprehensive and whole-of-government approach to removing the danger of lead from our communities. I look forward to continuing to work with Senate President Steve Sweeney and Assembly Speaker Craig Coughlin to make New Jersey the model for addressing this nationwide scourge.

In 2019, it is unacceptable that children are still exposed to lead in any form. The harms of childhood lead exposure, and the lifelong damage it causes to brain and neurological development, are widely documented. Children with lead poisoning are more likely to require additional health care and special education supports. They are seven times more likely to drop out of school and become involved with the juvenile and criminal justice systems.

Lead exposure has a disproportionate impact in environmental justice communities that are already overburdened with higher-than-average health concerns for their kids—such as the children in Newark's South Ward who experience asthma rates many times that of their peers. But, the problem exists across the state.

Lead-based solder was not banned in plumbing until 1986. Lead wasn't prohibited from being added to house paint until 1978. Yet, two-thirds of our statewide housing stock predates 1980. The risk of lead exposure runs broad and deep.

As statewide data recently mapped by New Jersey Future

clearly shows, lead water-service lines are just as easily found in well-heeled shore communities, in middle-class suburbs, and in small towns in rural counties. And, these are also just the ones we know about. As water systems continue to report their inventories to the Department of Environmental Protection, we expect the number of known lead service lines to grow.

Likewise, whether it is an apartment in Newark, Trenton, or Camden, a quaint farmhouse in Morris Township or Upper Freehold, a Victorian in Lambertville or Cape May, or a ranch or split-level practically anywhere else, it is likely that the base layers of paint contain lead. Over decades, the constant opening and closing of windows and doors in these homes has slowly eroded those paint layers to create a fine, practically unseen dust on windowsills and floors that contains lead.

Any effort to tackle these twin problems—lead-based water lines and lead-based paint in homes—will take dedicated and targeted funding. So, we have begun the work to ask the voters in the 2020 November general election to support a statewide bond initiative to invest \$500 million necessary to properly undertake this broad effort.

With this funding, we can set a realistic and achievable goal of removing and replacing all lead service lines across the state within 10 years. It dovetails with our work to use \$100 million from last year's successful Securing Our Children's Future bond act to remediate lead in water in our schools.

This will require broad partnerships and further investments

by water systems, developers, and county and local governments and authorities. It will require action by the Legislature to not just put our financing proposal to the voters, but to pass the measures necessary to implement our clear plan of action.

Our administration has committed to bringing together cabinet departments and agencies, county and local officials, housing advocates, and homeowner associations and landlords, to create strong cross-industry partnerships focused on ensuring residents are safe from the far-larger problem of lead in their homes.

We will work with the Legislature to create a “lead safe” certificate program requiring inspection and disclosure of lead hazards at point of sale and inspection and remediation for all rental homes built before 1978. This will ensure that prospective buyers will know of the presence of sources of lead contamination and prospective renters will know that key sources of potential

lead contamination have been properly dealt with, whether through abatement or remediation.

And, just as we require children to receive prescribed vaccinations before they enter a childcare setting or begin their public-school educations, we must similarly require children to be tested for lead exposure, so we can pinpoint trouble spots and, alongside public health agencies, respond to exposure at the moment it is discovered.

Of course, to accomplish our goals, we will need a properly trained workforce. Right now, that’s another challenge we face. At least one-third of our water and wastewater operators are at or near retirement age. As of this past August, there were only 60 certified lead evaluation contractors and 46 certified lead-abatement contractors specializing in residential contracting in the entire state. We need to greatly augment these ranks.

We will work with our high schools and technical schools to implement new workforce development programs. We

will also work with the Legislature to see where we need to reform licensure requirements so more candidates can be put in the field. And, we will work with our federal delegation to secure passage of the Water Workforce Development Act—cosponsored by Senator Cory Booker—so we can tackle this challenge at all levels.

The issue of lead is a true public health challenge. We must work, across our administration and across organizations, to ensure we not only are taking the proper preventative measures, but to support those children and families currently impacted by lead. The program we have put together will ensure transparency and accountability across our work.

Every lead service line we can replace is a step forward. Every home we can ensure is “lead safe” is a step forward. It is time for us to ensure that not just this generation of New Jerseyans is safe from lead exposure, but that the generations of New Jerseyans to come remain safe. 🇯🇵

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A Time to Act!

Newark addresses the challenge of lead in drinking water with innovative approaches

RAS BARAKA, Mayor, Newark; Member, NJLM Executive Board



Breaking ground on the lead line replacement effort: Newark Mayor Ras Baraka; Kareem Adeem, Acting Dir. Newark Dept. of Water and Sewers Utilities; NJDEP Commissioner Catherine McCabe; Danielle Smith, Newark Director of Finance; Mrs. Mullins, Newark home owner and resident; North Ward Newark Council Member Anibal Ramos, Jr.; Newark Council President Mildred Crump, NJ Infrastructure Bank Executive Director David Zimmer; Newark Council Member-At-Large Carlos M. Gonzalez; Alfonza Plumbing's James Reeves.

Like many communities across the country whose demand for services seem to outweigh their supply of resources, Newark is constantly looking for innovative approaches to solve complex issues. Elevated levels of lead in drinking water is a national issue impacting American communities and their families that needs to be addressed expeditiously; this issue across all geographic, social, and economic lines, with collaboration, will no longer be an elephant in America's living room. In 24 to 30 months, the City of Newark will be able to drastically address an infrastructure problem that has plagued American cities for decades.

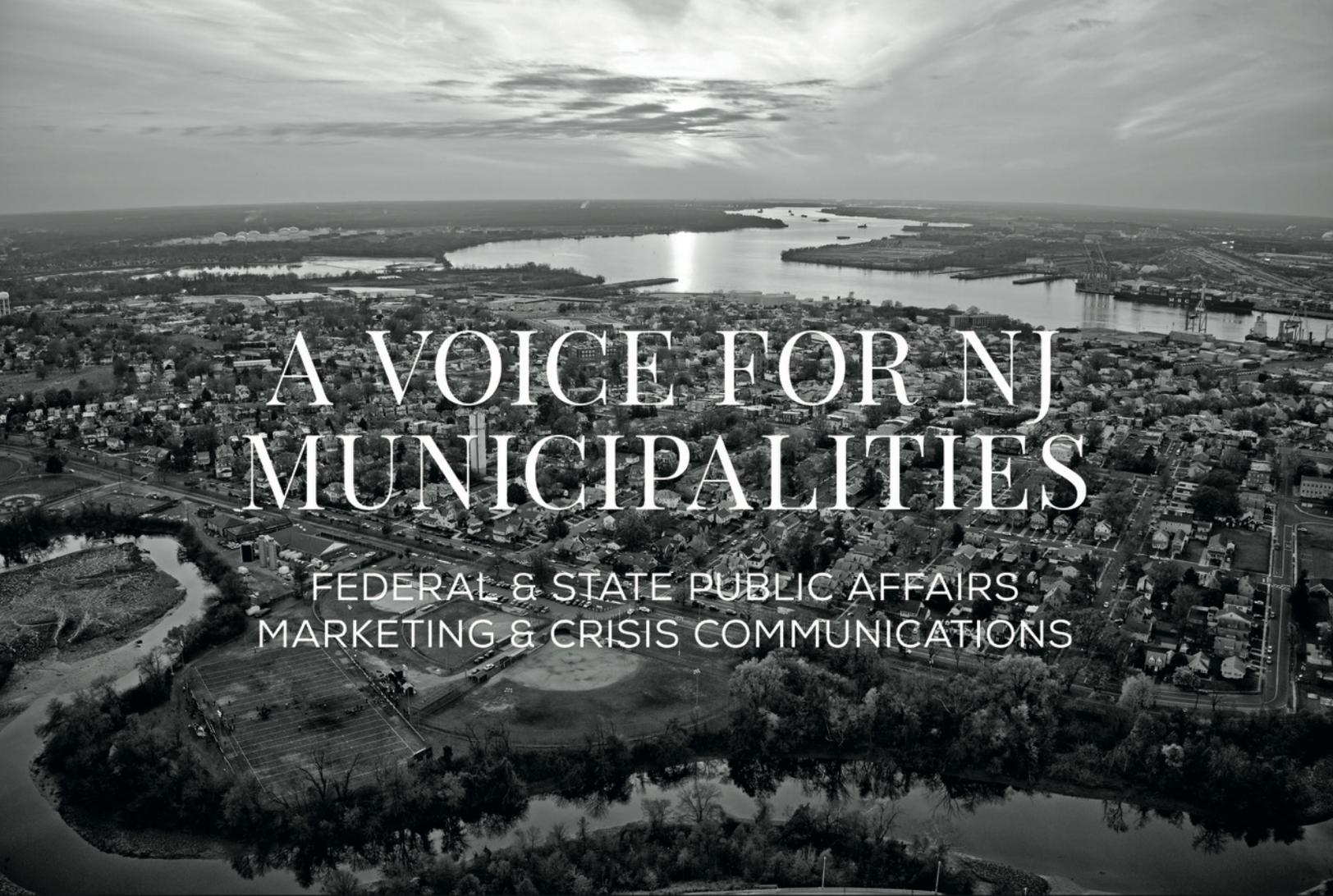
Currently, approximately 18,000 privately owned lead service lines that carry Newark's drinking water from the city's water mains into the homes of our residents are on task to be replaced with copper. When the City of Newark is through with this massive and pioneering project not only will it be at no cost to residents, but it will have been done at a rapid pace, seven years ahead of schedule.

This work was not easy but the critical investments were made to secure this funding and the local and state policy that was

crafted and adopted to ensure that families would be protected. If we fail to take action or invest in our nation's infrastructure, this will still be a persistent problem for many cities across America.

Minimizing risk

According to the American Water Works Association, there are more than 6 million lead service lines remaining in the United States, and replacing all of them is estimated to cost an astounding \$30 billion.



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Newark Mayor Ras Baraka, NJ DEP Commissioner Catherine McCabe, and Mrs. Mullins launch a Lead Service Line Replacement Program.

The city of Newark, the largest city in NJ and one of the oldest cities in the US, was recently faced with its own challenges. Water testing found elevated levels of lead in homes with decades-old lead service lines or plumbing containing lead. The corrosion control system, which worked effectively for almost 25 years at preventing lead from releasing off these pipes, became less effective over the last two years. While our source water remains clean, it is the last stretch of pipes, on private property between the street and inside approximately 18,000 homes, where lead from service lines may be getting into the water.

Under my leadership, the City of Newark has aggressively worked to minimize risks of lead for our residents. We offer free water testing and free blood testing for children under 6. In May, we launched a new corrosion control system, and experts expect to see a reduction in lead levels by the end of this year.

To date, the City has gone door-to-door distributing over 38,000 water filters and 31,000 replacement cartridges to impacted residents on the city's budget. When we received test results that filters may not be working as well as expected, out of an abundance of caution, the City and State quickly sprang into action and worked to provide bottled water to

impacted residents until additional testing can be completed.

While the actions we took are necessary and urgent, my first priority is to the health and wellness of Newark residents. The truth is the only permanent solution to protecting Newark residents—and citizens across the country—is to upgrade our nation's drinking water infrastructure and remove the remaining lead lines. Achieving this goal is only possible when our elected officials in Washington recognize that fixing our infrastructure is a priority and provide the necessary financial support to fix it.

Replacement program

To this end, the City launched a Lead Service Line Replacement Program in March that has so far replaced over 1,000 lead lines in Newark. As a city with one of the nation's highest rates of renters—74%—a major obstacle we face is securing permission from the owners of tenant-occupied properties. Tenants deserve to have access to clean, safe water and shouldn't be at the mercy of their landlords.

A significant \$120 million investment, made possible by the Essex County Improvement Authority, will allow us to hire additional crews and dramatically accelerate our lead service line replacement efforts. Thanks to this additional funding,

the City of Newark will be able to fast track lead service line replacements at no cost to affected property owners. At the same time, we are working on local legislation that will allow us to begin changing lead service lines without the permission of homeowners. This directly targets those renters that are not able to identify their landlords.

This wasn't an easy feat. We worked diligently with the State of New Jersey to change the law that would allow us to use public monies to fix private lines. We then had to bond our own money first and work with the State to subsidize that bond that would then allow us to waive at least 90% of the cost of the work away from the homeowner, and that process would've taken the city at least 8 years to complete.

This new money cuts that time exponentially and allows us to offer a fix to everyone for free. We knew we had to fix this problem—we had to find, as many cities do, local solutions to spur national movement. There must be an investment in our water infrastructure if we are to find a way forward.

Local, State, and Federal partnership

The incredible partnership between the City of Newark, the Essex County Improvement Authority and the State of



A History of Lead

Our biggest threat to drinking water is lead service lines. In the 1800s, lead pipes were increasingly used to distribute water in America's older cities like Newark. As early as the 1800s, public health officials raised concerns about lead pipes and lead in water. Yet, at the turn of the century, lead service lines were still being installed in 70% of cities with more than 30,000 residents. By the 1920s, cities started to move away from using lead pipes, but it wasn't until the 1980s when lawmakers finally banned the use of lead pipes in construction. The City of Newark banned lead in water pipes in 1953—a full 30 years before the federal government.

Fast forward to today, and in many older homes and cities across the United States, lead service pipes remain. In NJ alone, it has been estimated to be about 350,000 lead service lines.

New Jersey made the funding possible. At the same time, US Senator Booker's bill, the Water Infrastructure Funding Transfer Act was recently signed into law. This bill would give states facing a threat to public health from lead in drinking water the flexibility to make a one-time transfer of the federal funds in their Clean Water State Revolving Fund to their Drinking Water State Revolving

Fund for projects that will remove lead from drinking water. This is a true testament on how our local, county, state and the federal government should continue to come together and seek solutions. Throughout this difficult challenge, our amazing corporate and community partners from Newark and people from across the United States played a key role as well and have stepped

up to provide support to their neighbors during a time of need because they know Newark's success will impact their future success.

A national issue

The truth is, Newark isn't alone. There are thousands of cities across America, big and small, that currently have elevated lead levels in drinking water. Solving this challenge will require bold action and true partnership.

As communities across the country—including our nation's capital—grapple with lead issues on a daily basis, we can no longer afford to not address this issue. As the country watches Newark, I pray that they learn from our challenges and our victories. We know how to solve this problem and the time is now for all to step up and invest in our nation's infrastructure and give all Americans access to safe and clean drinking water. 

Ras J. Baraka is the Mayor of Newark, New Jersey and member of the NJLM Executive Board. He is serving his second term.

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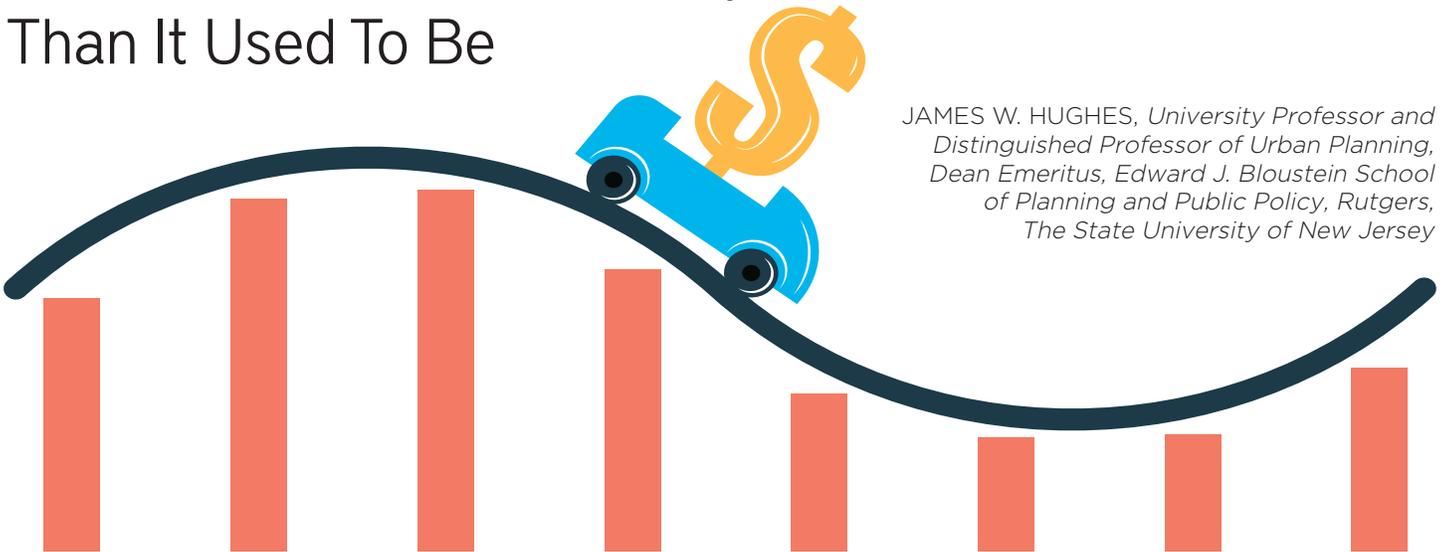
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NJLMEF Policy Paper

It's Later in the Economic Cycle Than It Used To Be



JAMES W. HUGHES, *University Professor and Distinguished Professor of Urban Planning, Dean Emeritus, Edward J. Bloustein School of Planning and Public Policy, Rutgers, The State University of New Jersey*

The following is an excerpt from the latest addition to the Friends of Local Government Policy Paper Series from the NJLM Educational Foundation.

The summer of 2019 should have been a time for economic celebration. According to historic records of the National Bureau of Economic Research, which date back to 1854, this past July marked the longest economic expansion in history of the United States—121 months in length. It started a full decade ago—June 2009—and is now proceeding through its 11th year. Surrounding this extraordinary economic event, however, is a sense of persistent uncertainty.

Conflicting signals abounded in the first half of 2019. On the positive side, job markets still appeared to be resilient, with the nation's employment growth for the first six months of 2019 still growing far faster than the growth in the labor force, as it has done for more than nine-straight years. The resulting unemployment rate has tumbled to strikingly low levels—consistently below 4%—rates, which in the past raised the specter of imminent inflation and rising interest rates. But inflation was still nowhere in sight and interest rates have failed to increase, challenging conventional economic expectations (as well as raising serious questions as to the adequacy of the unemployment rate metric as a decoder of labor market conditions). Upbeat consumer spending remained a deep reservoir of economic strength—“shop till you drop” still lives in America. And the stock market surged, rising by almost 20% during the first half of the year.

Inverted yield curve

On the negative side, gloom increasingly made its presence felt. A global economic slowdown became increasingly apparent as 2019 progressed. Bond markets have been flummoxed and worried as the interest rates on long-term debt instruments

slipped below the rates on short-term debt instruments. Economists have labeled this condition an inverted yield curve, which is often a harbinger of an oncoming recession. Little resolution of the United States-China trade relations appears likely, with trade tensions increasingly looking like a continued feature of a new economic landscape. Concurrently, lower manufacturing activity, sinking business confidence indices, and a slowdown in business investment have added further fuel to the fires of mid-2019 uncertainty.

A key question at this point in our mature business cycle is whether an economic slowdown and subsequent recession is now on the national horizon. States and municipalities are enveloped in this broader national and global uncertainty. In retrospect, the United States economy has undoubtedly been riding high to this point, keeping the most ominous local fiscal concerns at bay.

Current upcycle

As noted earlier, in June 2009—just over 10 years ago—economic contraction was technically supplanted by recovery. Compared to past national upcycles, growth has not been especially buoyant during the current expansion, at least when gauged by economic

output (GDP). But that may be partially a consequence of the lingering aftereffects of the worst financial crisis since the Great Depression of the 1930s, or perhaps due to the absence of economic excesses (bubbles) stimulating stronger output growth. Nonetheless, by June 2019, the nation had added 21.6 million jobs to its total employment ranks since the recessionary trough while New Jersey has added approximately 375,000 jobs. At the same time that the state's gain is far in excess of its recessionary employment losses (approximately 256,000 jobs), it actually represents just a modest advance during the entire expansion period.

Two metrics benchmark this reality. At the start of the expansion, New Jersey accounted for approximately 2.9% of the employment base of the United States. That would represent the share of national employment growth that New Jersey would have to capture in order to match the national pace of growth. However, New Jersey's share of post-recession national employment growth through mid-2019 was only 1.7% (375,000 out of 21.6 million). So, the state has not been able to maintain growth parity with the nation.

The same conclusion is evidenced by differential employment growth rates. From the end of the Great Recession through mid-2019, total employment in the United States increased by 16.6%. In New Jersey, total employment increased by only 9.8%. This lag is not solely a Garden State phenomenon. It is characteristic of the broader Northeast and Midwest regional environment. Compared to our immediate neighbors (competitors), New Jersey has been growing faster than Connecticut and Pennsylvania, but trails New York State. However, extracting rapidly growing New York City from New York State yields a growth rate that is similar to that of New Jersey. Nonetheless, this overall trailing growth position leaves New Jersey and its state neighbors vulnerable to a national economic slowdown, and highly vulnerable to a full-fledged national recession. What could instigate the next economic downturn in the United States?

Downturn-spawning events

Absent an international incident/conflict of major proportions—and remaining cognizant of the fact that bubbles are recognizable mainly in hindsight—there are no obvious recession-causing excesses on the economic radar screens. The nation's growth has been slower than past expansions but that has partially been due to fundamental structural changes in the economy. Shifts from construction and manufacturing, the more cyclical sectors of the economy, toward the less volatile service sectors have resulted in more stable, but less-rapid, growth. At the same time, in contrast to the preceding three expansions, it is possible that there are no unsustainable excesses “juicing-up” growth. This raises the possibility of an upcycle lasting much longer than historical norms. The average postwar expansion in the United States is just slightly under five years, which is less than one-half of the length of the current expansion.

Based on the first six months of 2019, it appears that New Jersey is on track to gain 51,000 total jobs for the year. It should be acknowledged that monthly job figures have been quite volatile at times and are eventually subject to revision at year's end. Thus, this preliminary estimate may be low or high when the

totals are ultimately finalized (March 2020). Nonetheless, this preliminary estimate, 51,000 jobs, exceeds the 39,400 job increase of 2018 and the 48,600 job gain of 2017.

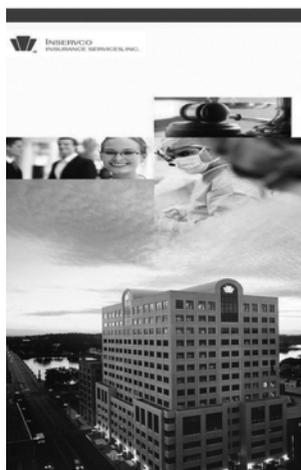
So, it's plausible to suggest that the New Jersey economic position is more than treading water. It is also plausible to suggest that its actual employment growth is being inhibited by labor shortages, i.e., employers have open available positions but the labor supply is insufficient to fill them. The state's record-low 3.5% unemployment rate this past June may be indicative of this quandary.

New statewide public policy initiatives may improve the state's overall performance in the long term, but in the meantime New Jersey's municipalities will continue to face a relatively constrained fiscal future similar to that of the immediate past. As long as the nation's good times continue to roll, the state and its municipal jurisdictions can avoid excessive fiscal stress and severe problems. But, as that famous New Jersey economist, Yogi Berra, has allegedly observed: “it's later in the economic cycle than it used to be.” Just how late remains open to question.

The full report from Dr. Hughes can be downloaded from the NJLM Educational Foundation's website, www.njlmef.org.

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Census 2020: Undercounting Kids

Essex County partners and municipalities' first Fairy Trail Census

LISA MOORE, Assistant Regional Census Manager, U.S. Census Bureau

More than 100 children from Newark Public Schools and the public came together in October to launch the World's First Fairy Trail Census. The mission of this unusual event was to draw public attention to the upcoming Decennial Census and the awareness of the undercount of young children.

Every 10 years the U.S. Census Bureau conducts a census of every person living in the United States. It's important that everyone be counted once, only once and in the right place. "In 2010, an estimated 1 million kids under the age of 5 were not counted," said New Jersey Secretary of State Tahesha Way, who served as the keynote speaker at the Fairy Trail Census. Way said, "In the 2020 Census, we need to make sure everyone counts in New Jersey, and that includes our youngest residents. New Jersey's kids deserve the full resources, representation, and community support that will be possible with a complete count."

The Decennial Census is the only measure by which \$675 billion dollars in federal funds are apportioned. Federal assistance dollars distributed using Census Bureau data include well-known programs like Medicare Part B; Supplemental Nutrition Assistance Program (SNAP), the National School Lunch Program, Federal Pell Grant Program and Title 1 Grants; and Highway Planning and Construction, just to name a few. Thus, low decennial census response leads to inequality and inaccessibility to public funding.

Prioritizing Complete Count efforts

"Working to ensure a complete 2020 count here in Essex County is especially imperative," said Will Field, of CUNY's Center for Urban Research, who developed their Census Hard-to-Count map. "Of the census tracts in New Jersey that traditionally have had a low self-response rate to the Census, a full 28% are in Essex County." Newark, the largest city in the state of New Jersey, faces special pressure to activate its population.

A Fairy Census is a mock census of fairies conducted among a cultivated set of 115 tiny homes that line a stretch of trail in Essex County's South Mountain Reservation 2,110-acre nature preserve, located in Millburn. Third- and fourth-graders from



(Left to Right) Lisa Moore, Assistant Regional Census Manager, U.S. Census Bureau; Barbara Brown, Senior Partnership Specialist, Census; Diane Thall-Egloff, Mayor of Millburn Township; NJ Secretary of State Tahesha Way; Joseph N. DiVincenzo, Jr., Essex County Executive; Carlos Pomares, Essex County Freeholder District 5.

Newark's Ann Street School, First Avenue School, and Ivy Hill Elementary School received on-site Fairy Trail Census training, including guidance on why fairies and people are sometimes hard to count: Fairies live remotely, they don't have broadband, they live in complex households, and they're highly mobile.

The concept of the Fairy Trail Census was spurred by a brainstorming session by U.S. Census Bureau's Partnership Specialist Barbara Brown and Will Field of SOMA Action, a non-profit serving South Orange, Maplewood, and the surrounding area. Field's wife, Jessica Walthew, a local teacher, was drawn into the discussion and posed the notion of a Fairy Census along the South Mountain Reservation Fairy Trail, founded by local special education teacher Theresa Ojibway in 2010.

Dennis Percher, Chair of the South Mountain Conservancy, noted, "The South Mountain Fairy Trail is a well-known

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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. Our annual scholarships, totaling over \$30,000.00, have benefited dozens of worthy college students. As always, we welcome people from many career backgrounds to consider joining our organization, or come to any meeting as our guest.

As we celebrate our 90th Anniversary, **NJBOA** is proud to be the **only** statewide association, inclusive of Code Officials, and members of other 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 over 35 years. **NJBOA** is an organization that remains strong in membership, welcoming new applicants each year. **NJBOA** is a tried and true brotherhood whose success is written in its 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.

Jerome Eger *Charles Lasky* *John Fiedler* *John Tracy* *Lawrence Scorzelli* *Pat J. Naticchione* *Bob LaCosta*
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Fairy Census

wonderland for children and fairies. The Fairy Trail boasts more than 115 fairy domiciles, but to our knowledge, the fairies living within have never been properly counted. Our goal, as with the real census, is to count every Fairy once, only once, and in the right place.”

Local and state support

The Essex County Board of Chosen Freeholders, Essex County Executive Joseph DiVincenzo, Jr., and the Essex County Department of Parks, Cultural Affairs and Recreation all stepped up to provide official Proclamations, resources, and to serve as speakers at the event. Millburn Township, in whose geographical bounds lies the Fairy Trail, provided significant behind-the-scene help. Millburn accelerated a street improvement project to line the crosswalks at the intersection of Locust Grove and Glen Avenue, and repaved the sidewalks edging Glen Avenue, which leads to the Fairy Trail. Millburn Police Department provided trained officers to facilitate cross walk safety. Millburn Public Schools provided

folding tables and chairs for the crowd, and Essex County Parks, who waived the event permit fee and provided essential equipment including a generator for power and a tent.

The Montclair Art Museum Mobile Art Truck, a retrofitted ice cream truck that serves art to children on-the-go, lead groups of students through the process of making fairy dolls out of beads, wire, and glitter.

At the launch, Millburn Mayor Diane Thall-Eglow, Essex County Board of Chosen Freeholders Carlos Pomares, and Essex County Executive Joseph DiVincenzo, Jr., signed Proclamations to declare their municipalities as 2020 Census partners. Newark Deputy Mayor of Community Outreach Jacqueline Quiles, who was instrumental in developing the event, highlighted the importance of counting children and underrepresented communities in Newark.

The event would not have been possible without the hard work of staff and elected officials from the State of New Jersey’s



Tahesha Way, NJ Secretary of State, and Theresa Ojibway creator of the Fairy Trail.

Office of the Secretary of State, Essex County Administration, Essex County Department of Parks, Recreation and Public Affairs, the City of Newark, the Township of Millburn, the Millburn Free Public Library, and Newark Public Schools. 📍

@The official 2020 Census kicks-off in March of 2020, for more information about the 2020 Census, visit www.2020census.gov. To apply online for a job, visit www.2020census.gov/jobs. To learn more about the census in New Jersey, visit <http://nj.gov/state/census>.

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Communicating Renewal

Local news as a factor in community engagement

WILLIAM J. PASCRELL, III, ESQ., *President, OnePaterson*

The revival of a city or neighborhood depends on a variety of factors. Is investment flowing in? Is there real political leadership and vision? Does existing infrastructure support growth? Have the community and other stakeholders been integrated into the decision-making process?



While these are the factors we generally look at when working to spark renewal, there is another often overlooked, but equally important element—local news.

Unfortunately, local news has been disappearing from communities across the United States and in New Jersey due to pressures that began as audiences shifted away from print to digital, leaving citizens without a key tool to facilitate engagement. While the outlook has been bleak, there are bright spots. One of those bright spots is TAPinto.

Local news source

TAPinto has expanded beyond its beginnings in New Providence to provide news coverage in 100 towns on 73 sites, filling the void. Keeping an open line of communication with high-quality local news outlets that have embraced the shift to digital helps improve the quality of government and services to the community. In Paterson, TAPinto has expanded independent objective local news coverage, providing an important addition to the legacy outlets that serve our city thanks to their innovative model. Because of this, we've learned several important lessons in communication and embracing digital media that can be applied to any municipality in New Jersey.

The TAPinto model makes creating quality journalism more

accessible and puts local news sites in the hands of local publisher-franchisees who are able to build important relationships with the communities they serve. Here in Paterson, publisher Steve Lenox, has done just that. TAPinto Paterson not only has its finger on the pulse of the community, but also enables their voices to be heard while ensuring they have access to information about what is going on in our schools, local government, and neighborhoods.

“To be engaged, people need to know what is going on in their communities,” said Lenox. “Local news provides that service to communities while giving local government the ability to be more open and transparent and the opportunity to gather key feedback. Additionally, TAPinto gives us the flexibility to serve our community more deeply. In Paterson, we’re piloting an initiative to translate our articles into Spanish.”

The view from city government is similar. Mayor André Sayegh has seen an increase in community engagement saying, “Steve and TAPinto Paterson have really helped our residents stay on top of what is going, while instilling a stronger sense of Paterson pride.” He continued, “local news isn’t here to serve local government or my office, but it does help us reach out to our citizens.”

Read All About It

Studies have shown the benefits of local news.

One study in the Journal of Political Communication found that **when newspapers disappeared, civic engagement declined.**

Another study from Stanford University found that **reading a newspaper can increase voter participation in elections.**

Accountability booster

Local news also increases accountability. “Members of the community, the City Council and myself may have different viewpoints on various issues, but when local news covers those viewpoints in an objective way it enriches the civic discourse,” said Sayegh.

Again, here in Paterson, we’ve seen evidence of this. Rahsona Elder, founder of Paterson’s InnerFaith Performing Arts Center (IPAC) said “Because Steve and TAPinto are at our events and in our neighborhoods covering the people of Paterson, our voices are being heard.”

The well known local activist, and advocate, who still heads the organization that has provided professional artistic training in music, theater, voice, art, media, dance, and social art to nearly 10,000 Paterson children from just four to 17 years old added that, “when people feel heard, they get involved.”

Public meeting coverage

Where there is declining coverage of public meetings in other places, Paterson has had more robust and accessible reporting available to residents and stakeholders. City Council President, Maritza Davila commented, “we have been elected to represent an extraordinarily diverse and vibrant city. Without local news, we would not be able to communicate with residents as effectively about our agendas or what happens at meetings.”

Paterson, like communities throughout New Jersey, is uniquely positioned for renewal and growth, but it can’t happen with an engaged citizenry. Lenox offered his view, “When new projects are proposed, we’re there to cover it. When police launch a new community policing initiative, we’re there to help provide the details the community and get feedback from residents. Quality local news brings residents into the fold in a meaningful

way. As big things happen in Paterson, we’ll be there to cover it.”

The positive impact local news can have isn’t just a Paterson phenomenon. The research cited above looked at cities across the United States. Political and community leaders should work to support local news as a foundational element of growth and progress. 📰

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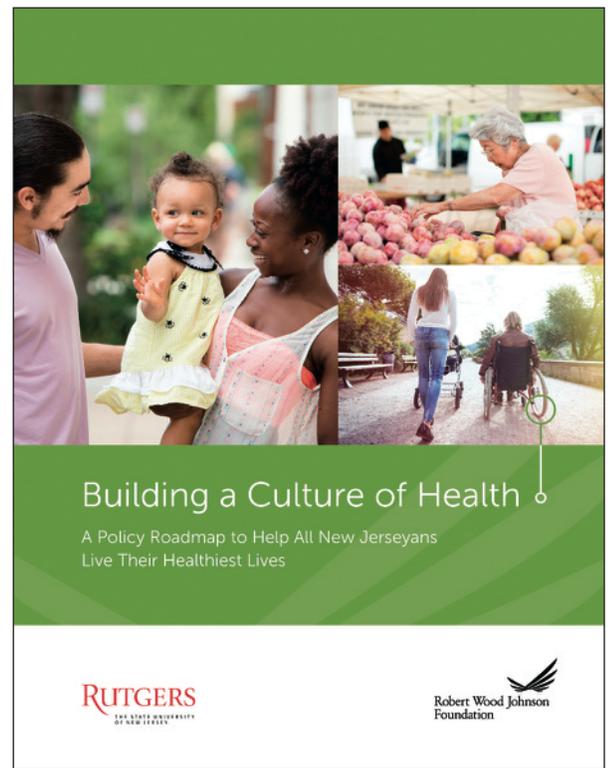
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Health in the Garden State

The Robert Wood Johnson Foundation reports on State-level policy options aimed at addressing the factors that shape health

GIRIDHAR G. MALLYA, MD, MSHP



A recent report developed by the Robert Wood Johnson Foundation with experts from the Center for State Health Policy and the John J. Heldrich Center for Workforce Development, both at Rutgers University, contains numerous State-level policy options aimed at eliminating inequitable gaps by addressing the factors that shape health.

The purpose here isn't to minimize the productive work being done at the local level, where action and innovation are critical. Grassroots organizations, schools, nonprofits, and others with strong backing from elected officials work hard to help potential homebuyers in Morristown understand credit, promote walking to school in Asbury Park, make neighborhoods safer in Elizabeth, enable composting in Secaucus, and bring bike-sharing to Camden, just to give a few examples.

Still, the bottom line is that barriers to good health can't be eliminated without state policymakers playing a major role, from distributing Complete Streets dollars in localities, based on need, with a focus on health equity so all roads, sidewalks,

and public transit systems that are safe and accessible to all potential users, to funding high-quality early education at the level needed so all of New Jersey's 3- and 4-year-olds can participate, starting with children in the highest-poverty communities."

Growing disparities

Though New Jersey is a leader among states when it comes to the health and well-being of its residents, health is not equitably distributed. Across a range of issues, New Jerseyans face significant and, in some cases, growing disparities in health opportunities and outcomes based on race, ethnicity, income, and county and neighborhood of residence.

Contributing Factors

A child born a few blocks from the State House in Trenton has an average life expectancy of **75 years**.

A child born 13 miles up Route 1 in Princeton can expect to live **87 years**.

That's a huge gap for such a short distance, and it's repeated all across New Jersey. The reasons go well beyond things we usually associate with healthcare.

For example:

Education and income. Communities with weak tax bases cannot support high-quality schools, and jobs are often scarce in neighborhoods with struggling economies.

Unsafe and unaffordable unhealthy housing. Residents are exposed to lead paint, allergens, and other hazards like overcrowding while high rents make it hard for people to purchase healthy foods or pay doctors' bills.

Opportunities for residents to exercise, walk, or cycle may be limited. Car-centric town planning and, in some communities, lack of safety due to violence impact this health factor.

Unreliable or expensive public transit. Residents may be isolated from good jobs, health and child care, and social services.

Residential segregation. This and other features that isolate communities (such as highways) can limit social cohesion, stifle economic growth, and perpetuate cycles of poverty.

Nearly 6,400 deaths a year in New Jersey could be avoided if every resident had a fair and just opportunity to live our healthiest life. In Cumberland County, alone, 44% of premature deaths could be avoided if residents had the same opportunities as those in healthier counties. And, statewide, a baby born into a black family is twice as likely to die before his or her first birthday as a baby born into a white family. These represent unjust and unjustifiable losses of human potential.

Such outcomes often are the result of unfair and discriminatory policies and practices that have persisted for generations, creating inequities and long-standing barriers to good health. It's time to dismantle these barriers and make New Jersey a place where good health and

wellbeing are possible no matter who we are, where we live, or how much money we make.

The report identifies priorities for building a Culture of Health in New Jersey in three areas:

- Healthy children and families
- Healthy communities
- High-quality, equitable health and social service systems

The recommendations span many sectors, including education, housing, nutrition, income, and health care, with a particular focus on health equity—the principle that everyone should have a fair and just opportunity to be as healthy as possible, regardless of race, place, gender, income or any other factor.

For more than 45 years the Princeton-based Robert Wood Johnson Foundation (RWJF) has worked to improve health and health care. RWJF has invested more than \$1.2 billion in New Jersey since 1972. For more information, visit www.rwjf.org. Follow the Foundation on Twitter at www.rwjf.org/twitter or on Facebook at www.rwjf.org/facebook.

Full report www.rwjf.org/en/library/research/2019/04/building-a-culture-of-health-a-policy-roadmap-to-help-all-new-jerseyans-live-their-healthiest-lives.html

Robert Wood Johnson Foundation www.rwjf.org/

Center for State Health Policy www.cshp.rutgers.edu/

John J. Heldrich Center for Workforce Development
www.heldrich.rutgers.edu/

Health in the Garden State

Recommendations include providing high-quality early education for all 3- and 4-year-olds; helping everyone fully benefit from the recently expanded state paid family leave benefit; creating and preserving affordable homes; raising the price of tobacco products and providing cessation supports for those struggling with addiction; and integrating mental health, addiction, and physical health services for Medicaid enrollees.

Each recommendation addresses pressing needs, advances health equity, and is supported by evidence.

Commitment to health equity

The steady progress that we, as a state, have been making—as demonstrated by improved health rankings and indicators—suggests that we are committed to the health and well-being of our residents. But we can do better on a crucial component: an accompanying commitment to health equity.

New Jersey cannot be a true national leader on health until all of us, our leaders and residents, come together and commit to ensuring that every New Jerseyan has a fair and just opportunity to live their healthiest life. This will require unprecedented collaboration across all sectors and all communities. As part of this effort, RWJF is committed to working with local officials to explore how best to move forward.

Local communities are engines of innovation where policies can be tested and refined before being adopted statewide. They are where people are most engaged in the policy-making process and where statewide coalitions are birthed. And, local communities often are the best positioned to make the case for how statewide action can improve New Jerseyans' everyday lives.

Together, let's work to build a culture of health across New Jersey, and in the process strengthen every community in our state. 🇯🇵

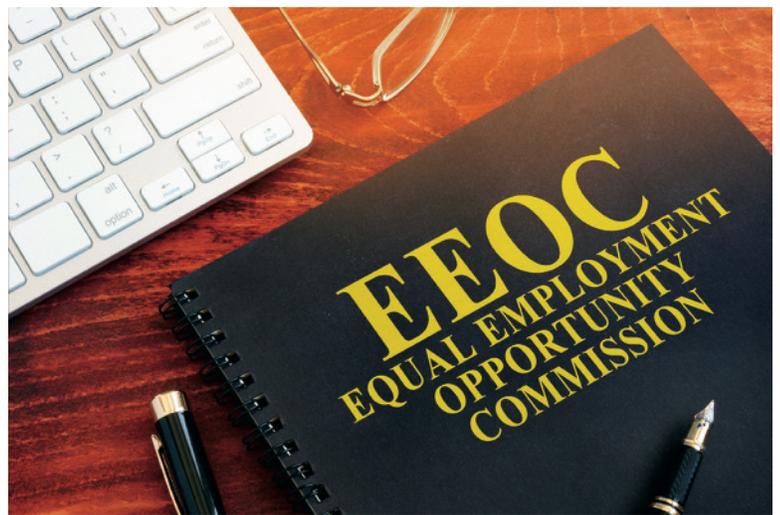
Giridhar Mallya, MD, MSHP, Senior Policy Officer at the Robert Wood Johnson Foundation, is an accomplished public health physician and health policy expert. Along with others from the Foundation and Rutgers University, he is an author of "Building a Culture of Health: A Policy Roadmap to Help All New Jerseyans Live Their Healthiest Lives."

Silence Is Not Golden In ADA Matters

Failure to respond to employer communications justifies separation from employment

JENNIFER ROSELLE, Counsel, Genova Burns, LLC

The Americans with Disabilities Act, as amended, (ADA) and the New Jersey Law Against Discrimination (NJ LAD) prohibit an employer from discriminating against a qualified employee or applicant because of the employee's disability. In other words, an employer's decision making regarding all aspects of employment, such as hiring, assignments, promotions, pay, discipline, or termination, may not be because of or related to the disability.



Under the ADA, “disability” means that the qualified employee or applicant is has 1) a physical or mental condition that 2) substantially limits a major life activity (i.e. walking); or has had a record of a disability; or is believed to be disabled. Under the NJ LAD, *N.J.S.A. 5-5*, a disability is broadly defined to include a “physical or sensory disability, infirmity, malformation, or disfigurement which is caused by bodily injury, birth defect, or illness...or any mental, psychological, or developmental disability, including autism spectrum disorders...AIDS or HIV infection.”

Under both State and Federal law, an employee whose condition meet these definitions may also be entitled to a reasonable accommodation in order to perform the essential duties of the job. According to the Equal Employment Opportunity Commission (EEOC), the administrative agency charged with ADA enforcement, a reasonable accommodation is “any change in the work environment (or in the way things are usually done) to help a person with a disability apply for a job, perform the duties of a job, or enjoy the benefits and privileges of employment.” Once an employee or applicant gives the employer sufficient information to know that an accommodation is sought, the employer and employee must collaboratively engage in the so-called interactive process to assess the individual’s needs and circumstances. Both the ADA and NJ LAD require

the parties to participate in this process. There is no requirement for an employee to provide her own ideas of what is a reasonable accommodation, but she is expected to engage in the dialogue with her employer about identifying a reasonable accommodation. Common examples of reasonable accommodations include leaves of absence, shift changes, provisions of assistive technology, or relief from performing non-essential job duties.

According to Federal regulations, an employer is obligated to provide a reasonable accommodation unless doing so creates an undue hardship. Like provision of a reasonable accommodation, undue hardship is evaluated on a case-by-case basis. Factors considered include the employer’s size, the employer’s financial resources and business size, the type of business, the cost, and impact of the accommodation.

The employer obligations under the NJ LAD do not relieve the applicant or employee from cooperation in the process and adherence to employer rules and standards. In a recent decision from the New Jersey Appellate Division, the Court emphasized that the employee must make some effort to maintain her employment to satisfy the standards of a NJ LAD claim.

Case in point

In *Liro v. Inspira Medical Centers, Inc., et al*, the Court upheld the dismissal of Plaintiff’s complaint alleging, among other

claims, a violation of the NJ LAD based on sex/gender, disability and hostile work environment. Plaintiff was appointed to defendant's residency program for a two-year period. Following a miscarriage in March 2012, Plaintiff remained on medical leave for the remainder of her contract year. Even though she did not finish her first-year rotations, she was returned as a second year resident in June 2012. Shortly after her return, she failed to report for her first four assigned shifts at an outpatient facility, leading to a brief suspension for her "no call, no show" absences. She filed a claim before the EEOC alleging discrimination based on gender/sex, pregnancy and disability. The parties reached a resolution of the EEOC action, which involved a remediation plan about use of paid time off and proper notice of absences.

She returned to the program in September 2012. Shortly thereafter, Plaintiff informed her employer she would take medical leave, effective immediately, due to depression and an alleged hostile work environment. In December, when she was contacted about her return to work, Plaintiff indicated she had not been cleared by her physician to return. Her employer informed Plaintiff that she must submit a certification from her physician with an anticipated return to work date. She failed to submit any documentation. Thereafter, her employer sent a reminder to which she never responded. Instead, she asked for information about filing a worker's compensation claim. Her employer responded with an offer of assistance to which Plaintiff failed to reply. Approximately a month after the end of her approved leave, her residency program contract was terminated. She was offered the opportunity to reapply to the program, if able to return.

Filing suit, appeal

Plaintiff filed suit, alleging discrimination and retaliation based on gender, pregnancy and disability under the NJ LAD. During the employer's motion for summary judgement to dismiss the complaint, Plaintiff argued that she was not treated like her non-pregnant peers. Her employer pointed out that her "no call, no show

absences" and complete failure to communicate was the basis for termination. The trial court dismissed her complaint.

On appeal, the Appellate Division also rejected Plaintiff's arguments of discrimination based on sex/gender, pregnancy and disability. The Court highlighted Plaintiff's behavior which led to her termination as legitimate business reasons for her termination. Specifically, the employer demonstrated that Plaintiff failed to complete assignments, such as maintaining charts; repeatedly engaged in "no call, no show" practices; did not take the requisite steps to extend her leave of absence, despite the employer's follow-up attempts; did not respond to her employer's offers of assistance to apply for worker's compensation; did not appeal her termination; and did not reapply.

Plaintiff's appeal also claimed that the discrimination by her employer creating a hostile work environment resulting in constructive discharge. The Court similarly rejected Plaintiff's claims that considered the "nature of the alleged harassment, whether plaintiff engaged in internal grievance procedures, the employer's responsiveness to plaintiff's complaints, and any other relevant circumstances, the Court did not believe her working environment was "so

intolerable that a reasonable person... would resign." Despite missing the first-year rotations, she was promoted and received a salary increase. In addition, the attendance behavior plan the Plaintiff and her employer agreed to was intended to reduce unplanned leaves and enforce notice requirements. These conditions were neither onerous nor intolerable such that a reasonable person would resign from employment. Moreover, Plaintiff failed to follow up with each communication about extending her leave, despite the offers of assistance. Under these circumstances, the Court rejected Plaintiff's argument the employer's behavior was so intolerable that Plaintiff had no choice but to "abandon the workplace and choose not to return."

Here, the employer's repeated attempted to engage Plaintiff and her inaction ultimately lead to her separation from employment. This case illustrates that an employee's known disability is not a bar to an employer's ability to remove her from her position. Employers must first make efforts to accommodate disabled employees, engage in the processes, and give the employee the opportunity to perform the essential duties of the job. The employee is, however, expected to cooperate with those efforts. ♻️

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LEGISLATIVE UPDATE

Lame Duck and the Road Ahead to 2020

MICHAEL CERRA, NJLM Assistant Executive Director

With the 2019 elections now passed, our focus turns to what legislative activity we will see in the period of time between the election and the end of the 217th Legislature in January. Since leadership in the Administration and the Legislature remains constant, there may not be the same degree of urgency one expects with a “lame duck.” That said, it is the final opportunity to get certain initiatives to the finish line, which is why the League will be engaged with state officials on a number of legislative fronts.

2% Interest Arbitration Like its predecessor, the 217th Legislature failed to act to renew the 2% interest arbitration cap. Unfortunately, we are now beginning to see the damaging impact of this inaction on municipalities, counties, and our property taxpayers (please see the Finance Center on page 56 of the October 2019 issue).

From our perspective, there is no bigger issue before the Legislature than to extend this critical tool to curtail property tax increases. As more interest arbitration awards come down, we will continue to push the Legislature to take a sober, pragmatic view of the implications of letting the IA cap expire, in terms of service reductions, job reductions, and the overall impact on the delivery of local services. That will be an ongoing priority in 2020 and beyond.

Legalization of Marijuana It is expected that the bill to legalize adult use of recreational marijuana may again see action in the lame duck, which is the period after the election and before the end of this legislative term in January. If you recall, the bills were posted for final votes in their respective Houses in March, but did not have the necessary 21 votes in the Senate for final passage.

It is too soon to know if the needed votes will be there in lame duck. But if the needed votes do not materialize in lame duck, it is safe to assume the Legislature will proceed with a referendum on the November 2020 budget on legalization.

If you would like to re-familiarize with its provisions of the legalization bill, please see the October 10 post on the League’s Town Crier blog (www.njlm.org/njlmblog).

Tax Incentives There may be no more divisive issue in the State Capital than the state policy regarding tax credits and incentives offered through the State Economic Development Authority. Dueling proposals have been offered by the Murphy Administration on one side and former State Senators Ray Lesniak and Joseph Kyrillos on the other.

Lame duck is the final opportunity to get certain initiatives to the finish line, which is why the League will be engaged with state officials on a number of legislative fronts.

The slate of tax incentives offered by the EDA expired as of June 30. So while there is general agreement that there must be legislative authorization for a new tax incentive program, there remains a gap between the dueling proposals. To be clear, there has been positive movement on both sides toward a resolution. While the question of whether a tax incentive program should be capped remains, progress has been made and ultimately a resolution will be found.

Negotiations on this issue will continue, likely through lame duck and quite probably into early 2020.

OPRA and OPMA We also expect another effort to make changes to the outdated Open Public Records Act (OPRA) and Open Public Meetings Act (OPMA) during lame duck, presumably through bills S-106 (OPMA) and S-107 (OPRA).

Although the League of Municipalities is a strong proponent of openness and transparency in government, we must continue to oppose both S-106 and S-107, as neither bill addresses the expenses municipalities currently incur and will incur

under the new provisions. Currently, complying with the OPRA requires municipalities to hire additional staff, incur increasing legal expenses to ensure compliance, and expend funds defending litigation based on existing Government Record Council (GRC) and conflicting case law. In addition, some of the new provisions, especially under OPMA, establish bureaucratic processes for public meetings without consideration for operations or meeting the needs of our residents.

In response to this, the League and Municipal Clerks' Association of New Jersey have prepared a sample resolution (in the sample resolutions section of www.njlm.org) calling for a study commission to review the almost 20-year-old law. The sample resolution also asks for information on your municipal experience with OPRA, including the number of requests, approximate staff hours, and attorney fees your municipality has incurred responding to OPRA requests.

In addition, we are continuing our OPRA/OPMA post series at the Town Crier blog.

Municipal Courts Could Face Substantial Challenges In August, a New Jersey Supreme Court working group issued its anticipated report (<http://bit.ly/NJSCMuniCourts>), outlining recommendations for reforming the state's municipal courts. The Supreme Court Working Group on Municipal Courts, a 38-member working group that included League representatives, set forth 17 recommendations for legislative changes that focus on "separating sentencing practices from a municipality's need for revenue, modifying the appointment and reappointment process for Municipal Court judges, and consolidating the state's smaller courts."

The League and our members are committed to the goal of the working group to ensure that Municipal Courts are fair, independent, and accessible to all members of society. While we agree with many of the recommendations set forth in the report, such as reduced state-mandated

surcharges and access to clinical treatment, other recommendations simply missed the mark. The League's position is more fully summarized in the "Minority Opinion" attached to the report, beginning on page 74.

It is not expected that any changes will be advanced in the lame duck, but it is

likely that the report will lead to the introduction of legislation that may begin a new dialogue on what recommendations should be further considered. The League is in conversations with several Legislators, who are well-aware of our concerns with some of the report recommendations. 

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The Not-So-Lame-Duck-Session (Potentially)

What happens between Election Day and Inauguration can re-make New Jersey

BEN DWORKIN, PH.D., *Director, Rowan University Institute for Public Policy & Citizenship (RIPPAC)*

The use of “lame duck” as a term to describe an elected official who was still in office but would not be returning for the next legislative session can be traced back to the 1800s. But it wasn’t until the early 1900s that the term was in popular use.

Calling a politician a lame duck is generally considered an insult, implying the elected official has lost power and is unable to effect change. Indeed, the lame duck legislator was, according to one newspaper, “freed from the accountability of voters” and therefore “could be prone to ineffectiveness or acts of self-interest.”

Meetings of a legislature during this period is commonly referred to as “the lame duck session.”

The irony of New Jersey’s upcoming lame duck legislative session is that it is the time when we expect elected officials to uphold their higher calling and pursue the people’s business without fear of political retribution. The assumption is that, in a lame duck session, legislators will find the strength to make the tough decisions on contentious legislation because they won’t be coming back to their seats once the new legislature gets sworn in on January 14, 2020.

The logic behind this expectation is sometimes hard to understand, given that there are so few legislators who won’t be in the same seats the next term.

Why does it continue?

So even when almost the entire legislature will be returning to Trenton for the new session, New Jersey still has high expectations for political courage during the lame duck period. Why?

In part, it is the moment that is farthest away from the next election, so whatever voter anger is engendered has the best chance of dissipating by the time anyone goes to the polls.

Further, the end of the legislative session means the clock will run out on any bill making its way through the process. Come January, legislation must be reintroduced and the process of passing it into law starts anew.

Finally, it’s become political tradition, and therefore legislators, and those involved with policy making, assume it will happen,

in effect creating a self-fulfilling prophecy. The lame duck period is when Trenton expects to deal with the big stuff no one wanted to handle before the election, along with major bills that can’t be delayed anymore.

As with any legislation, potential passage is driven by Senate President Steve Sweeney and Assembly Speaker Craig Coughlin, each of whom has final say on whether a bill will even be considered by their respective houses. Almost no piece of legislation will be voted unless it is assured of passage. Thus, the key numbers for lame duck session activity are 21 and 41, the bare majorities needed for a bill to pass in the Senate and Assembly, respectively.

Key issues

The lame duck period in New Jersey will have a number of key issues that are likely to be considered, some of which have been set aside for exactly this moment.

LEAD Senate President Steve Sweeney is expected to introduce a bill to provide \$500 million in state bonding to address the crisis of elevated levels of lead in water systems, as well as storm water management and sewerage treatment. Such legislation is almost assuredly going to move quickly through the Senate and is expected to receive a positive reaction from the Assembly as well.

EXPUNGEMENT Governor Phil Murphy is pushing legislators for an expanded criminal expungement bill that will clear records of those who had been previously convicted after, perhaps, 10 years without an additional conviction. Gov. Murphy vetoed an earlier version of this legislation and many of his recommendations were adopted in the new version.

BAGS A recent poll found that 65% of New Jerseyans are ready to ban single-use plastic bags, though there is disagreement as to how it would be done. Broader legislation that would ban these bags along with Styrofoam containers and plastic straws hasn’t found widespread support in Trenton, so a compromise measure is being discussed, with both Sen. Pres. Sweeney and Speaker Coughlin seemingly ready to move forward.

MARIJUANA The legalization of recreational marijuana is unlikely to be authorized through direct legislation. Last

spring, the votes seemed to be there in the Assembly, but the whole effort was sidelined when passage wasn't assured in the Senate. Each proposed change seems to both draw new supporters but lose existing ones. In the lame duck session, there will likely be a move to put the measure on the ballot as a constitutional amendment. Those legislators who are hesitant or outright opposed to legalizing marijuana themselves might find it easier to put it before the voters for their approval instead.

LICENSES Allowing undocumented immigrants to obtain driver's licenses is very likely to get a strong hearing during the lame duck period. Pressure is building from the Hispanic community, a growing portion of New Jersey's diverse electorate, for whom this is a key issue.

In addition, other states have found that expanding the number of driver's licenses in this way also expands the number of people with auto insurance. More people with insurance would help reduce rates for everyone else because there will be fewer uninsured drivers to be covered.

TEACHERS Finally, there seems to be a strong chance that health benefits reform for current and retired public school teachers will be considered. Coughlin has been working assiduously with the New Jersey Education Association (NJEA), which represents nearly all current and retired educators, on a bill that would lower premiums while shifting members into one of several new, less expensive, health care plans.

PATH Sweeney has also been working on this issue under the umbrella of his Path to Progress initiative, which encompasses health benefits reform along with a host of other ideas, including school consolidation. Given the involvement of all the major players, the potential for reaching a compromise during the lame duck period is significant.

DARK HORSES Some of the controversial bills that are less likely to hit the magic numbers for passage—and therefore are likely to be discussed, but not posted for a vote, during the lame duck period—include legislative redistricting

reform, expanding voter enfranchisement for those convicted of a crime, and reconstituting the state's tax incentive programs for businesses.

Passing one of these aforementioned bills, much less several, will be a heavy lift. If any of it gets done, it will be a tribute to the leadership skills of

Sweeney, Coughlin, and Murphy.

Historically, the lame duck legislative session was seen a period ripe for nefarious behavior by newly unleashed legislators unconcerned with voter disapproval. But in 2019, it may well be a moment for bold, if controversial, political action in New Jersey. 🇯🇵

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Local Public Contracting Law: Aggregation or Aggravation?

The Local Public Contracting Law and corresponding regulations have been crafted to protect taxpayer dollars by inviting businesses to bid on local public contracts within a framework where the bidders are placed on equal basis to promote competition and guard against favoritism, improvidence, extravagance, and corruption (*Township of Hillside v. Sternin*, 25 N.J. 317, 322 [1957]). One such element of the Local Public Contracts Law (LPCL) is the concept of aggregation.

So what is aggregation?

Under the LPCL, every contract that in the aggregate exceeds a certain bid threshold must be procured through a competitive procurement process such as solicitation of quotations, receipt of bids, or competitive contracting. Aggregate is defined by the law (N.J.S.A. 40A:11-2) as “the sums expended or to be expended for the provision or performance of any goods or services in connection with the same immediate purpose or task, or the furnishing of similar goods or services, during the same contract year through a contract awarded by a contracting agent.”

Some goods purchased by a municipality, copy paper for example, may be well under the bid threshold because each individual purchase is so small. However, when taken together over the course of a contract year, the 12 consecutive months following award of contract, all of the purchases of like items together may exceed the bid threshold. This is known as aggregation. Under N.J.S.A. 40A:11-7.1, the LPCL requires that procurement officials consider aggregation and issue a bid for those goods or services if they are above the bid threshold.

The purpose of aggregation is threefold. First, to ensure that a municipality purchases in bulk as a way of lowering costs. Second, that contracts are not divided to avoid the bid threshold. And, third, to ensure openness in the public contracting process.

The first step in aggregation is for the procurement official to determine what goods or services are expected to be used during a contract year. To do so, the regulations require that procurement officials to use their “professional judgment based on the prior experience of the contracting unit” as well as estimate

and plan for the upcoming contract year based on information such as the municipality’s budget and purchasing history.

Regulations describe how procurement officials are to determine if goods and services expected to be used during the contract year should be combined with similar goods and services in a single bid.

Five aggregation methods

Regulations further explain the five aggregation methods procurement officials must use.

1. The contracting agent or purchasing agent must request the various organizational components of the contracting unit (i.e. departments) to estimate and provide them with their needs.
2. Based upon appropriate study and evaluation of the competitive marketplace, the contracting agent or purchasing agent must determine the range of goods and services that are best suited for aggregation to maximize potential cost savings and vendor participation. This can be accomplished by:
 - i. Determining whether there are vendors capable of submitting bids on a range of goods or services that are sufficiently similar; or
 - ii. Determining that commercial business practices related to the provision or performance of the goods or services will result in a price advantage to the contracting unit if the goods or services were made part of a separate contract.
3. In considering if a particular good or service is subject to public bidding, the amount of money spent with a given vendor is not in itself be a determining factor of reaching the threshold.
4. In determining if various expenditures are part of the same work or are similar goods or services, the emphasis is placed on the purpose of the goods and services rather than from which vendor they are purchased.
5. Where portions of any goods or services can be purchased through provisions of law that do not require public bidding, such as a State, county, or cooperative purchasing contract, any remaining portions may be counted as separate from the portion that is not required to be bid. The regulations permit such purchases to be considered as a separate aggregation calculation for the purpose of reaching the bid threshold.

The regulations (N.J.A.C. 5:34-8.3) also provide for procedures to follow if the initial estimates of goods or services needed during the contract year are incorrectly anticipated to be less than the bid threshold or had been exempt from public bidding but are later found to be incorrect. The amount required to be procured is known as the “remaining amount.”

If the remaining amount exceeds the bid threshold then bidding must take place as soon as practicable. If the remaining amount is less than 15% of the contracting unit’s bid threshold then solicitation of quotes must take place.

Where aggregation can become aggregation is if the remaining amount is between 15% and 100% of the contracting unit’s bid threshold. In other words, the remaining amount is below the bid threshold but above the quote threshold. The regulations permit the governing body to designate in advance an elected official to “determine whether public bidding or the solicitation of

quotations would be most advantageous in these circumstances.” If the governing body does not designate an elected official, the governing body must make the determination by resolution.

The first step in aggregation is for the procurement official to determine what goods or services are expected to be used during a contract year.

In addition, the purchasing agent must certify to the governing body, or if appropriate its designee, the need for

additional goods and services; provide a description of how similar goods or services have been procured during the contract year to date; obtain either a resolution from the governing body or written approval from its designee approving the purchase; and provide a report of all procurements made under this section to the full governing body.

In sum, the key to aggregation is to be able to review a contracting unit’s prior spending patterns and determine what goods and services can be purchased together to meet future needs. Often, significant cost savings can be achieved. ↗

@ To learn more and access sample evaluation forms, resolution, and procedural insights, consider ordering the NJ State League of Municipalities’ publication “Local Contracts Law Series #1: Primer on Public Bidding.” Thanks to Richard Trenk, Joseph Valenti, Ed Purcell, and Lori Buckelew, the authors of the publication, whose work was the source of this article.

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OPRA Requests for Security Footage

FRANK MARSHALL, ESQ., NJLM Staff Attorney



We received an OPRA request seeking footage from the security camera facing the parking lot outside of our municipal building. Is this something that we need to provide under OPRA?



Security camera footage has been found to be exempt from disclosure under OPRA, but disclosure may still be required under the common law right to access.

First, when dealing with any question involving disclosure under the Open Public Records Act (OPRA) a threshold issue that must be addressed is whether or not the material sought is a “government record” as that term is defined by the OPRA. In your case, it is well-settled law that video recordings and photographs made in the course of municipal business are indeed government records.

With that threshold issue out of the way one must next determine if the government record requested falls under one of various exemptions provided for in the OPRA. In regards to security camera footage, two such exemptions seemingly apply. The first is the exemption for “emergency or security information or procedures for any buildings or facility which, if disclosed, would jeopardize security of the building or facility or person therein.” The second possible exemption is for “security measures and surveillance techniques, which if disclosed, would create a risk to the safety of person, property, electronic data, or software.”

What is unclear from an initial reading of these exemptions and the OPRA in general, is whether these exemptions would specifically extend to security camera footage, and if so would this be a blanket exemption for all footage or simply for portion of the footage that would explicitly pose a security risk?

Luckily a 2016 decision from the New Jersey Supreme Court examined this issue and provides some guidance. In *Gilleran v. Twp. of Bloomfield*, 227 N.J. 159, the Supreme Court held that when viewed together, the exceptions advanced a discernible public policy of keeping from public scrutiny,

information, if disclosed, that would jeopardize or undermine the effectiveness of such systems for public building and the people within them. The Court found that allowing unfettered access to surveillance footage would reveal details of the security system itself, including its capabilities and vulnerabilities such as what areas a camera captures, and when and how well the cameras functions, thus undermining the purpose and effectiveness of the security system itself. The Court further found that there would be no redaction possible that would prevent the security system from being compromised.

it is well-settled law that video recordings and photographs made in the course of municipal business are indeed government records.

With this in mind, the Court found that access granted through the OPRA to the video tape footage of a governmental facility’s security system, would be contrary to the legislative intent of the security exceptions, thus denying under OPRA both the wholesale and redacted access to security camera footage.

Importantly, however, the Court did not go as far as to completely exempt security camera footage from public disclosure. It went on to observe, but not specifically consider, that such footage may be disclosed under the common law right to access after consideration of the balancing test examining the requestors need for the record versus the government’s need to keep the record private.

Unfortunately, I am unaware of any case law where the common law balancing test has been used to examine the disclosure of security camera footage. And, even if there is case law, the common law balancing test is extremely fact specific and each case is examined on an ad hoc basis, meaning a court’s decision would do little to help guide in the decision to disclose footage. 🦋

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League Officers for 2019-2020 Elected

On Thursday, November 21, 2019, New Jersey’s mayors elected its new slate of officers and executive board members at the League’s Annual Business Meeting in Atlantic City. These public servants will help represent the interests and needs of New Jersey’s local elected officials from the state’s 565 municipal governments to county, state, and federal governments.

Nominating Committee Chair James Cassella, Mayor of East Rutherford and NJLM Immediate Past President, presented its nominations for the offices of President, 1st, 2nd, and 3rd Vice President and 21 positions on the Executive Board, thereby fulfilling its Constitutional responsibility.

The board must include members from municipalities located

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

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

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

Taking all of those matters into their determination, the committee presented their selections and the following officers and Executive Board members were elected for service in 2019/2020. 🇺🇸

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Ras Baraka Mayor, Newark

Tom Bianco Mayor, Clayton

Gayle Brill Mittler Mayor, Highland Park

William Curtis Mayor, Bay Head

Jonathan Dunleavy Mayor, Bloomingdale

Sean Elwell Mayor, Elsinboro Township

Anthony Fanucci Mayor, Vineland

Daniel Flynn Deputy Mayor, Newton

Steven Fulop Mayor, Jersey City

John C. Glidden, Jr. Mayor, Closter

Raymond S. Heck Mayor, Millstone Borough

Liz Lempert Mayor, Princeton

Colleen Mahr Mayor, Fanwood; Immediate Past President

Gary Passanante Mayor, Somerdale

William Pikolycky Mayor, Woodbine

Guy Piserchia Deputy Mayor, Long Hill

Paul H. Tomasko Mayor, Alpine

Janet W. Tucci Mayor, West Long Branch

Jesse Tweedle, Sr. Mayor, Pleasantville City

Michael Venezia Mayor, Bloomfield

Craig Wilkie Mayor, Florence

Hardwick Committeeman James J. Perry, Sr., Elected League President

On Thursday, November 21, 2019, Committeeman James J. Perry, Sr., was elected to serve as the new President of the New Jersey State League of Municipalities. Committeeman Perry, who previously served as the League's 1st Vice President, was elected during the Annual Business Meeting at the League's Conference this year in Atlantic City.

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

Committeeman Perry has served on the Hardwick Township Committee since 2000, and is in his sixth term. He has chaired the township budget committee and has served on the Local Public Safety, Open Space, Grants, Public Safety, and DPW Committees. He has been serving his community since 1995, starting with an appointment to the Environmental Committee and is a 20-year Planning Board member. He also has served as recreation director for three years.

Committeeman Perry has served as the President of the Warren County League of Municipalities and President of the Warren County Governing Officials Association and a member of the Warren County Heroin and Opioid Task force. He has also served on the NJ Conference of Mayors Board of Directors, Legislative Committee, Gun Safety Committee, and Bylaws Committee of the organization. He has also volunteered as VP of North Warren Little League and coached youth baseball, football, and basketball. He is a local business owner of Comtech Solutions, a computer repair business in operation since 2000.

Born and raised in East Rutherford before moving to Hardwick in 1993, Committeeman Perry attended Fairleigh Dickinson University in Rutherford. He has two children, daughter Alyssa, 29, Rutgers graduate and current math teacher at Morris Knolls High School, and son, James Jesse, Jr. (deceased at 23 in 2015), graduated from Moravian College in Bethlehem, PA. 🇺🇸



How can the Bureau of Municipal Information help your municipality?

Top 5 ways

- 1** Increase efficiency
(by using the tools available in our online resource centers)
- 2** Increase knowledge on a subject
(topic summaries: found on resource center webpages; & in-depth bill histories: found on NJLM's blog)
- 3** Learn from other municipalities
(visit the library of ordinances and shared service agreements enacted throughout the State)
- 4** Stay current: Read what's in-the-news
(subscribe to news flashes to have topic updates emailed to you; or read through the article links featured in individual resource centers)
- 5** Ask questions - discuss with an expert
(League advisory & consultation services are available on several topics)





Annual Report 2019

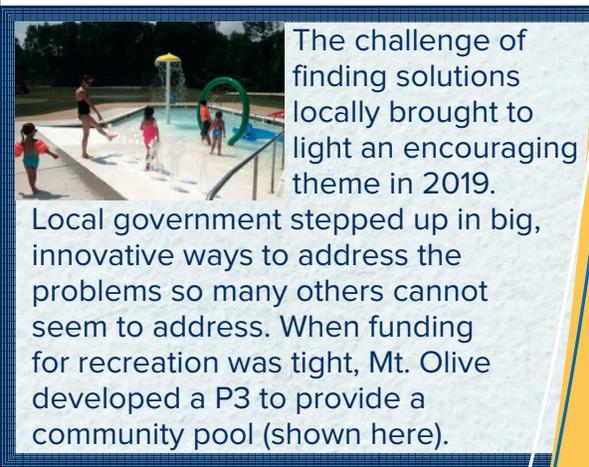
**Michael J. Darcy, CAE; Executive Director,
New Jersey State League of Municipalities**

This annual report often focuses on the external challenges municipalities have been struggling to address in the prior year. Many of those challenges are all too familiar and slow to change year-over-year. Federal funding never lives up to New Jersey's needs. Meaningful tools to help create affordable housing are not addressed. Diversion of municipal revenue for other State priorities continues. Pressures on municipal budgets are many, and it seems local officials are left to find solutions.

The challenge of finding solutions locally brought to light an encouraging theme in 2019. Local government stepped up in big, innovative ways to address the problems so many others cannot seem to address. When funding for recreation was tight, Mt. Olive developed a P3 to provide a community pool. In Gloucester, police body cameras are not the end of the trust building. They go further, with mobile community centers visiting neighborhoods that have seen police activity and help residents take back their neighborhood. Through a series of workshops on Civics for the Community, Highland Park empowers residents with knowledge so they can get involved in their government. South Harrison and Woolwich have merged police forces for savings and better coverage.

New Jersey's environment is also a focus of municipal innovation and action. Sustainable Jersey celebrated its 10th Anniversary in 2019. Through local action, it continues to lead the nation with innovative best practices for local governments. We see this with electric vehicle charging infrastructure in Maplewood or energy efficient municipal buildings in Denville. For bold innovation to solve environmental problems, we can turn to Newark Mayor Ras Baraka in partnership with Essex County Executive Joe DiVincenzo, Jr., who together accelerated a permanent solution to lead water service lines.

I encourage mayors and local officials across New Jersey to emulate these and other local government innovators. To help you ignite your ideas into action use the newly created technical assistance experts at DCA, and the new State shared service grants. As always, the League will be your source and a place to connect with others and gain insight to help you in your quest.



The challenge of finding solutions locally brought to light an encouraging theme in 2019.

Local government stepped up in big, innovative ways to address the problems so many others cannot seem to address. When funding for recreation was tight, Mt. Olive developed a P3 to provide a community pool (shown here).



This year, the League again advocated for municipalities throughout New Jersey and made sure the municipal perspective was clearly understood in public policy debate.

Legal Advocacy



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

The League has been busy advocating for municipalities in the courts this past year. Our legal department participated in various amicus interventions in 2018 at the New Jersey Appellate and Supreme Court levels. The legal matters at issue were diverse: OPRA and electronic information, OPMA and Rice notices, and Torts Claim Act, just to name a few. The League participates in these cases because they have statewide impact and municipal interests are well served by our involvement.

This year, on cases the League joined as amicus, municipalities enjoyed a bit of a winning streak with the courts siding with the League's position in three of the four decisions issued thus far. This included, a major win before the State Supreme Court regarding Rice Notices and the availability of meeting minutes in the *Kean Federation of Teachers* case, and in the *Dunbar Homes* case, the affirmation of the 'time of application' rule found in the MLUL.

In addition to our amicus work, the League's legal department continues to act as a helpful resource to municipal attorneys. We act as a clearinghouse for ideas and practices and monitor and report on important court decisions at the state and federal level that impact our members. Attorneys must continually adapt to a changing legal landscape and our legal department is a strong resource to help them in this task.

Outside of the court context, our legal department continues to review and update the various publications offered by the League, contribute to the League magazine, and provide analysis for legislative affairs. The League's legal department has also embarked on publishing a new series on the Local Public

Contract Law, and overhauling older publications to reflect changes in the law since their initial publication.

In addition to this, the legal department maintains the League's ordinance and resolution library. This library is a valuable tool for municipal attorneys, elected officials, and others as it allows users to see how other municipalities have solved problems helping them to better address their own.

Legislative Activities



The League's Government Affairs team remained active at the Statehouse, strongly advocating on your behalf before the Administration, the Legislature, and regulatory bodies.

This year League President Colleen Mahr, Mayor of Fanwood Borough, prioritized membership engagement and focused attention on timely, important issues of interest to local leaders, such as property tax relief and reform, long-overdue reforms to the Fair Housing Act, the fiscal integrity of local pension and health benefits systems, and the broadcasting of the municipal voice in the ongoing debate on the legalization of recreational marijuana.

The League's Government Affairs team remained active at the Statehouse, strongly advocating on your behalf before the Administration, the Legislature, and regulatory bodies. Mike Cerra, the NJLM's Assistant Executive Director and Director of Government Affairs is joined by a talented Government Affairs team including Senior Legislative Analysts Jon Moran and Lori Buckelew; Associate Legal Counsel Frank Marshall, and Legislative Administrator Ciara Bradley.

The League leadership and staff met regularly with the new Administration to articulate municipal concerns. During the course of the year, League Leadership met with the Governor's office, the Senate President, the Speaker of the General Assembly, and a number of cabinet officials. The League was an active voice in Trenton on these and many other issues important to local officials, including, but not limited to the following:

- The renewal of the 2% interest arbitration cap remained a top priority for the League. This cap has been successful in

curbing property tax increases. With several dozen contracts concluded at the end of 2018, the expiration of the cap has already impeded negotiations. Local governments again face the prospect of arbitration awards exceeding the property tax levy cap. The League will continue to push for this top legislative priority in 2019.

- The League continues to urge leaders to assure that if and when recreational marijuana is legalized, that municipalities will receive appropriate revenue to offset implementation costs.

Going forward, the League will also continue efforts to:

- Protect municipal tax relief funding from State diversion.
- Protect municipalities from proposed changes to the Open Public Records Act and the Open Public Meetings Act that single out local government for additional requirements and new mandates.
- Call on the Administration and Legislature to reenter the affordable housing policy discussion and enact a reasonable, rational, and funded program so municipalities can meet their State-imposed requirements.

Our Government Affairs staff is always eager to hear from you, so they can better serve you and your municipality. Please contact them with your questions, comments, and ideas.

Federal Activities



Conversations focused on an Infrastructure package, the importance of protecting municipal financing tools, opposition to federal regulatory preemption of municipal powers, the need for increased attention to the opioid epidemic, and the importance of adopting full fiscal year spending bills.

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

In February, League First Vice President Jim Perry of Hardwick joined municipal colleagues from all around the U.S. in Washington, D.C., to discuss local concerns with Members of Congress. The event, arranged by the Federal Advocacy team of National League of Cities, involved meetings in the Washington offices of, among others, Representatives Josh Gottheimer, Andy Kim, Bonnie Watson Coleman, and Frank Pallone. Vice President Perry's conversations focused on the need for bipartisan action on an Infrastructure package, the importance of protecting municipal financing tools like municipal and private activity bonds, opposition to federal regulatory preemption of municipal powers, the need for increased attention to the opioid epidemic, and the importance of adopting full fiscal year spending bills to end the ongoing drama of stop-gap resolutions and shutdown threats.

These developments highlighted our advocacy work in 2019:

- **The Gateway Program.** A comprehensive program of strategic rail infrastructure improvements designed to improve current services and create new capacity that will allow the doubling of passenger trains running under the Hudson River. Two components deserve particular attention.

- **Hudson River Tunnel Project.** Approximately 200,000 daily passenger trips take place in the existing North River Tunnel, completed in 1910, which provides the only passenger rail connections between Manhattan and New Jersey, and the rest of the Northeast Corridor to the south.

- **Portal Bridge.** Hosting about 450 trains per day traveling between Newark and NY Penn Station, the Portal Bridge is a major bottleneck and source of delay of train traffic. A second, two-track Portal South Bridge span is proposed as part of the Gateway Program and when complete will double train capacity.

- On more general infrastructure matters, we have supported bipartisan legislation in the Senate, S.1098, the *Transportation Alternatives Enhancements Act*. This bill would improve on the Transportation Alternatives Program (TAP), the primary federal funding program for bike-ways and sidewalks to reduce traffic congestion, provide children with safe routes to school, and give communities more affordable transportation options. The bill would improve local control to complete projects, and it provides communities with access to project support by both their state and non-profits.

As Congress moves to reauthorize the *Fixing America's Surface Transportation (FAST) Act* transportation bill, which is set to expire next year, we support strong increases to multimodal and collaborative programs like TAP, which provided \$850 million to recipients in 2019.

- League Staff Attorney Frank Marshall monitored **US Supreme Court cases** on issues ranging from internet sales taxes to public employee agency shop requirements as well as **federal regulatory proposals**, including FCC proposals that would supersede local broadband deployment authority and proposals to regulate the usage of personal drones which would eliminate or severely restrict state and local prerogatives.
- **The National Flood Insurance Program** was kept alive with a series of short-term extensions. We continue to monitor developments and have expressed our support for a long-term reauthorization and opposition to any amendments that would increase homeowner coverage costs.

Bureau of Municipal Information

| | Members | Non-Members | Quantity Requested |
|--|---------------------------------------|---------------------------------------|--------------------|
| 2018-19 NEWLY ELECTED OFFICIALS HANDBOOK - Primer for Local Elected Officials - Instructional materials for elected officials. | \$20 | \$30 | |
| Americans with Disabilities Act (ADA) | \$13 | \$15 | |
| 2019 Municipal Directory - Detailed reference guide containing contact information for 742 NJ municipalities. * Print and PDF versions available in March. | \$30 Printed \$40 Electronic (PDF) | \$45 Printed \$55 Electronic (PDF) | |
| New Jersey Municipalities Magazine - Annual Subscription (8 issues) includes digital version | \$25 | \$30 | |
| NJ Muni's Health Cookbook - Healthy Recipes from Elected Officials | \$10 | \$10 | |
| Local Public Contracts Law Series 1 (2014) | \$60 | \$120 | |
| Local Public Contracts Law Series 2: Primer on Competitive Contracting (2017) | \$60 | \$120 | |
| Open Public Records Act (OPRA) - Quick guide: The Right to Know Law | \$12 | \$14 | |
| Open Public Records Act (OPRA) - Guide to the Sunshine Law (2018) | \$25 | \$25 | |
| Guide to Unfunded Mandates (1 st Ed) (2012) | \$15 | \$18 | |
| A History of Municipal Government - NJ's municipal story and new statutory provisions | \$12 | \$14 | |
| Faustner Act - NJ Optional Charter Law | \$12 | \$12 | |
| NJ's Traditional Forms of Government - Towns, Villages, Boroughs and Cities | \$12 | \$14 | |
| Local Government Ethics Law (2014) | \$12 | \$14 | |
| Police & Fire Labor Data Service - Tracks trends in police and fire contract settlements. | \$300 | Full Service \$500 | |
| Police Labor Data Service | ELECTRONIC \$250 | Police Only \$400 | |
| Fire Labor Data Service | ELECTRONIC | Fire Only \$340 | |
| 2019 Salary Survey - Salaries for selected municipal positions, elected officials and superior police officers | \$60 | Electronic \$140 | |
| OVERVIEW OF NJ PERSONNEL POLICIES WITH MEL-UP (2018) | \$12 | \$14 | |
| LICENSE VOLUME 1 - Mechanics, Peddle, Solicitor, Carcasses & Kinest Vendor Fee, Vending Machine/Fee and Litter/Fees (2018) | \$50 | \$55 | |
| LICENSE VOLUME 2 - Alarm Fees and False Alarm Penalties (2018) | Electronic | Electronic | |
| LICENSE VOLUME 3 - Dog & Cat Licensing Fees, Liquor License Fees, Garage Sale, Flea Market and Auction Fees (2018) | \$40 | \$52 | |
| LIMITED TIME OFFER - License Volumes 1, 2 & 3 at a discounted price! | \$100 | \$108 | |
| LICENSE VOLUME 4 - Municipal Parking Fees & Rec. Fees (2018) | \$40 | \$55 | |
| License Summary for 2019 | \$0 | \$10 | |

The League offers a diverse listing of publications, many of which are digital and include valuable data in Microsoft Excel spreadsheets.

One of the League's most valuable services continues to be the Bureau of Municipal Information. The Bureau features resource pages for over 20 topics on the League

website. Resource pages include information such as legislation pertaining to the topic, topic history, updates via the News Flashes, and links to pertinent resources and recent news articles. Some of the more recent additions include the Finance Center, Social Media Resource Center, and Bureau Reference Desk. The Bureau Reference Desk is a collection of information on matters ranging from flag etiquette to an explanation of the differences in forms of government to youth engagement pointers.

The League offers a diverse listing of publications, many of which are digital and include valuable data in Microsoft Excel spreadsheets.

In 2019 the League continued to offer the online Ordinance and Shared Service Libraries, a valuable service providing a sampling of enacted ordinances and shared services agreements from across the state on over 70 topics. The libraries may be accessed on the League's website and are searchable by keyword.

@ Visit the Bureau online at www.njlm.org/bureau.

New Jersey Municipalities



Both Show Off Your City and NJ Local Government Week have been well received and have promise to develop into long-term bright spots in the magazine's annual editorial calendar.

With a continued focus on communicating with the members of the League about the latest topics and strategies in local governance, *New Jersey Municipalities* has had a successful year providing useful information for municipal officials and those working with municipalities. This year, the magazine was a knowledge hub for the first annual NJ Local Government Week. Special focus and cover placement in the April issue recognized this year's Show Off Your City contest winner, Seaside Heights, as well as the dozens and dozens of towns earning honorable mention. Further, the events and highlights of the inaugural NJ Local Government Week were featured on the cover and in the contents of the June issue. Both of these efforts have been well received and have promise to develop into long-term bright spots in the magazine's annual editorial calendar.

Monthly issues distributed from October through June continue to educate and inform more than 6,300 readers and

an estimated 19,000 pass-along readership as vital platform and information resource, the magazine.

The magazine is...

- Fueled by insightful editorial and advertising contributions from League members from all regions of New Jersey and their operational partners, as well as State commissioners and other experts.
- Delivering a wide range of stories to managers and policy-makers, including special focus sections on topics ranging from water infrastructure to tourism.
- Designed for easy navigation and visual interest.
- Environmentally and socially responsible in its operations, printing on industry-leading, environmentally responsible papers that use 10% post-consumer waste and FSC chain of custody certification.
- Created with print and digital readers in mind, with a growing publication archive in an electronic format based on the League's website.

As always, we welcome your calls, ideas, and articles for our premier publication.

@ Learn more at www.njlm.org/magazine

Training and In-Service Programs



The League works cohesively with numerous accreditation bodies representing 20 government licenses.

In its ongoing efforts to provide current information to members, the League offered a new program this year: three Mayors Roundtable Events on Cannabis and Affordable Housing at regional locations around the state. These Roundtable discussions offered an opportunity for Mayors to gather and discuss the topics of Cannabis Legislation and Affordable Housing. Mayors were able to ask questions of the expert panelists as well as address the potential issues these topics could bring about in their municipalities.

The League has also created a Local Government Leadership Program. This program recognizes our Elected Officials who choose to participate in additional activities such as attending seminars and writing magazine articles.

Participants receive points for each activity they complete.

The program has three tiers:

- Municipal Leader
- Municipal Innovator
- Municipal Pioneer

Those achieving these tiers will receive a certificate and recognition at the Annual Conference Orientation Session. For more information about the Local Government Leadership program please visit www.njlm.org/lglp

For 2019, NJLM continued to successfully present programs that broaden, deepen, and increase knowledge and skills of municipal personnel in various professions while collaborating with our Affiliate Groups. Approved continuing education programs serve as a cost-effective way for municipal professionals to maintain their respective state licenses. The League works cohesively with numerous accreditation bodies representing 20 government licenses, including Continuing Legal Education for New Jersey and Pennsylvania Attorneys, Municipal Licensees, Tax Assessors, Recycling Coordinators, Planning and Zoning Board Secretaries, Zoning Officials, Land Use Administrators, and Professional Engineers and Land Surveyors.

In addition to the Annual Conference, the League offered about 20 professional development seminars and webinars, educating more than 2,000 attendees in 2018/2019. Highlights include:

- Orientation for Newly Elected, Re-Elected, and Experienced Official
- Budgeting for the Elected Official: Everything you Need to Know to Create, Balance, and Approve Your Municipalities' Budget
- Annual Mayors Legislative Day
- FAST Update
- The Mini One Day Conference
- Medical Marijuana: What Public Employers Need to Know in New Jersey
- Ethics
- The New Jersey Minimum Wage Increase: What It Means for Public Employers
- Labor and Personnel Law Update

@ For more information on the League's upcoming seminars and webinars, visit www.njlm.org/Seminars.

Labor Relations Advisory Service



Our Labor Relations Counsel is available to respond to a broad range of public employer labor and employment law questions as a telephone or email service of the League.

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

Joseph Hannon is available to respond to a broad range of public employer labor and employment law questions as a telephone or email service of the League. Inquiries to the League Labor Relations Advisory Service over the years have included issues like the interest arbitration reforms and the 2% cap on awards under the 45-day "rocket docket," impacts of sunseting Chapter 78, furloughs and temporary layoffs, health benefit and pension reforms, and perennial problems municipalities face in police and fire and civilian collective negotiations, Public Employment Relations Commission unfair practices and representation matters, Shared Service Issues, Civil Service issues, FMLA and NJFLA issues, FLSA and wage and hour issues, Americans with Disabilities Act issues, and Equal Employment Opportunity and New Jersey Law Against Discrimination issues.

As part of the Labor Relations Advisory Service, Genova Burns provides expert attorney presentations at several League seminars throughout the year and during the Annual League Conference along with magazine articles.

@ For more information, visit www.njlm.org/labor-relations

Annual Conference



With 17,000 attendees and 1,000 exhibit booths, the League Conference provides the raw information that municipal leaders take back to find the way forward for their communities.

Igniting Local Engagement is the theme for the 104th Annual League Conference. Dynamic municipalities are the central point for the development of innovative ideas and solutions to our State's challenges. The NJLM Annual Conference remains the largest municipal conference in the country and a critical mainstay in the portfolio of services provided by the League. With 17,000 attendees and 1,000 exhibit booths, it provides the raw information that municipal leaders take back to find the way forward for their communities. It also serves the critical role of providing professional development for licensed municipal professionals and exposure to new products and ideas.

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

- 74 League educational sessions and more than 50 additional sessions produced by affiliated municipal professional associations
- Sessions that highlight creativity in municipal thinking
- Primers for newly elected governing body members
- Sessions focused on ethics training, personnel, and leadership
- Sessions that explore municipalities' use of new technology
- Information on economic development; planning; management, and understanding initiatives coming from State government
- Shared Services

- Insurance training sessions that result in premium reductions for attendees.
- The largest municipal exhibit hall in the country with a special area for “Smart Cities” highlights.

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

The 2019 Annual Conference provided all these opportunities while continuing to charge the lowest registration rate of any municipal league in the country.

@ For more information, visit www.njslom.org/conference.

NJLM Educational Foundation



The Educational Foundation also joins the League in congratulating Sustainable Jersey upon its 10th Anniversary.

The Foundation continues to publish a series of white papers on a wide range of issues that impact New Jersey local government. These papers offer a deeper understanding of the specific issues explored. All Foundation publications are available for free download at the foundation website.

To capitalize on years of experience piloting the youth and family literacy Mayors Book Club program, the Foundation continues to offer the manual, “Planning and Participating in a Mayors Book Club” and distributed it to mayors at the Annual Conference. The manual was written by Dr. Vicki Cohen, Fairleigh Dickenson University, and edited by Foundation President Timothy McDonough, Mayor, Hope. The manual is also available for free download from the Foundations webpage www.njlmef.org

In 2019 the Foundation continued the administration of the Michael A. Pane Memorial Fund. The Fund awards an honorarium to a local government professional (attorney, engineer, or planner) who personifies outstanding ability, integrity, and ethics in his or her dealings with local governments.

The Educational Foundation also joins the League in congratulating Sustainable Jersey upon its 10th Anniversary. Early on,

the Educational Foundation helped Sustainable Jersey by administering more than \$1 million for Sustainable Jersey given by such funders as WalMart, NJBPU, and others. A list of Foundation trustees is found elsewhere in this annual report and on the Foundation website.

@ Visit the NJLM Educational Foundation online at www.njlmef.org

NJLM Education Foundation Trustees

NJLMEF is a non-partisan informational resource for local government that offers timely research and a proactive approach to resolving the complex issues affecting New Jersey’s diverse communities.

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

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

Michael J. Darcy, CAE, *Treasurer; Executive Director, NJLM*

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Brian Turano, *Trustee; Senior Vice President of Government Banking, Investors Bank*

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Suzanne Walters, *Trustee; Former Mayor, Stone Harbor; Past President, NJLM*

Louise Wilson, *Trustee, Former Mayor, Montgomery; Past President, NJLM Educational Foundation*

Althea Yancy, *Trustee; Director Public Affairs Citizenship & Sustainability, AT&T*

222 West State Street Urban Renewal Corp. Board of Trustees

The Corporation owns and operates the League's headquarters building.

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Millard Wilkinson, Jr., *Past President, NJLM*

Membership and Finance

The League is completing its 104th year of service to the municipalities of New Jersey. Our membership currently includes 564 municipalities in the State of New Jersey. The League's fiscal year runs from July 1 to June 30. The budget under which the League currently operates is set forth on this page.

2019/2020 Adopted Budget

INCOME

| | | |
|----|-------------------------------------|-------------|
| 1 | Appropriation of Prior Cash Balance | \$0 |
| 2 | Membership Dues | \$666,041 |
| 3 | Magazine | \$310,000 |
| 4 | Annual Conference | \$2,200,000 |
| 5 | Interest | \$53,000 |
| 6 | Publications | \$34,000 |
| 7 | Seminars | \$140,000 |
| 8 | Miscellaneous Receipts | \$4,500 |
| 9 | Internet Advertising | \$180,000 |
| 10 | Sub-Leases Base Rent | \$163,700 |
| 11 | Sub-Leases Expense Rent | \$118,595 |
| 12 | Sub-Leases Parking Space Rental | \$40,446 |
| 13 | Corporate Supporters | \$66,000 |
| 14 | Grant Station Subscription | \$400 |
| 15 | Employee Medical Contributions | \$80,000 |

\$4,056,682

EXPENSE

| | | |
|----|-------------------------------------|-------------|
| 16 | Salaries | \$1,375,902 |
| 17 | Social Security & Medicare | \$105,257 |
| 18 | Pension Employer Portion | \$190,000 |
| 19 | Disability Insurance | \$1,500 |
| 20 | Medical Benefits | \$463,000 |
| 21 | Workers Compensation Ins | \$5,000 |
| 22 | Unemployment Compensation Insurance | \$0 |
| 23 | Automobile | \$13,348 |
| 24 | Magazine | \$184,300 |
| 25 | Office Expense | \$27,000 |
| 26 | Legislative | \$44,500 |
| 27 | Conference | \$560,000 |
| 28 | Meetings/Training | \$39,000 |
| 29 | Postage | \$35,000 |
| 30 | Equipment Payments | \$17,000 |
| 31 | Maintenance on Equip. | \$4,000 |
| 32 | Printing | \$13,500 |
| 33 | Books, Subscriptions | \$5,000 |
| 34 | Grant Station Subscription Expense | \$235 |
| 35 | Seminars | \$80,000 |
| 36 | Telephone | \$13,000 |
| 37 | Audit | \$8,250 |
| 38 | Legal | \$99,100 |
| 39 | Insurance & Bond Premium | \$32,000 |
| 40 | National League of Cities | \$37,297 |
| 41 | Temporary Help | \$3,000 |
| 42 | Technology | \$43,000 |
| 43 | Internet Web Maintenance | \$10,000 |
| 44 | Photocopying | \$5,000 |
| 45 | Scholarships | \$3,000 |
| 46 | 222 Base Rent | \$378,435 |
| 47 | 222 Expense Rent | \$171,543 |
| 48 | Commission Leasing | \$4,533 |
| 49 | Online Ordinance Shared Services | \$2,100 |

\$3,973,800

@ www.njlm/annual_report

SHOW OFF YOUR CITY!

→ Enter to win!

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

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

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

Photos can be submitted to aspiezio@njlm.org, or mailed on CD or flash drive to 222 West State Street, Trenton, NJ 08608.

Deadline to submit is February 3.

Entry details: Unfortunately stockphotos and images that are too low resolution will not be considered. By submitting a photo you are agreeing that you own the rights to the photo and that NJLM has permission to use the photo in *NJ Municipalities*, on NJLM's social media and website, and on other printed materials. A winner will be chosen on February 14. Please include your Facebook profile name and we will tag your photo on Facebook!



nj Editorial Index 2019

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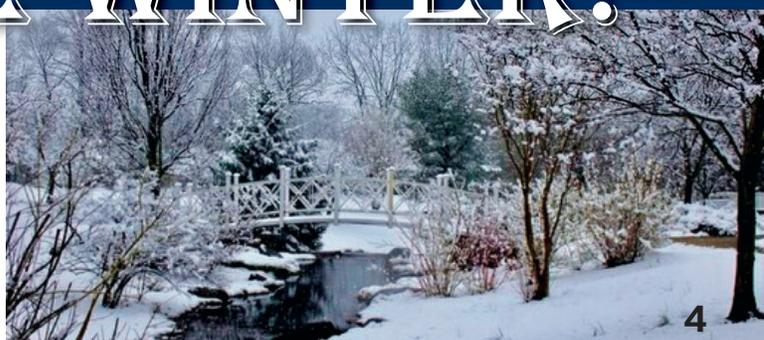
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Around the State

WELCOME WINTER!



While the thought of salt inventories and snow plowing overtime may not fill municipalities with seasonal joy, there are moments of beauty to be found throughout the Garden States in the coming season.

Shown here are some snowy moments sent in for the 2019 Show Off Your City Photo Contest.

1. Asbury Park's Sunset Lake in snow, captured by Patrick Hoey.
2. Snow in the town square of Glassboro.
3. Haddonfield's Haddy Lane features a snowy dinosaur, Haddy the Hadrosaurus.
4. A frosty bridge in Hamilton Square's Sayen House and Gardens taken by Jen Acolia.

We look forward to seeing all four seasons around the state in the entries for the 2020 Show Off Your City contest. Email aspiezio@njlm.org with your submissions, visit www.njlm.org/943/Show-Off-Your-City-Photo-Contest. 📷

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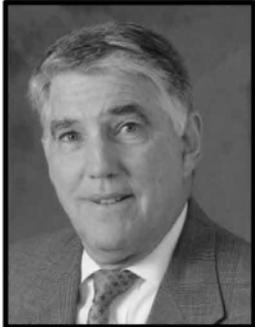
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