

nj municipalities

Official Publication of the New Jersey State League of Municipalities

April 2019

Show Off Your City! This year's winning municipal moments

Improving
Municipal Recycling

Civility in
Local Government

NJ LOCAL APRIL 7-13
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New Jersey Municipalities Magazine

Volume 96 | Issue 4

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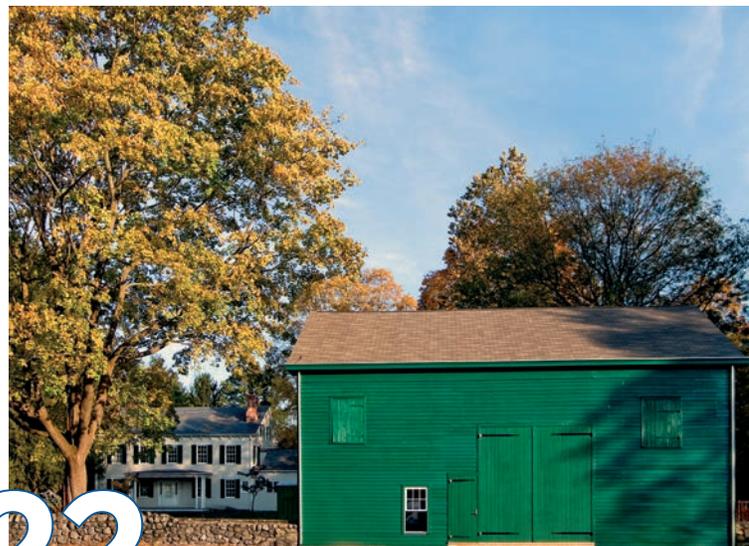
Five Strategies for Improving Municipal Recycling in New Jersey

Despite changes in the recycling marketplace, recycling still makes sense for New Jersey's communities

Steven Rinaldi, [Research Scientist, Bureau of Energy and Sustainability, NJ Department of Environmental Protection](#)

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Seaside Heights Business Improvement District & the Borough of Seaside Heights shared this picture by Angie Lombardi Photography, and their entry was selected winner of the 2019 Show Off Your City contest.



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Encouraging Civility to Move Forward

At times, the challenges of governing can dim the focus on what is really important. As winter recedes, April is a time to wake from the dimness and remember how local government is inspiring and encouraging and motivating.

The second annual Show Off You City photo contest is one way to remind us of the special wonders of our hometowns and the important purpose of local government. These photos remind us why we want to live in New Jersey and what makes contributing to our communities so meaningful. This year there was an outpouring of submissions, demonstrating the passion everyone rightfully has for the places they call home. Enjoy some of our favorite picks in this issue of *New Jersey Municipalities* and also on our social media and website. I guarantee they will make you want to wander our beautiful state visiting the people and places shared through these special pictures.

Another encouraging reminder you will find in this issue are articles on the interrelated subjects of ethics and civility in local government. While we cannot control the actions of others, we can use our actions to promote both these pillars of good governance. And we should actively do that because ethical leadership helps support civility in our interactions. And civility is a reminder that everyone is expected to be treated fairly and ethically, especially in a governmental setting. I hope you will take time to

recognize and encourage your municipal colleagues who understand and practice these important pillars. After reading these articles you might take a moment to share them with others who you think could benefit from them as well.

For an inspiring example of the positive power of civility, I recommend a rather unexpected source. The power of civility was on prominent display during a most contentious hearing of the House Committee on Oversight and Reform February 27. Most will recall that hearing for its purpose of testimony by a convicted perjurer about a litany of lying and a general lack of ethics or civility. However, late in the hearing, after nearly five hours of work, there was a very contentious exchange between members of the committee who are from different parties. Chairman Cummings admirably stepped in to calm the members so they could exchange concerns in a civil manner.

That civility between members meant they could clarify their concerns, convey their true meaning, and in the case of one member reconfirm the personal friendship across party lines that existed before the hearing. The ability to maintain civility kept the committee on task, assured the members their concerns and thoughts were honestly appreciated and resulted in the successful conclusion of the hearing.

Such civility was a lesson in stark contrast to the actual topic of the hearing and a clear reminder that even as we disagree we must be civil or risk losing our way forward. ❧

Michael Darcy

Ethical leadership helps support civility in our interactions. And civility is a reminder that everyone is expected to be treated fairly and ethically, especially in a governmental setting. I hope you will take time to recognize and encourage your municipal colleagues who understand and practice these important pillars.

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Five Strategies for Improving Municipal Recycling in New Jersey

Despite changes in the recycling marketplace, recycling still makes sense for New Jersey's communities

By Steven Rinaldi, Research Scientist, Bureau of Energy and Sustainability, NJ Department of Environmental Protection

Major changes in global recycling markets, especially the Chinese market, during the past year have caused significant challenges for the worldwide recycling community. News articles highlight how U.S. recycling programs are struggling to find markets for the materials they collect, resulting in recyclables piling up at recycling centers, commodity prices plummeting for recyclable materials, and recycling costs rising for municipal and county recyclable collection programs. Some pundits have even questioned whether recycling programs can survive in this new global economy.

Thankfully, the situation is not as dire as reported; there are proactive steps municipalities and counties can take to improve the outlook and performance of their recycling programs.

Recycling contamination

The root cause of the current situation is what the recycling community calls "recycling contamination," which occurs when non-acceptable items end up in the recycling stream. Non-acceptable materials aren't necessarily non-recyclable, but they aren't accepted by the local recycling program. Some prime examples are plastic bags, polystyrene coffee cups, garden hoses, syringes, bowling balls, and trash.



This gets even more complicated in a state like New Jersey, where different municipalities accept different recyclable materials. What's acceptable at your home might not be acceptable at your work. Contamination also occurs when people try to recycle acceptable materials that have been altered in some way. A good example is shredded paper that cannot be properly sorted at a recycling center and will either contaminate other recyclable materials or get disposed as trash.

The most significant consequence of recycling contamination is the loss of the Chinese recycling market. During the past two decades, roughly half of America's recyclable paper and plastic, as well as many other recyclable materials, was sent to China to be made into new products and packaging. However, high levels of recycling contamination have led to new and restrictive

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Seaside goldenrod in Barnegat Light NJ
Photo by Ben Wurst

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Improving Municipal Recycling

quality-control specifications, increasing the amount of U.S. material rejected by China. Ultimately, Chinese officials banned the import of numerous recyclable materials.

With the Chinese recycling market now virtually closed, recyclers around the world have been scrambling to find new end markets for the growing supply of recyclable materials. That increased supply of recyclable material versus the demand has reduced the value of most recyclable material commodities. This has had a negative impact on the economic viability of recycling, increasing the costs of municipal and county recycling programs across the nation.

Keep calm and recycle on

While this situation has resulted in some people questioning the need for recycling, recycling still makes sense for economic and environmental reasons and is still the law in New Jersey.

Municipalities and counties can implement strategies to reduce recycling contamination and improve the marketability and value of the recyclable materials collected.

First and foremost is improved local recycling education so that residents better understand their local recycling requirements, the importance of keeping recyclable materials clean and free of contaminants, and the idea that recyclable materials are not trash, but rather valuable commodities.

To support recycling education at the local level, the New Jersey Department of Environmental Protection purchased the Recycle Coach information system for the entire state. Recycle Coach provides specific information about local recycling program requirements through a weblink and through a cell phone app that enables users to have this information at their fingertips (<https://solutions.recyclecoach.com/>). Local recycling officials can also use the educational and promotional tools, including infographics, radio public service announcements, articles, and presentations, developed by the DEP. In addition, the DEP is working on social media messaging to combat recycling contamination.

RECYCLING TIP:

QUESTION: WHAT DO THESE FOUR ITEMS HAVE IN COMMON?

 Plastic Bag	 Bowling Ball
 Styrofoam Cup	 Garden Hose

ANSWER: NONE OF THEM BELONG IN YOUR RECYCLING BIN.

First Recycling program costs can be reduced by using free online resources for producing educational and promotional materials. Sustainable Jersey, a nonprofit organization that provides tools, training, and financial incentives to support communities as they pursue sustainability programs, provides municipalities with helpful online resources and grant funding to improve their recycling outreach.

Second enforcement at the local level is also essential to the success of any recycling program. Curbside recycling inspection programs can dramatically reduce contamination of the recycling mix and improve the marketability and value of recyclable materials. The Borough of Point Pleasant in Ocean County and the Borough of Fair Lawn in Bergen County have implemented successful recycling enforcement programs, resulting in increased participation rates and declining contamination rates.

Third additional funding is available through grants. The DEP annually provides municipalities with recycling grant funds that can be used for a variety of recycling program needs, including education and enforcement. In fact, the DEP has announced that local governments will share \$14.3 million in recycling tonnage grants for recycling efforts.

In addition, the DEP modified its recycling tonnage grant distribution formula to better financially support municipal curbside recycling efforts during this challenging time. Recycling grant funds can specifically be used to fund “boots on the ground” inspections and education programs to ensure residents, businesses, and institutions are source separating mandated recyclable materials and keeping appropriate records, so their municipality can receive recycling funds for the recycling that is accomplished.

The DEP also funds the recycling coordinator training program at Rutgers University. This comprehensive educational program teaches recycling coordinators how to improve the efficiency and cost-effectiveness of their recycling program.

Fourth some municipalities are considering a return to dual stream collection of recyclables (one recycling bin for bottles, cans, and containers and one recycling bin for paper/fiber) as opposed to the more prevalent single stream collection system (one recycling bin for all materials).

Dual stream collection typically results in less contamination and thus cleaner, more marketable recyclable materials than single stream recycling systems. In New Jersey, the Borough of Oakland made the switch back to dual stream in February 2018. There are, however, numerous factors that would make a return to a dual stream collection system difficult or impractical for many programs.

Finally, many recycling programs are also going back to the basics to enhance the cost-effectiveness of their program. By no longer collecting materials that have not been mandated in the county recycling plan and are of low value with limited marketability, costs can be reduced. For example, municipalities that are part of the Morris County Municipal Utilities Authority program are now collecting three types of plastics instead of five.

While changes in the international recycling market have led to challenging times for local recycling programs, these changes have also led to investment in new recycled paper mills and plastics recycling centers in the U.S. These

facilities will consume many thousands of tons of recyclable materials collected from curbside programs. Other positive developments include the rise in some recyclable commodity prices—for example, certain plastics—since last summer and the fact that recyclable materials are still moving through the system and getting recycled.

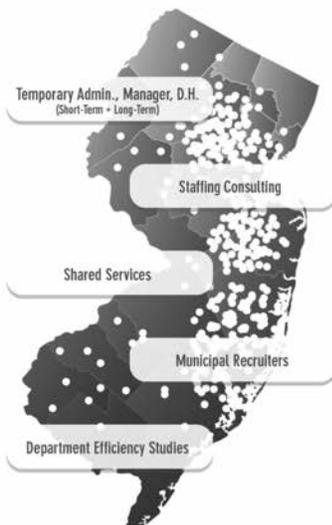
It is important to remember that recycling markets are cyclical just like other commodity markets and will bounce back in time as they react and adjust. In the meantime, municipalities are urged to focus their efforts on cleaning up the recycling stream to make their recyclable materials more marketable and valuable. ♻️

Steven Rinaldi is a Research Scientist in the NJDEP's Bureau of Energy and Sustainability. Steven has worked on all aspects of recycling, and among other things, he coordinates the Department's New Jersey WasteWise Business Network, works closely with Sustainable Jersey on recycling issues, and develops educational and promotional initiatives on behalf of recycling. Steven has masters and bachelors degrees from Rutgers University.

In Your Town: Recycling

Here's how New Jersey's communities can keep recycling environmentally friendly and economically sustainable:

- 1. Improved local education:** Take advantage of the DEP's new Recycle Coach app (<https://solutions.recyclecoach.com/>).
- 2. Enhanced enforcement:** Curbside inspections reduce contamination, which improves the marketability of your recycling mix.
- 3. Follow the money:** The DEP has announced \$14 million in grants in 2019.
- 4. Split it up:** Where practical, consider dual-stream recycling as a way to reduce recycling contamination.
- 5. Keep it simple:** To improve the cost-effectiveness of your program, consider only collecting the mandated types of materials.



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JPM helped us hire two members of our Senior Management Team and handled everything tremendously.

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

Mayor Fred Tagliarini
Township of Aberdeen
★★★★★
JPM provided an outstanding Temporary DPW Director, and completed an outstanding Efficiency Study of our DPW.

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

Stephen Mountain
Manager, Township of Randolph
★★★★★
JPM was very responsive to our needs and utilized a process that was fair and organized. They helped us select the best professional for the position.

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Borough of Manville
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NOW & THEN



Amy Spiezio
Managing Editor

Thank Your Mother: Earth Day in the Garden State

While this issue celebrates ethics, civility, and all of the things local governments strive for and succeed at, we also take a moment to remember what made all of this possible: the planet earth! To continue all of the goodness we take for granted in the Garden State, we have to ensure that we are doing all we can to preserve and even improve the environment.

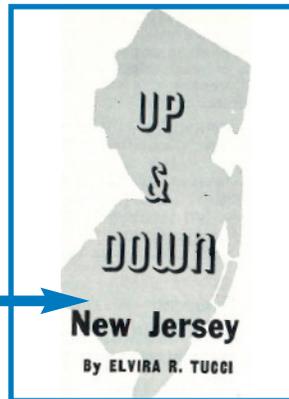
Shortly after municipalities celebrate the First Annual Local Government Week April 7-13, they will be celebrating the 49th Annual Earth Day on April 22. This event continues to push forward support for environmental protection. According to the New Jersey Department of Environmental Protection's site, www.earthnj.org, some towns are kicking off their Earth Day efforts early, and their events dovetail nicely with NJ Local Government Week. We wish Hope (Warren) and Ocean (Monmouth) Townships all the best with their Green Fairs, both planned for April 13.

The NJ DEP also provides an article Five Strategies for Improving Municipal Recycling in New Jersey for this issue. Today's recycling situation has left many towns struggling to determine the next best course of action, and we appreciate their input. We also appreciate Wyckoff Township for sharing its in-depth recycling transition story, which was a winner in the Rutgers University Municipal Information Contest. Consider how they are dealing with this pressing matter as you plan your own efforts.

In addition, catch up on environmental legislation with the annual round up by NJLM Environmental Counsel John M. Scagnelli. From stormwater runoff to illegal dumping, we are all trying to keep their Garden State Green.

Please let us know how you're celebrating the First Annual NJ Local Government Week and Earth Day by sending in pictures and articles to aspiezio@njlm.org. Your success stories are an inspiration to peers around the state. ♻️

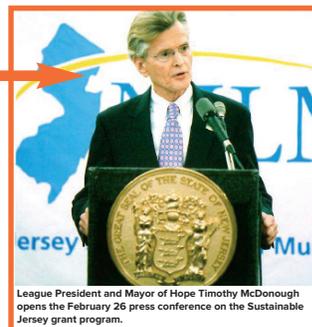
TIMELINE



In the June 1970 issue of *NJ Municipalities*, it was noted that "the Department of Environmental Protection has advised owners and operators of incinerators that they have until August 15, 1970 to meet all qualifications spelled out in Chapter 11 of the State Air Pollution Control Code or to replace the existing installation with one which meets the requirements."



In the June 1987 issue, Randolph discussed how it took a largely volunteer-driven recycling program born in the 1970s to a more organized effort starting with leaf and branch collection. "The establishment of these services eventually was taken for granted and became part of the normal routine. It was only when recycling grants became available in 1983 that we realized we were really in the lead on some of these programs."



In April 2009, Sustainable Jersey officially rolled out its grant program. "Sustainable Jersey is an initiative of the New Jersey State League of Municipalities' Mayors' Committee for a Green Future, the Municipal Land Use Center at the College of New Jersey, The New Jersey Sustainable

State Institute at Rutgers University, the New Jersey Department of Environmental Protection, the Rutgers Center for Green Building, the New Jersey Board of Public Utilities, and a coalition of New Jersey non-profits, state agencies, and experts in the field."

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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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NJLM

This Month

with NJLM President
Colleen Mahr,
Mayor, Fanwood



NJLM Legislative Committee Discusses Census 2020 & More

In addition to the usual in-depth discussions of matters relating to upcoming legislation, the March Legislative Committee took the time to salute women in municipal government on International Women's Day and to listen to a presentation on the 2020 Census by Jeff Behler, Regional Director of the NY Regional Census Center.

His presentation and more information can be found at the League's website, www.njlm.org/2020census.



US Census Bureau
Regional Director
New York Regional
Census Center Jeff T.
Behler and NJLM
Executive Director
Michael J. Darcy (r).



The League's Women in Municipal Government Committee members and some recent honorees (l to r) NJLM 2nd VP Mayor Janice Kovach of Clinton Town, NJLM Executive Board Member Mayor Sue Howard of Monmouth Beach; Newark Council President Mildred Crump; Bridgeton Business Administrator Stephanie Bush-Baskette; NJLM President Mayor Colleen Mahr of Fanwood; Orange Councilwoman Tency Eason; NJLM Past President Mayor Janice S. Mironov of East Windsor; Thomas Edison University's John S. Watson Institute for Public Policy Executive Director Barbara George Johnson; Mayor Carol Bianchi of Bernardsville; and NJLM Past President Suzanne Walters.



NJLM President Mayor Colleen Mahr of Fanwood paid a visit to the Somerset County League of Municipalities, catching up on the latest issues with (l to r) Front row: Mayor Ray Heck, Millstone, NJLM Executive Board member; Mayor Michael Giordano, Jr., North Plainfield; Mayor Carol Bianchi, Bernardsville; Mayor Phil Kramer, Franklin Township (Somerset); Former Mayor Ed Zimmerman, Rocky Hill. Back row: Mayor Keith Balla, Watchung; Mayor Daniel J. Hayes, Jr., Bridgewater; Mayor Robert Uhrick, Rocky Hill.

Mayor Mahr also addressed building officials from around the state about minor workrules at a meeting of the New Jersey Building Officials Association held recently. Shown here (l to r) Cindy Wilk, former Director DCA Codes and Standards; Sara Yerkes, Senior Vice President, Government Relations at ICC; Bob LaCosta, Past President NJBOA/President UCBO; Mayor Mahr; William Connolly, former Director, DCA Codes and Standards; Jerry Eger, President, NJBOA



All Aboard!

NJLM officials and members were working on behalf of municipalities at the New Jersey Chamber of Commerce's 82nd Annual Walk to Washington & Congressional Dinner. 📍



NJLM President, Mayor Colleen Mahr of Fanwood, and NJLM Executive Director Michael J. Darcy and NJLM Assistant Executive Director Michael Cerra were among those on board. Also on board, shown above: NJLM Past Presidents Mayor Brian Wahler of Piscataway and Mayor J. Christian Bollwage of Elizabeth (third and fourth from left) with Middlesex County Freeholder Kenneth Arnwood and Assemblywoman Nancy Pinkin (Dist. 18).



At the Congressional Dinner, NJLM Executive Board Member Mayor Ray Heck of Millstone, Governor Phil Murphy, and Councilman Kareem Pritchett of Mt. Laurel.

New NJLM Internship Program Started

The League has launched a new internship program this spring, open to junior and senior level undergraduate and graduate students. Eligible students must be enrolled in an accredited college or university with a concentration in Public Policy, Public Administration, or Political Science, or other related field.

“Like municipal governments all over New Jersey, the New Jersey State League of Municipalities is striving to connect with the next generation of workers to illustrate the benefits and attractions of a career in public service. We look forward to growing this program and mentoring young professionals as they embark on their public administration paths,” said NJLM Executive Director Michael J. Darcy, CAE.

Outreach for the position was shared with several local colleges and universities, and as a result, the League successfully recruited its first intern, Chanelle Clark. Clark, who is a graduate student at Rutgers University in Camden, started her internship in January. She is currently pursuing a Master of Public Administration degree, and expects to graduate next May.

During the spring internship, Clark's core responsibility has been to assist the League with data collection for a research project comparing police and fire contract data. 📍



Chanelle Clark

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Cool Budgets!

More than 100 elected municipal officials braved the snow to attend the NJLM Budgeting seminar with Mayor William Chegwidien, NJLM 3rd Vice President; Jon Rheinhardt, Wharton CFO/Business Administrator, and GFOA President; and Jason Gablof, Millburn Chief Financial Officer and Past President GFOA. 



APRIL

April 5

**27th Annual
Mayors Legislative Day**
Statehouse Annex,
Committee Room 4, Trenton

April 13

**Mayors' Roundtable:
Addressing the
Critical Issues of
Cannabis Legalization
& Affordable Housing**
Hilton Hotel, East Rutherford

April 16

**Mayors' Roundtable:
Addressing the
Critical Issues of
Cannabis Legalization
& Affordable Housing**
Hotel ML, Mount Laurel

April 24

**Labor and
Personnel Update**
DoubleTree Hotel, Tinton Falls

April 29

**Mayors' Roundtable:
Addressing the
Critical Issues of
Cannabis Legalization
& Affordable Housing**
Princeton Marriott at Forrestal,
Princeton

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Teddy Bears to the Rescue in Gloucester

Gloucester Township police officers have many tactical tools at their disposal when responding to calls, but one important tool they have begun using in their arsenal: teddy bears. When arriving at the scene of a crime where children are present, the officers can present children with a teddy bear to help calm the children. The teddy bears also help to establish relationships with the children and create a connection with the office.

Mt. Olive Business Map

Mount Olive Recreation is offering an opportunity for businesses to be publicized at Turkey Brook Park as well as an additional map at Flanders Park. The map at the event field at Turkey Brook Park and was seen by approx. 25,000 people throughout 2018. This year, Flanders Park will be receiving an upgraded gazebo, new swings, a handicap accessible play area, and new benches with business maps! The business map was nominated for the 2018 Innovation Award in Governance Award Sponsored by New Jersey State League of Municipalities.



Opioid Fight Grant for Mahwah

Mahwah recently received a \$299,360 grant from the U.S. Department of Justice (US DOJ) to aid in their fight against opioid abuse. The township plans to use this funding to increase the number of counselors available, and provide additional training opportunities for the first responders who are working with local educators and health care providers. The US DOJ's Comprehensive Opioid Abuse Site-based Program Category 1 grant funds the implementation of programs that identify, treat, and assist those impacted by the current epidemic. Awards support law enforcement and first responders and will help to introduce a number of new programs in Mahwah.

Bound Brook Cultural Arts Committee Formed

After becoming one of the first municipalities to designate a downtown Arts District by official ordinance, the next step for Bound Brook was to establish a Cultural Arts Committee. The Committee will be responsible for facilitating art projects and events and encouraging collaboration among local artists and local art organizations. Since the committee's establishment in late 2017, the group has successfully created colorful murals on public buildings and in schools, organized community events, such as a Santa Run and RiverFest Arts & Music Fair. Plans for 2019 include murals to commemorate the Battle of Bound Brook and the history of the borough.

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By William M. Cox

Revised & Updated By
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NLC Leaders 2019

At the 2018 City Summit in Los Angeles, the National League of Cities (NLC) elected the organization's 2019 leadership and board of directors. NLC's officers and leaders provide strategic direction and guidance for NLC's federal advocacy, governance and membership activities throughout the year. NLC is the largest and most representative organization for cities, their elected leaders and municipal staff, and advocates for city priorities in Washington by building strong federal-local partnerships. NJLM is a member of NLC.

"At a time marked by division, it is more important than ever for city leaders to come together for the good of our residents, and for the future of our country," said National League of Cities (NLC) President Karen Freeman-Wilson, Mayor of Gary, Indiana. "It is an honor to lead the National League of Cities as we raise our collective voice on the issues that matter to the residents in our communities. Together, we can make real change happen in our nation's cities."

NLC Officers

(nominated for a one-year term):

- President:** Karen Freeman-Wilson, Mayor, Gary, Indiana
- First Vice President:** Joe Buscaino, Councilmember, Los Angeles, California
- Second Vice President:** Kathy Maness, Councilmember, Lexington, South Carolina
- NLC Immediate Past President:** Mark Stodola, Mayor, Little Rock, Arkansas

Board of Directors

(nominated for a two-year term):

- Joel Navarro, Councilmember, Tempe, Arizona
- Wayne Messam, Mayor, Miramar, Florida
- Deana Holiday Ingraham, Mayor, East Point, Georgia
- Chasity Wells-Armstrong, Mayor, Kankakee, Illinois
- Patrick Wojahn, Mayor, College Park, Maryland
- Angelia Washington, Councilmember, Jacksonville, North Carolina
- Steve Patterson, Mayor, Athens, Ohio
- Greg Evans, Councilmember, Eugene, Oregon
- Andy Berke, Mayor, Chattanooga, Tennessee
- John Kinnaird, Councilmember, Waco, Texas
- Rebecca Viagran, Councilmember, San Antonio, Texas
- Sean Polster, Councilmember, Warrenton, Virginia
- Steve Williams, Mayor, Huntington, West Virginia



L to r: Mayor Mark Shodola, Immediate Past President; Councilmember Kathy Maness, 2nd VP; Mayor Karen Freeman-Wilson, President; Councilmember Joe Buscaino, 1st VP; Clarence Anthony, NLC CEO/Executive Director

Board of Directors

(nominated for a one-year term):

- Amanda Edwards, Councilmember, Houston, Texas
- Brent Jaramillo, Councilor, Questa, New Mexico
- Harold Perrin, Mayor, Jonesboro, Arkansas
- Gary Resnick, Mayor, Wilton Manors, Florida

State Municipal League Executive Directors:

- Mike Fina, Oklahoma Municipal League
- Paul Meyer, North Carolina League of Municipalities
- Kent Scarrett, Ohio Municipal League
- Dave Unmacht, League of Minnesota Cities

Federal Advocacy Chairs:

- Robin Arredondo-Savage, Councilmember, Tempe, Arizona (Human Development)
- Chris Brown, controller, Houston, Texas (Finance, Administration and Intergovernmental Relations)
- James McDonald, Councilmember, Pinecrest, Florida (Transportation and Infrastructure Services)
- Laurie-Anne Sayles, Councilmember, Gaithersburg, Maryland (Community and Economic Development)
- Stephanie Piko, Mayor, Centennial, Colorado (Information Technology and Communications)
- Hattie Portis-Jones, Councilmember, Fairburn, Georgia (Energy, Environment and Natural Resources)
- Roxanne Thalman, Councilmember, Arlington, Texas (Public Safety and Crime Prevention) 🇺🇸

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Action needed to save state effort to strengthen local news

By Mike Rispoli, Director, Free Press Action

For New Jersey's communities to thrive, residents need access to accurate, relevant, and trustworthy local news and information.

Unfortunately, more and more people in the state are seeing their local-news outlets disappear. Since New Jersey is sandwiched between the New York and Philadelphia broadcast-media markets, residents have always relied on community-based print media to provide timely news about what's happening in their schools, local governments, and downtown business districts.

But nearly 30% of New Jersey's newspapers have disappeared since 2004, and circulation has dropped 45%, according to the University of North Carolina's News Deserts database. About a third of New Jersey's counties have three or fewer newspapers.

In real life, those statistics mean that hundreds of communities get little to no regular news coverage. That means public meetings are going uncovered, important local decisions and initiatives go unnoticed, and thousands of people can't get basic information about where they live.

Indeed, New Jersey is in the midst of a local-news crisis, and the situation will worsen unless bold action is taken.

That's why in 2018, New Jersey drew headlines around the globe with the creation of the Civic Information Consortium, landmark legislation sponsored by Senate Majority Leader Loretta Weinberg and Assembly Majority Leader Louis D. Greenwald. The consortium is a first-of-its-kind public charity with the mission of strengthening local-news coverage and boosting civic engagement across the state.

The consortium will be a collaboration among five of the state's leading public higher-education institutions: The College of New Jersey, Montclair State University, the New Jersey Institute of Technology, Rowan University and Rutgers University. It's an official declaration that public funding can play an essential role in confronting the growing problem of news deserts and media consolidation.

Studies have shown that when local news disappears, fewer people vote, fewer people volunteer, political polarization increases, and people feel disconnected from their communities. The threat of a barren media landscape is why New Jersey lawmakers passed legislation to create the Civic Information Consortium with broad bipartisan support, and it's why thousands of residents supported the bill by participating in public forums, brainstorming ways to better inform their communities, and lobbying their elected officials.

It was a huge achievement when the \$5 million to fund the consortium was included in the FY 2019 budget, which the legislature passed and Gov. Murphy signed. The governor heralded the bill to create the consortium when he signed it into law six weeks later. However, in his bill statement he removed funding for the consortium. Currently, Gov. Murphy in his recent budget proposal committed to allocating \$1 million for the consortium, but this falls well short of the funds identified last year as necessary to have statewide impact.

Gov. Murphy and lawmakers must act now to fully fund the consortium to ensure its success. And we need local public officials to speak out why the consortium will benefit their communities and ensure that their constituents stay informed and engaged.

With \$5 million in funding, the consortium can start its critical work of supporting quality local journalism, promising media startups and other efforts meant to better inform New Jersey communities. This work would fund a diverse range of worthy endeavors, including news-literacy programs in local schools and innovative municipal projects that would provide critical information to residents.

“Indeed, New Jersey is in the midst of a local-news crisis, and the situation will worsen unless bold action is taken.”

Since the consortium was signed into law, there have been signs that it's needed now more than ever. Earlier this year, Digital First Media tried to purchase Gannett, the largest newspaper owner in New Jersey. Digital First is notorious for gutting newsrooms, censoring journalists, and slashing local coverage. While Gannett rejected this bid, it's clear that the vultures are circling. The threat of continued media consolidation looms, and it's safe to say that there will be more cutbacks in local newsrooms in the months ahead.

For example: South Jersey television station SJN Today has announced that it will be eliminating its nightly newscast and cutting 20 newsroom jobs. This adds to the thousands of New Jersey journalists who have lost jobs over the past decade, a trend that's only accelerating with time.

Some promising local-news startups have emerged in the state, but their path to economic sustainability is unclear. Through the seed money, partnerships, models, and evaluation the consortium could provide, such startups could flourish, giving residents the news and information they need to stay informed.

And while the state's ethnic media provide a valuable service to people of color and immigrant communities, these outlets face economic challenges and a sense of isolation the consortium could help address. The consortium would emphasize investing in communities of color, that have often felt maligned or misrepresented by local media, and whose information needs have long been underserved.

New Jersey residents can't afford to wait any longer. We hope that municipal leaders will join Free Press Action in calling on Gov. Murphy and lawmakers to finish what they started last year by providing \$5 million in funding for Civic Information Consortium. **✊**

Mike Rispoli is a director at Free Press Action, the nonprofit organization that conceived of the Civic Information Consortium. Free Press Action and its nonprofit 501(c)(3) companion organization, Free Press (www.freepress.net), have hosted forums about the future of local media in New Jersey since 2015.

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

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What is Your Community's Capacity to Solve Problems and Thrive?

By Doug Linkhart, President, National Civic League

What makes some communities better able than others to solve the tough social, political, economic, or physical challenges they face? This was a question the National Civic League set out to answer over 30 years ago. On-the-ground research revealed a set of factors that we call civic capital—the formal and informal relationships, networks, and capacities that communities use to make decisions collaboratively and solve problems.

Somewhat like social capital, but not to be confused with financial capital, civic capital can be found in all sorts of communities, not just the most affluent, educated, or advantaged. While myriad other factors contribute to community progress, civic capital is the core factor identified by the National Civic League as the primary explanation for long-term community success.

At the National Civic League, we know of many communities with an abundant supply of civic capital. The All-America City program has recognized over 500 of these communities during the past 69 years. All have varying degrees of civic engagement, collaboration, and leadership, and have been able to tackle tough issues in a sustainable manner—by bringing everyone to the table and creating equity.

Earlier this year the National Civic League released the fourth edition of the Civic Index, a self-assessment tool consisting of a set of questions that provide a framework for discussing and measuring a community's civic capital. Since it was first developed in 1986, many communities have used the Civic Index to better understand their civic strengths and to identify gaps or areas in need of further attention, soliciting community input to create a baseline measure of their civic capital and monitor progress over time as they work to enhance their internal capacity.

The Seven Components of Civic Capital

The Civic Index describes the seven components of civic capital, provides examples of each, lists the 32 questions that are used to gauge each component and provides ideas on how to use the index. Here's a synopsis of these seven components.

- 1. Engaged Residents:** Residents play an active role in making decisions and civic affairs.
- 2. Inclusive Community Leadership:** The community actively cultivates and supports leaders from diverse backgrounds and with diverse perspectives.



The Fourth edition of the National Civic League's Civic Index is now available. For more than 30 years communities of all sizes have used the Civic Index to measure their civic capital – the formal and informal relationships, networks and capacities that enable communities to solve problems and thrive.)

- 3. Collaborative Institutions:** Communities with good civic capital have regular collaboration among the government, business, nonprofit, and other sectors, as well as structures in place that facilitate such collaboration.
- 4. Embracing Diversity and Equity:** Communities with healthy civic capital recognize and celebrate their diversity. They strive for equity in services, support and engagement.
- 5. Authentic Communication:** Healthy communities need credible, civic-minded sources of information presented in a way that residents can use.
- 6. Culture of Engagement:** Involvement by residents, businesses, non-profits, and other stakeholders in every aspect of civic affairs should be part of local culture—an expectation, not an afterthought.
- 7. Shared Vision and Values:** Communities with shared values and civic pride have a common foundation for addressing public matters.

Nearly a hundred years ago, Justice Louis Brandeis, a one-time member of the League's executive committee, called states "laboratories of democracy." That mantle has now been passed to the local level, as cities, counties, towns, and other local communities create innovations and regional or national networks to tackle such issues as climate change, health, education, and economic prosperity.

At the same time, local governments cannot solve problems on their own. As Bruce Katz points out in *The New Localism*, community problem-solving depends on "multi-sectoral relationships," with government often serving as a convener or catalyst. What happens next depends on the civic capacity of the particular locality. It is the communities with civic capital—the full engagement and collaboration of its residents, businesses, nonprofits, and other stakeholders—that have the resources and persistence to successfully address difficult issues and build a sustainable future. ♣

@ For information about the National Civic League's Civic Index, visit www.nationalcivicleague.org/resource-center.

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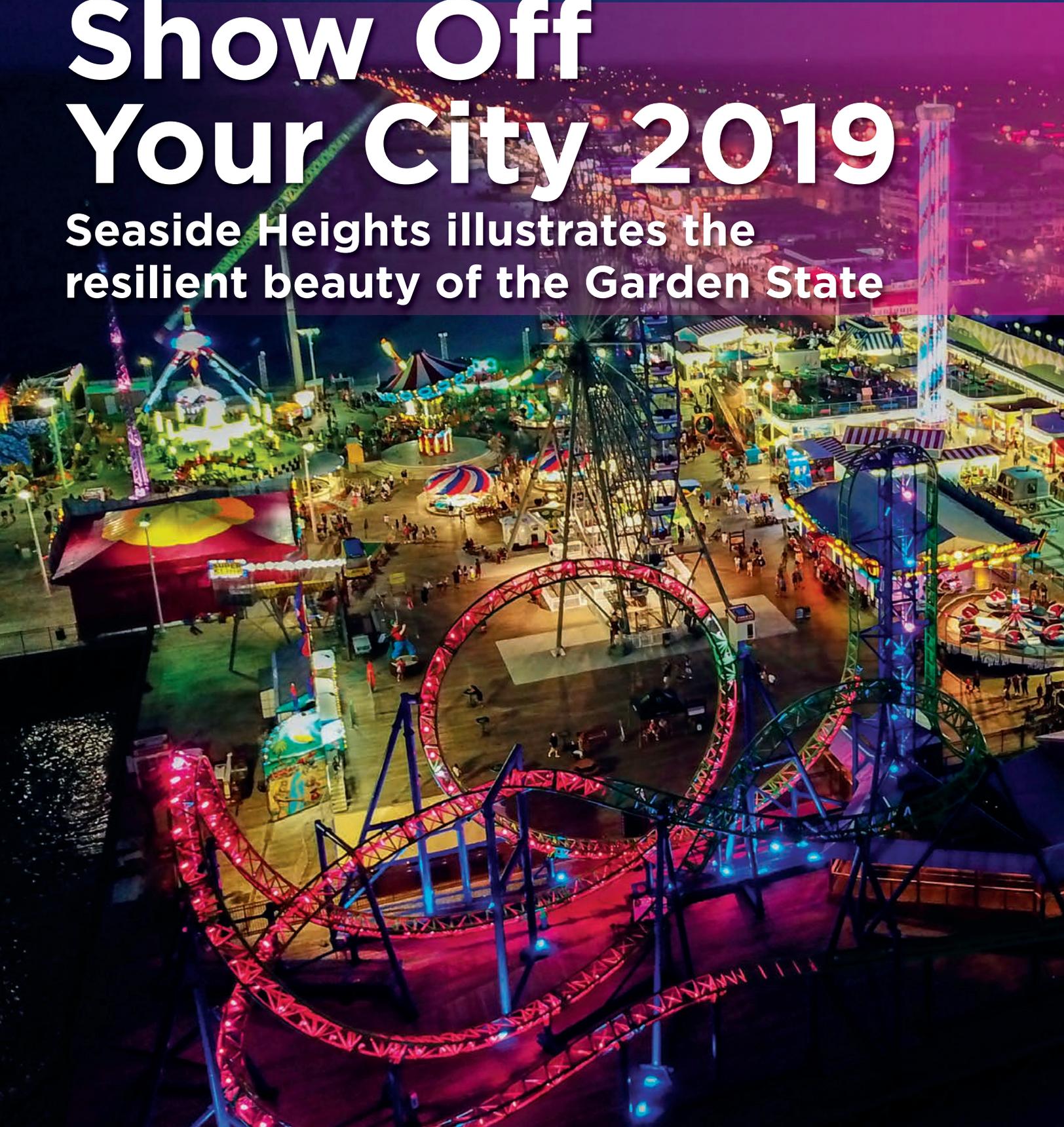
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NJLM Awards Program

Show Off Your City 2019

Seaside Heights illustrates the
resilient beauty of the Garden State



During 90-plus years in the New Jersey tourism spotlight, Seaside Heights residents and visitors have known this vacation and day trip destination along the beach as “The Home of Sun ‘N’ Fun.”

The hub of that fun is The Classic American Boardwalk filled with amusement rides, arcades, restaurants, bars, clothing stores, candy stores, and ice cream shops.

“Seaside Heights has come a long way since Superstorm Sandy in 2012 and the South End Boardwalk Fire in 2013,” said current Mayor Anthony E. Vaz. “Local businesswoman and resident Angie Lombardi’s photograph captures the essence of our boardwalk’s rebirth. Led by the example of Casino Pier’s multi-million dollar investment on new rides and an expansion of the amusement pier, many other Boardwalk Promenade businesses have invested substantial sums of money in their existing operations and new ventures.”

Mayor Vaz continued, “And as the Army Corps of Engineers’ beach re-nourishment and dune construction project winds down, visitors seeking to experience the beach life this year will have an awesome new visual landscape for their photograph albums and a lot more beach real estate for their beach chairs and blankets.”

This year’s winning picture, taken by Angie Lombardi Photography for the Seaside Heights Business Improvement District & Borough of Seaside Heights was submitted by Borough Administrator Christopher J. Vaz.

In addition to Seaside Heights’ contribution, we thank all of the other municipalities who participated this year and congratulate them all for Showing Off Their Cities.

In the pages that follow, we feature highlights from the entries.

About Seaside Heights

Established: 1913

Population: 2,903

Mayor: Anthony E. Vaz

Borough Council: Richard Tompkins,
Mike Carbone - Council President,
Louis DiGuilio, Victoria Graichen,
Agnes Polhemus, Harry Smith

Show off Your City

Honorable Mentions

There were so many wonderful pictures capturing the year-round beauty and interest that defines New Jersey. Here are the Honorable Mentions.

Congratulations!



◀ **Asbury Park:** Sunset Lake in snow by Patrick Hoey

▼ **Bound Brook:** Town clock and historic building



◀ **Riverdale:** Glenburn Estate and barn



◀ **Haddonfield:** Autumn on Hopkins Pond by Mary Previte

◀ **Long Branch:** Clown at Oceanfest



▲ **Ramsey:** Town pool in the early evening



▲ **Montclair:** Children in the MCF Mobile Farm Stand



◀ **Plainsboro:** Swans in a pond by Amit Desai



▲ **West Orange:** Flowers on a lake

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Mayors' Moments

This year, a number of towns shared fun and sweet moments between mayors and citizens.



West Orange Mayor Robert Parisi with kids in the holiday spirit.



Mount Olive Mayor Robert Greenbaum with families at Mt. Playmore.



Montclair Mayor Robert D. Jackson at the town's Veterans' Day Observance.



Mayor Nora Radest welcomes an attendee to **Summit's** Senior Spa Day.



Mayor Wilda Diaz and residents take to the shore to celebrate **Perth Amboy's** tricentennial.

Municipal Buildings

Many of New Jersey’s municipalities have beautiful architecture that serves the community practically and as landmarks.



Overlooking the **Peapack Gladstone** municipal building from an icy pond.



A snowy day at **Margate**’s municipal library.



An avenue of flags leading to the front of **Clifton**’s City Hall.



Beautiful bunting on the front of **Fair Lawn**’s Municipal Building.



A perfect spring day at **Pompton Lake**’s municipal building.



A colorful afternoon at **Voorhees Township** Town Hall.

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The Next Generation

One of the most important things local government achieves is inspiring the next generation to serve their communities in years to come through activities they will always remember.



Cranford hosted scary laughs as this hulk of a figure greeted two tiny trick or treaters.



Madison's grade schoolers visit municipal court for a law lesson that put kids in the attorneys' roles.



Glassboro police officers work with local children who participated in the junior police academy.



Public pools help make summer memories in **Ramsey**.

Patriots

Generations of New Jersey's citizens have served their towns, states, and nations, paying the ultimate price for their service. Municipalities recognize these fallen heroes with memorials, monuments, and special moments. 🇺🇸



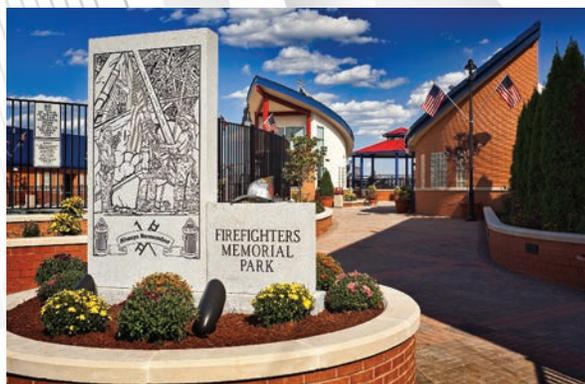
Highland Park's Doughboy at the intersection of Raritan and Woodbridge avenues, unveiled in 1921, recently was renovated by the Veterans of Foreign Wars.



Deptford's Charles Fasola Park includes sports fields, a splash pad, and a fire fighters and police officers memorial.



Berkley Heights' Fallen Soldier statue at the recently renewed Veteran's Memorial Park.



The firefighters who responded so bravely to the September 11 attacks are recognized at **Union City's** Firefighters Memorial Park.



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Conference *Connections*

Gifts and Ethics

Conference session rolls out advice for good decision making

By Reed Gusciora, Mayor, Trenton; John Weingart, Director, Arthur J. Holland Ethics in Government Program; Paul Fishman, Esq., Partner, Arnold & Porter; and Susan Jacobucci, Esq., Administrator/Chief Financial Officer, Paulsboro Borough

Ethics is always a hot topic for local governments. For this year's Arthur J. Holland Program on Ethics in Government League Conference session, created in partnership between the Eagleton Institute of Politics at Rutgers and NJLM, the focus was Gray Areas in Local Ethics & How to Navigate Them. The program opened with an introduction by John Weingart, Director of the Arthur J. Holland Program on Ethics in Government, and was moderated by Mayor Reed Gusciora of Trenton, who in the early days of his career worked with Mayor Holland.



Paul Fishman, Esq. and Susan Jacobucci, Esq.

The speakers were Paul Fishman, Esq., Partner at Arnold & Porter and a past U.S. Attorney for the District of New Jersey (PF), and Susan Jacobucci, Esq., Administrator/Chief Financial Officer for Paulsboro, former Director of the Division of Local Government Services, and longtime advocate for ethics in governing (SJ). Following are highlights from their presentation that focus on the always sensitive topic of gifts.

Campaign contributions

Campaign contributions are a big gray factor of which government officials must be aware.

PF: The biggest difference between electeds and appointeds is campaign contributions. If somebody walks into your office and gives you \$500, it would be nice, but you can't take it. If somebody walks into the mayor's office and gives him \$500, if it's written to his campaign committee, he can take it. And so

that difference frames, for prosecutors and I think for ethics officials, a big, big divide. The truth is because of the First Amendment, there's a host of rules and lack of rules that come with campaign contributions.

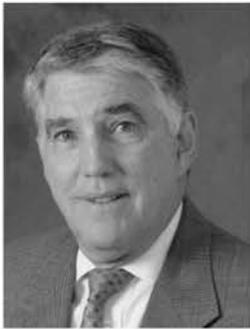
There are 9 million people in New Jersey and the truth is there are only 150 Federal prosecutors in NJ, you do the math. That's not a lot of people looking at a lot of people. If there's more, you'll find out more, but even so, it's still not going to be the case that you're going to catch everybody. But for me the reason to prioritize those cases was because, as committed public servants, people in the U.S. Attorney's office are both singled and offended by the idea that these people took the same oath that we did. I actually believe that the people you serve deserve the best. What they really deserve are people who think not of themselves, people who are not going to think about their own wallets, their own pocketbooks, their own

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Conference Connections

success, but think about what they owe to the people they serve.

Friends and gifts

Moving to the public sector may involve a learning curve for new local government officials. What flies in private business may be inappropriate for public employees.

PF: Here's the difference between the private sector and the government. When I was the U.S. Attorney, the per diem was \$20 or \$25 dollars. If I'd gone out to dinner with a friend of mine who's a defense lawyer and he or she wanted to treat me to lunch as the U.S. Attorney, that's allowed if it's less than that amount of money, and if the gift is just a gift because we're friends.

The truth is, when I was U.S. Attorney, I never let anybody, for 7.5 years, pay for a meal, not a train ticket, not a bus ticket, not a baseball ticket, nothing. My friends understood what my rules were, so even though I had two sons who celebrated their bar mitzvahs while I was U.S. Attorney, the people who came to my sons' bar mitzvahs who were lawyers, who did business with my office, or who were partners in firms who did business with my office did not give my sons bar mitzvah gifts. My sons will be in therapy for years because of that, talking about how their father deprived them of income or gifts; but the truth was, it was easier for us to maintain that rule.

It didn't mean that I didn't go to their houses for dinner. That would be a bridge too far. But the idea that a thing of value like that would change hands in that context struck me as not worth it.

Party of none?

Going to a party treads on the line of gift, Jacobucci and Fishman note.

SJ: I remember the first year I came to the League, which was 1993, I was 3 years old. But I came from private practice and in private practice you go out to lunch, you try to drum up business, you try and get clients. And here I was going down to the League and they said bring a bunch of calling cards with you, cause they give out prizes. I'm thinking, great! I knew no better.



John Weingart, Fishman and Jacobucci.

Watch your CIGARs

Susan Jacobucci noted that she finds that there are five gray areas that are consistent through all levels of government. She likes to use the acronym CIGAR:

Conflicts

Information

Gifts

Abuse of Office, or under the local government code of ethics in New Jersey it's called unwarranted privileges

Representation

She notes: You find those five things in any ethics code that you could look at. On the local level, the Local Government Ethics is adjudicated, if you will, first by the local finance board, which I chaired for 6 years. They process the ethics complaints much like the state ethics commission does, but the hammer, as I call it, under the local government ethics law is a \$500 fine for each and every occurrence. In my six years on the board, I don't think we levied that once. We may have levied a \$200 fine, oftentimes we levied a \$100 fine and waived it because they just didn't know any better.

You don't see any headlines, if you will, for local officials brought before the local finance board. What you do see, on the other side of this, is the criminal law. In criminal law you have a much bigger hammer. You have loss of your job, you have to do a felony shuffle out of the office, as I call it, there are handcuffs involved. There could be loss of your freedom, there could be fines, restitution, and the biggest hammer that they've had in recent years is loss of your pension.

The ethics statutes state you cannot accept a thing of value giving with the intent to influence. It doesn't need to be cash, it could be a private dinner off-site,

“Remember that the people may like you a lot and they may actually want to have dinner with you, and that's great, but what's the quid pro quo and who's looking?”

or it could be a number of things. The federal government had what I call the sit-down fork rule. If you have to sit down to eat the meal, you can't do it. If you have to eat it with a fork and it's not just hors d'ouvres, then you shouldn't do it.

Remember that the people may like you a lot and they may actually want to have dinner with you, and that's great, but what's the quid pro quo and who's looking? A former investigator for the state ethics commission tells a story about a state employee in Trenton who was out to lunch with a personal friend who was a lobbyist and the state employee paid cash for dinner. The lobbyist said, "I don't have enough cash, I'm going to put it on my credit card," and did. Somebody saw this and turned it into the state ethics commission.

After investigation, he was exonerated, but here the lobbyist was faced with an ethical dilemma, do I say yes the guy gave me cash or do I say I defrauded my company for the whole amount on the credit card? So it's sort of a Hobson's choice there—take it or leave it. When you ask, what can go wrong? To me, everything can go wrong and we all like to accept this and everything else and accept the dinners. One of the things you learn is there's no such thing as a free lunch: they'll test you with a McDonald's lunch and then maybe it will be a Ruth's Chris

dinner and then who knows? Super Bowl tickets? One of our attorneys general got in trouble with Super Bowl tickets. Everything can go wrong.

PF: The way it's defined for the federal employees is the widely attended rule: if basically anybody can show up, you can show up. Which doesn't make you feel very exclusive, but basically that's the

rule. Lots of us apply the *Star Ledger* rule or the *NY Times* rule, which is: if you wouldn't like it or if your boss wouldn't like it if a picture shows up on the front page of the newspaper the next day, with you standing next to the host of the event, who is about to bid on a contract for your town, maybe it's not the best gathering to go to. ♣

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Focus: Ethics & Civility

The Need for Civility in Local Government Dialogue

A decade later, these sentiments still ring true for municipal officials

By John C. Gillespie, Esq., Parker McCay; NJLM Associate Legal Counsel



Ten years ago, John C. Gillespie composed an article for *NJ Municipalities* on civility along with the Ten Commandments of Public Civility. It remains an excellent reference tool for municipal officials and here we re-run the piece with a few notations for reference to the passage of time.

The fundamental premise for this article is that, as local public officials, we should both show and demand public civility, public tolerance, and civil discourse at this time of increasing political polarization at the national level and in the media. Rhetoric has become too vitriolic, we are losing the ability to discuss things with civility.

[The 2008] Presidential campaign is proof enough that we are reaching dangerous levels. The President of the United States is called a “cheap thug and a killer,” and is morphed into Hitler in a political ad. His opponent calls the Republican Party “the worst bunch of crooks and liars.” The U.S. Senator who ran for President on the Democratic ticket is a Viet Nam veteran who earned three Purple Hearts and a Silver Star; yet opposition

loyalists question his patriotism because of anti-war positions he took upon his return home.

Unfortunately negative campaigning is now a fact of life. But poisonous rhetoric is not limited to federal campaigns or national political discourse, we find it at the local level as well. Regrettably, there is no “trickle-down” effect; we are literally showered with it.

I began outlining this discussion [in 2007]. My first draft proposed to simply acknowledge the existence of this condition; to confront it with thoughtful evaluation; and to promote a discussion that would hopefully cause people to conclude that our discourse should be more civil and that Council meetings should be forums for intelligent dialogue and debate; but not

stages for rudeness, nasty sarcasm, or intimidation. But after another year of watching the condition deteriorate, it accomplishes little to merely suggest an outcome. We must demand that this change; and that change must begin at the local level, the level where people feel the impact of government actions most directly.

During a very well attended session at the November [2008] League Conference, we asked a few questions:

1. How many of the attendees shared this concern that political civility is being eroded?
2. How many believed that politics is an honorable profession?
3. Or should be an honorable profession?
4. How many agreed that this incivility contributes to the negative view the public has of our political system?

The almost unanimous response of the 80 or so attendees was yes to each question. Let the discussion, therefore, begin.

What is civility?

What is civility? I like these definitions:

1. Courteous behavior, politeness.
2. A courteous act or utterance.
3. The act of showing regard for others.

Pretty simple stuff isn't it? Unfortunately, we don't always witness folks actively "showing regard for others" at public meetings. The problem exists both on the dais and in the audience. Residents visiting meetings are often nastier than elected officials can ever be to one another. Yet, the audience takes its lead from the dais. When elected officials are rude to each other, the audience sees this, and feels like it has a free pass to act likewise. Eventually, the situation devolves into sarcasm, rudeness, and even name calling.

We are a society that requires instant gratification; we decide what products to buy based on 30-second ads; we rely on 60-second news summaries to tell us all we need to know about an incident that took place over the course of hours, if not days. We want to lose 10 pounds

in four days; develop washboard abs in a week; and go from 0 to 60 mph in 3.5 seconds.

The late Johnny Carson said while discussing TV talk shows, "Everything today seems to be sound bites. Nobody wants to hear a good conversation. It's kind of a lost art." The same holds true in political dialogue. We want to get our points across, but we assume the sound bite audience will only listen for a little while. So, we resort to quick hits that will register. A quick hit is met with an equally short jab; after jabs are traded somebody decides they need to up the ante and throws an overhand right. The other side responds with a roundhouse left, and the fight is on. Now the audience is paying attention! And, of course, the tone has completely changed. What started out as a topic for public discussion, which requires the participants to make an argument in support of their point of view, transforms the participants into having an argument—as in having a fight.



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The Need for Civility

Temperate, thoughtful dialogue designed to find common ground on matters of public interest gives way to shrill hyperbole intended not so much to differentiate the points of view and distinguish the issues, but to polarize the parties interested in those issues and points of view. “Agreeing to disagree” is subverted by outright antagonism.

Tolerance for opposing views is an essential ingredient to a successful



The 10 Commandments of Public Civility

1. Thou shalt not rudely interrupt a colleague midsentence nor speak over a colleague while she/he is speaking.

Suggestion: Quit taking your lead from cable “news” shows that are anything but news, and instead offer only editorial political hyperbole.

2. Thou shalt not assume that shrillness of tone is a substitute for substantive dialogue.

Suggestion: See example 1 above

3. Thou shalt treat the members of the public with the same courtesy as you would if they were members of your body—and perhaps more importantly, require that they treat you and your colleagues the same way.

4. Thou shalt not resort to zingers designed solely to embarrass your target. (Unless, of course, it is the Township Planner—then it’s always ok.)

5. Thou shalt, where possible, explore areas of common ground where legitimate disagreements exist in an effort to move forward on matters of public importance.

6. Thou shalt not allow legitimate critique of policy and practice to become a personal attack aimed at the person who devised the policy or implements the practice.

7. Thou shalt always recognize that your colleagues were also elected, just as you were, and deserve the same level of respect for having run and won.

Example: Remember that the members of the public who elected the colleague that you don’t like may be the same folks who send you packing next time around.

8. Thou shalt not ridicule or belittle a colleague or a member of the public simply because he or she disagrees with you on an issue.

Suggestion: Believing that the words “under God” belong in the Pledge of Allegiance doesn’t make someone a theocratic moron. Conversely, someone who articulates a position urging that the words “under God” should be excluded from the Pledge of Allegiance doesn’t make that person a heathen.

9. Thou shalt not pretend something is much more important than it really is simply to score points with an audience.

10. Thou shalt always remember that it is ok to agree to disagree, and that reasonable people can indeed disagree reasonably.

democracy. I don't have to agree with you; I should however be tolerant of your unfortunate, misguided thoughts! Voting against buying new uniforms for the youth football program does not necessarily mean "you are going to get those kids killed." Voting to approve a bond ordinance for a new municipal building to replace the one that is 80 years old and falling apart doesn't mean "you're going to bankrupt our children's future." And voting against an emergency squad's request for a new ambulance doesn't mean "you'll have blood on your hands when someone's 911 call isn't answered in time."

The challenge for local government officials—the ones who most closely relate to their constituents on a daily basis at the supermarket, on the soccer fields, and at PTA meetings, is to restore civility to our political discussions and to improve the tone of those conversations. Perhaps it is the word "political" that causes the change in attitude, vol-

ume, and tone. Perhaps if we remember that local officials are less "politicians" and more "public servants," elected to advance the community's interests, it

“Tolerance for opposing views is an essential ingredient to a successful democracy.”

will be easier to remember it is more important to have thoughtful, purposeful conversations than to get into arguments. It is more important to enjoy dialogue with the residents in the community than to yell at one another. And again,

this goes both ways. It requires that we not only treat our elected colleagues in a more dignified fashion; it requires that we demand that of our constituents as well, particularly during the course of a public meeting. Indeed, the Chair's exercise of control over a public meeting is not an example of tyranny; it is the key ingredient to a successful dialogue. If everyone was sitting around a small table discussing community issues, there would be no yelling or personal attacks. That there is a 10-foot sea of space between the speaker and the dais should not change the dynamics.

High-pitched, vitriolic rhetoric has a severe negative impact upon a community, and even the operation of local government. This harsh tone and preference to argue rather than discuss must give way to thoughtful dialogue. Only local public officials can change the landscape and restore the fundamental premise that it is ok to agree to disagree without being personally attacked for doing so. ❧

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Wyckoff Talks Recycling

Community uses public information to meet a challenge

Robert J. Shannon, Jr.,
Township Administrator,
and Brian D. Scanlan,
Mayor, Township of Wyckoff

In the last week of June 2018, the Township was notified by its North Jersey regional recycling market that the overseas recyclers who purchase recyclables had changed their acceptance of contamination levels from 30% to 0.5%. To understand the significance of this change, consider this example: a single coffee cup, constructed with double-lined plastic to prevent dripping and to keep the liquid hot, would disqualify a typical bailed load of paper. The North Jersey recycling market first threatened and then levied fines and penalties for contaminated loads.

The Township acted promptly, quickly performed research, and determined that due to the demand for pristine recyclables from overseas markets, the Township must adapt or pay higher costs. We estimated for Wyckoff that these costs could be as

high as \$622,000 annually. The Township decided to implement “dual stream” recycling and discontinue single stream recycling program, which had significantly decreased the volume of materials our community sends to the landfill. The challenge became how to implement dual stream in a society that doesn’t always embrace change, and to explain how global actions impact local programs.

Transitioning “Nifty-Fifty” program to “Clean Means Green” program

Our “Nifty-Fifty” program was developed to encourage residents to recycle 50% of their household waste. This program historically resulted in an average 35% recycling rate (determined by dividing the actual volume of recyclables collected at the curb by the volume of solid waste for the same time period). We encouraged residents to recycle more and communicated the recycling percentage monthly on our “Recyclometer,” which was posted on our website, www.wyckoff-nj.com.

To implement dual stream, we discontinued the Recyclometer and began immediately to emphasize quality over quantity in our recycling. To reflect this change, one of our new slogans is

Wyckoff Township: By the Numbers

The Township of Wyckoff comprises **17,300 residents** and **5,540 homes**, there are now **5,765 registrants** receiving our weekly e-news communication. Residents who call or visit Town Hall are continually encouraged to provide their email address to be added to the weekly e-news communication list.

“When in doubt, throw it out.” Mindful that residents typically obtain their municipal information from multiple sources, the challenge was to post information on all of our social media sites: Facebook, Twitter, Instagram, and our weekly e-news communication and the Township website. Effective traditional training was provided to staff to arm them with the right information to explain the switch to dual stream, and its impact on higher recycling costs and taxes.

The multi-media approach included: the design and mailing of printed newsletters, crafting of a social media blitz of postings, two short videos, implementation of a recycling app for phones, strategically placing sandwich board signs with the relevant recycling information at locations that included:

- Where commuters catch the bus to New York City each day
- The Library
- Senior Center, etc., printing and

providing free stickers that listed acceptable recyclables, and the good old-fashioned training of staff to explain the program to telephone and walk-in inquiries. The new program was implemented on July 16, 2018.

Although this is just one approach, implemented by a single municipality, our environmentally aware community responded in a positive way. At this point in time it appears that the future of recycling is in recyclables without contaminants or as we describe it, “Clean Means Green.”

The challenges facing municipal officials in communicating the local implications of rapidly changing global developments can seem daunting. But, by employing all the tools available in our increasingly connected world, we can make sure that our residents have the best, most timely, information.

Wyckoff Township was recognized for its work on informing the community with the Best Special/Innovative Media for a Class B Municipality—5,000 to

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The Big Plan: Step-by-Step Switch to Dual Stream Recycling

- 1 Customized eight exhibits explaining the new Dual Stream Recycling program** and aggressively posted changes on Facebook, Twitter, and Instagram, the Wyckoff website, and Friday E-News communications for three weeks prior to the July 16, 2018, implementation.
- 2 As part of the new program, certain plastics were no longer recyclable.** We used the slogans “Plastics 1, 2, and 5—keep recycling alive” and “Plastics 3, 4, 6, and 7 now belong in garbage heaven” to remind residents of the changes.
- 3 Designed and placed large posters on sandwich board signs** at the commuter park and ride lot, library, YMCA, and Larkin Senior Citizen House.
- 4 Posted an ongoing notice on the Police Department electronic sign boards** in multiple locations.
- 5 Designed and mailed a resident newsletter** called Wyckoff Adapts to a New Recycling Market to explain the new collection program.
- 6 Printed 1,000 smaller version copies of the resident newsletter** for distribution in Town Hall offices, the Library, and at the Recycling and Conservation Center.
- 7 Developed, posted, and emailed links to two, three-minute videos** featuring the Mayor titled, “Dual is Cool” and “Dual is Cool II—Clean Means Green” (viewable on YouTube).
- 8 Developed a Myrtle the Turtle recycling mascot** to explain the new recycling rules, no plastic bags, no pizza boxes, and other message instructing residents to rinse out cans and bottles.
- 9 Advised residents via Weekly E-News communications** to use their Outlook or smartphone calendar to schedule and keep track of recycling pickups.
- 10 Developed and designed a “Dueling Days Recycling Scoreboard”** to create competition between the residents on the Monday vs. Tuesday recycling routes to inspire greater recycling and compliance with the market demand for cleaner recyclables.
- 11 Updated Wyckoff Township website Recycling section** to eliminate references to Single Stream Recycling and post the new rules.
- 12 The municipal telephone “hold message” was replaced** with a message explaining our new Dual Stream Recycling Program.
- 13 Each weekend, a reminder is emailed and posted on Wyckoff’s social media sites** about which recycling category will be collected for the upcoming week’s Monday/Tuesday collections.
- 14 Each Friday, the library posts the category** for the upcoming Monday/Tuesday collection on the large sign in their lobby.
- 15 Launched Recycling Coach website/app for residents** to download to their smartphones to remind residents via email alerts and push notifications of their recycling and trash collection days and which recyclables to place at the curb.
- 16 Printed and distributed 8” x 10” stickers** of the list of what can/can’t be recycled for residents.
- 17 Purchased 500, 32-gallon recycling containers reading “Wyckoff Recycles” with the universal symbol for recycling.** We sold them for \$20 each (our cost) on a first come, first served basis. This first order sold out in two (2) days, and we subsequently placed a second order for an additional 500 containers.
- 18 The Mayor again wrote and with the assistance of a talented high school student filmed, “Dual is Cool II, Clean Means Green!”** featuring a machine gummed up by plastic bags and piles of recyclables with contaminants mixed in, which provided our residents with a better understanding of the process that begins when residents first put a recyclable in a bin at home.

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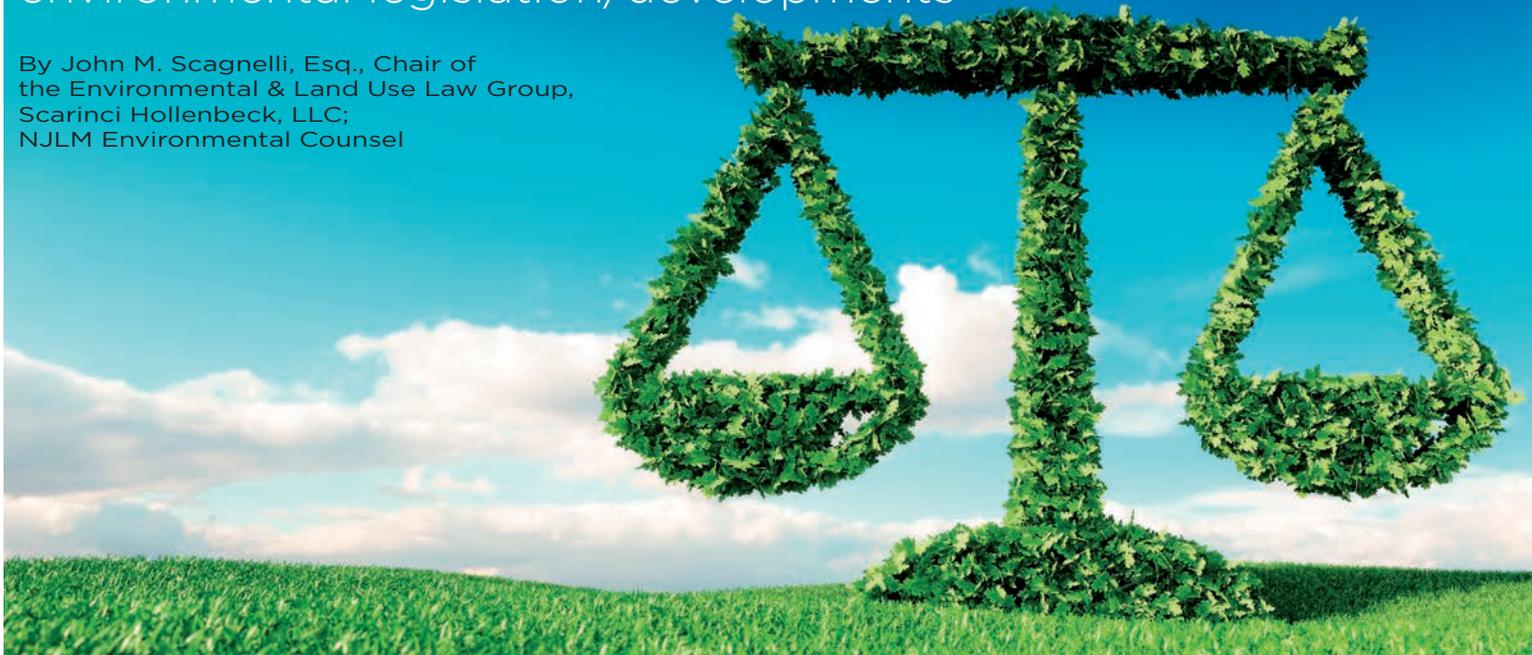
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Environmental Update

Major New Jersey 2018
environmental legislation/developments

By John M. Scagnelli, Esq., Chair of
the Environmental & Land Use Law Group,
Scarinci Hollenbeck, LLC;
NJLM Environmental Counsel



In 2018, the Murphy Administration renewed environmental protection in areas that had been tabled by the prior Christie Administration, embarked upon new environmental protection initiatives, and strongly emphasized the protection of New Jersey’s air, water, and natural resources. This included returning the State to full participation in the Regional Greenhouse Gas Initiative (RGGI), a new emphasis on off-shore wind energy with a goal of obtaining 3,500 megawatts (MW) from offshore wind, protection of New Jersey’s drinking water, particularly from the perfluoroalkyl and polyfluoroalkyl substances (PFAS) present in New Jersey’s drinking water, managing stormwater runoff by allowing municipalities to set up stormwater utilities, a strong and renewed emphasis upon environmental justice, renewed environmental enforcement and reinstatement of the State’s natural resource damages program, and proposed changes to the Site Remediation Reform Act (SRRA), among other initiatives.

All of this signals that the new Administration is aggressively paying attention to Statewide environmental protection and issues. Many of these initiatives are of interest to municipalities. We discuss these below.



New Jersey’s Return to the Regional Greenhouse Gas Initiative (RGGI)/Offshore Wind Energy

On January 29, 2018, Governor Murphy signed Executive Order No. 7, which directed the New Jersey Department of Environmental Protection (NJDEP) and the Board of Public Utilities (BPU) to take the necessary steps to return New Jersey to full participation in the Regional

Greenhouse Gas Initiative (RGGI). RGGI is a “cap and trade” multi-state, market-based program which establishes a regional cap on carbon dioxide (CO₂) emissions and requires fossil fuel power plants with a capacity greater than 25 megawatts (MW) to obtain an allowance for each ton of CO₂ emitted annually. Power plants may comply by purchasing allowances from quarterly auctions, other generators within RGGI, or through projects which offset CO₂ omissions. States use the proceeds from the CO₂ allowance auctions to invest in strategic programs to help reduce CO₂ in other greenhouse gas pollution, spur cleaner renewable energy, and provide energy rate relief. Currently, nine Northeast and Mid-Atlantic States participate in RGGI. It is worth nothing that CO₂ emissions from power plants in RGGI

states have dropped 45% since 2005.

The Murphy Administration has also taken steps to promote the development of off-shore wind energy. On January 31, 2018, Governor Murphy signed Executive Order No. 8, which directed the BPU to implement the New Jersey Off-Shore Wind Economic Development Act (OWEDA), enacted in 2010, and begin moving the State towards a goal of 3,500 MW of off-shore wind energy generation by the year 2030. Governor Murphy's Executive Order No. 8 directed the BPU to begin the rule making process to fill in gaps in the current regulations governing the Off-shore Wind Renewable Credit (OWREC) Program and required the BPU and NJDEP to establish an off-shore wind strategic plan for New Jersey. BPU has solicited proposed off-shore wind projects for the generation of 1,000 MG of electric power.



Stormwater utilities-managing stormwater runoff

On March 19, 2019, the Stormwater Utilities Bill, S-1073/A-2694 was signed into law by Gov. Phil Murphy. The new law permits counties, municipalities, and authorities to establish stormwater utilities, collect fees and charges relating to stormwater runoff, and operate stormwater management systems. A municipality can establish the stormwater utility as a new department or within an existing department with responsibility for stormwater management.

The fees and charges for stormwater management can be collected from owners or occupants of real properties which originate stormwater runoff, and are based upon an approximation of the contribution of stormwater runoff from the real properties concerned. Municipalities collecting the fees and charges for stormwater runoff are required to annually remit to the State Treasurer 5% of all fees and charges, or \$50,000, whichever amount is less. The State Treasurer deposits the monies into a "Clean Stormwater and Flood Reduction Fund," with the funds used by NJDEP to fund stormwater pollution reduction projects.



Environmental justice/environmental enforcement

The Murphy Administration has placed significant emphasis upon protecting environmental justice communities from disproportionate exposure to air, water,

and soil pollution, and is also working to reinstate the State's environmental enforcement program, including seeking recoveries for natural resource damages.

On April 20, 2018, Governor Murphy signed Executive Order No. 23, which directed NJDEP to develop a guidance document requiring all executive branch departments and agencies to consider

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Environmental Update

environmental justice in implementing their statutory and regulatory responsibilities. Following the Governor's direction, NJDEP held an environmental justice stakeholder process; and on December 17, 2018, released a draft Environmental Justice Guidance under Executive Order No. 23 Guidance directing New Jersey state departments or agencies to use USEPA's environmental justice screening tool known as "EJSCREEN" to identify environmental justice communities and develop EJ action plans. New Jersey state departments or agencies would be required to develop environmental justice (EJ) action plans and participate with NJDEP in an EJ Interagency Council, which would be charged with identifying environmental justice community concerns and priorities and developing EJ action plans. The draft Environmental Justice Guidance is undergoing stakeholder review.

In addition to the Governor's environmental justice initiative, the New Jersey State Senate Environment & Energy Committee on January 24, 2019, reported out Senate Bill No. S-1700, which would authorize NJDEP to designate areas within municipalities as "burdened communities" and require NJDEP prior to issuing permits for certain new or expanded defined "facilities" to conduct environmental justice evaluations and public hearings and prepare reports assessing the environmental impact of the proposed permits. "Facilities" are defined in the Bill as energy generating, resource recovery, incinerators, sewage treatment plants, transfer stations, recycling centers, landfills, medical waste incinerators, and major sources of air pollution. Senate Bill No. S-1700 is undergoing legislative review, but if enacted, will complement the efforts undertaken by the Murphy Administration in the environmental justice area.

On December 6, 2018, NJDEP Commissioner Catherine McCabe and Attorney General Gurbir S. Grewal announced the filing of eight lawsuits focused on addressing pollution and environmental hazards in minority and

lower income communities across the state as a complement to the Governor's environmental justice initiative. Several of those lawsuits are natural resource damages (NRD) lawsuits. The Attorney General's Office is developing a new unit to focus on environmental justice concerns to be called the "Environmental Enforcement and Environmental Justice Section." Clearly, there is increased emphasis upon environmental justice, natural resource damages, and environmental enforcement in the Murphy Administration.



Protection of drinking water-emerging contaminants (PFAS)

The Murphy Administration and NJDEP are focusing attention upon the protection of New Jersey's drinking water, particularly from contaminants not previously considered known as emerging contaminants. Of particular concern is the need to address perfluoroalkyl and polyfluoroalkyl substances (PFAS) which are present in the drinking water of many states, including New Jersey. In September 2018, the NJDEP established the nation's first Maximum Contaminant Level (MCL) for perfluorooctanoic acid (PFNA), of 13 ug/l. By spring 2019, NJDEP is expected to propose the nation's first MCLs and groundwater quality standards for perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS). NJDEP has received public comment on the proposed standards. New Jersey has taken this action regarding the PFAS compounds in drinking water and groundwater while the federal government has moved slowly on the issue. Some examples of PFAS contaminants of concern are chemicals once used in consumer products such as non-stick cookware and flame-retardant fabrics and chemicals used in firefighting foam at military bases and fire fighter training academies.



Amendments to the Site Remediation Reform Act-SRRA 2.0

During 2018, the Murphy Administration and the New Jersey State Legislature began a stakeholder process regarding possible changes in the New Jersey Site Remediation Reform Act (SRRA). SRRA, which was enacted in 2009, instituted the successful New Jersey Site Remediation Professional (LSRP) Program under which New Jersey LSRPs oversee the conduct of environmental clean-ups within the State. This process is known as "SRRA 2.0." While a number of changes to SRRA have been proposed by NJDEP, the New Jersey Site Remediation Professional Licensing Board (SRPLB), and other stakeholders, certain proposed changes to SRRA are of interest to municipalities. These include requiring LSRPs to notify NJDEP of discharges at a site of which they have specific knowledge even if they are not specifically retained by the property owner to remediate the portion of the site at which the discharges occurred, requiring parties conducting due diligence at a site to inform the property owner of any discharges discovered during the due diligence investigation, and clarifying SRRA to allow NJDEP to adjust certain direct oversight requirements for sites coming into compliance with NJDEP requirements, so that the decision making regarding the remediation can be returned to the individual LSRPs. Another proposed change is the expansion of the use of the NJDEP's Remediation Guarantee Fund to sites that have financial assurance posted for remedial action permits. Currently, the Remediation Guarantee Fund is limited to cases where a remediation funding source has been posted. This proposed change would give NJDEP additional financial resources to conduct additional remediation at sites which have remedial action permits.

The SRRA 2.0 process is ongoing. It is expected that one or more bills

reflecting certain proposed changes will be introduced in the State Legislature this coming year.



Stopping the illegal dumping of contaminated soil and debris

A longstanding statewide issue has been the illegal dumping of contaminated soil

and debris by “dirt brokers” who work in the soil recycling sector. Senate Bill No. S-1683 was introduced on February 5, 2018, to address this issue and was reported out of the Senate Environment and Energy Committee on February 14, 2019, with amendments. The Bill would amend existing law to expand the requirements for background checks for persons involved in the solid waste industry to cover the “dirt brokers” and

would subject the “dirt brokers” to the same regulation and oversight which applies to persons involved in the solid waste industry.

As illustrated by the above developments, there has been considerable activity this past year by the Murphy Administration and the New Jersey State Legislature in the environmental area. We expect to see this activity only increase in the coming year. ♻️



The **New Jersey Municipal Management Association (NJMMA)** is a statewide professional association made up of municipal managers and administrators. Founded in 1954, the NJMMA has been a valued resource for local government for more than 60 years. The members of this proud association know all about municipal government, and here is what you need to know about them:

- NJMMA's membership currently represents over 250 full-time professional managers statewide.
- Members are responsible for many of the essential services that are delivered daily to more than four million New Jersey residents.
- The Association's primary objective is to ensure members are well prepared to deliver local government services, efficiently and effectively, working in conjunction with the elected officials who serve in local government.
- NJMMA's leadership are the primary advocates and spokespersons for professional local government management across the state.
- The Association is recognized by elected officials throughout the state for its members' expertise, contributions to the enactment of sound public policy, and the delivery of public services.
- NJMMA has been affiliated with Rutgers University for the past nine years, providing members with the assistance, technical training, and support that comes with a partnership with a nationally recognized state university.
- The Association maintains ongoing relationships with other New Jersey professional associations, which collectively represent nearly all licensed officials working in local and state government.

For more information on the NJMMA, or to become a member, please contact Executive Director Alan Zalkind at zalkind@docs.rutgers.edu.



Blocks to Blocking on Social Media

By Frank Marshall, Esq., NJLM Staff Attorney



We have had some rude comments on our municipality's social media pages. Can we delete these comments and block these commenters from our social media accounts?



Probably not. While you are free to curate your own personal social media pages as you see fit—including blocking users from interacting with you and deleting less-than-flattering comments—the same rules do not apply for government pages or the pages of government officials. Recently case law has determined that governmental social media pages can be public forums.

And, when a government, government agency, or official blocks users or deletes comments from their social media pages they run the risk of violating the freedom of speech provision found in First Amendment of the U.S. Constitution.

Supreme Court decisions interpreting the First Amendment have provided that, when public forums are involved, the government may not impose content-based restrictions on speech unless those restrictions are necessary to achieve a compelling state interest and are narrowly drawn to achieve that end. Content-neutral “time, place, and manner” restrictions are permissible only if they are narrowly tailored to serve a significant governmental interest, and leave open ample alternative channels of communication. In simpler terms, governments cannot limit speech unless they have a really good reason to—think the old axiom about yelling fire in a crowded theater.

This isn't to say that you are powerless to control the content on your municipality's social media pages, including who can post and what they can post about—however, it should be noted that limits to this control are untested in the context of social media. Certainly government and elected officials are free to create non-interactive social media pages that act more as a message or bulletin board and the government actor can post while completely restricting all third-party interaction, such as commenting. Doing this prevents the social media page from being classified as a public forum and becoming subject to First Amendment considerations. However, while non-interactive social media pages certainly avoid most First Amendment concerns, such restrictions undermine the true value of social media being a platform by which residents and constituents

can interact with their government. For the purposes of this article, interactive social media pages will be examined.

Case considerations

Although New Jersey case law has not specifically examined the issue of the First Amendment's application to social media pages, other courts throughout the country have. For instance in, *Knight First Amendment Institute v. Donald J. Trump, et. al.*, a Federal District Court in New York made clear that a public official, or government for that matter, cannot prevent a person from viewing a public agency or officials' social media page as it would be a violation of the First Amendment.

It is also worth mentioning another issue that comes up often when dealing with government official social media pages, and one that was also addressed in the *Knight* decision. That is the issue of a once personal social media page now being used as a more official page and becoming considered a public forum subject to Constitutional safeguards.

As mentioned earlier, a user is free to curate their own personal social media page as they see fit, but what happens when that personal page begins to be used in a more official capacity? When dealing with local officials' pages it can sometimes be difficult to determine when that individual is using a social media page as a truly personal page or one for official government purposes. The *Knight* decision opened up the possibility that a personal and/or political candidate's social media page, when used in a more official capacity, crosses a threshold and begins to take on the role of a public forum.

At the municipal level, this issue most commonly arises when a candidate for elected office has a campaign page during the election and once they win that same social media page is used as their official elected position page. In a situation like this, it is more likely than not that the campaign page is now considered an official government page and a public forum which limits the ability to block users or delete comments.

With this in mind local officials are urged to use caution to ensure that their personal or campaign social media pages remain used for those purposes only. Doing this allows the individual to continue to curate their page as they see fit and allows the freedom to delete comments or block users at their discretion. While each case requires an examination of the specific facts, the *Knight* ruling made clear that when a once purely personal page is now being used by the government official for government purposes that page loses its personal qualities and can be considered a public forum. ❧

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Navigating a CAPsized Budget

By Gabriela V. Simoes Dos Santos, Chief Financial Officer, Harrison Town,
 Chief Financial Officer, New Providence Borough,
 3rd Vice President, Government Finance Officers Association of New Jersey

A balanced municipal budget broken down to its most simple form is a group of expenditures that are funded by an equal amount of revenues. Those expenditures, referred to as appropriations, are the funds required to provide municipal services, such as public safety, financial oversight, garbage removal, debt service, and funding for capital improvements. The revenue that a municipal government can anticipate to fund those appropriations can be itemized into two categories: miscellaneous revenue (licenses, fees, state aid, interest on investments, etc.) and property taxes. Total appropriations less miscellaneous revenue yields the amount required to balance the budget, otherwise known as the Amount to be Raised by Taxation. Sounds easy right?

However, there are several laws that govern how much appropriations and tax revenues can increase. These limitations are known as appropriation caps and tax levy caps. Being aware of how these caps function, what exceptions exist and understanding how current decisions impact future budgets allow municipalities to navigate the budget process efficiently and effectively.

Appropriation cap

Each year, the Director of the Division of Local Government Services (DLGS) publishes a Local Finance Notice (LFN) to address budget cap information. While calculating the annual

Cost-of-Living Adjustment (COLA) can be complex, the good news is that the DLGS provides this information. For example, LFN 2018-27 indicates that COLA for calendar year 2019 budgets is 2.5%. So, if you take last year's budget and multiply it by 2.5% you should know how much you can raise this year, right? This is where knowledge of certain exceptions, as well as actions available to the governing body, will help steer the ship.

The first tool that a governing body has is the option to adopt an ordinance by a majority vote of the full membership to increase the appropriation cap to a maximum of 3.5%. This action only increases the amount of the cap and in no way requires the municipality to max out the budget. In fact, whatever a municipality does not use within an appropriation cap can be "banked" for use in up to two consecutive future year budgets.

The second tool is knowing which appropriations are subject to the cap, and which are not, in order to appropriately plan for future budgets. This is especially important when there are union contract negotiations or upcoming one-time large expenses. The Local Budget Law (specifically *NJSA 40A:4-45.3*) outlines exceptions to the cap (see examples in the table below).

The restrictions on the appropriation caps do not end with adopting a balanced budget, but also impact the ability to make necessary transfers between budget line items. During the last two months of the year and first three months of the subsequent year, when authorized via resolution by two-thirds of the full membership of the governing body, the chief financial officer can transfer between budget line items if necessary. Aha, a life preserver!

What if, when generating the budget, more funds are

Table 1: Cap Appropriation Items and Exceptions

Subject to Appropriation Cap	Exceptions to Appropriation Cap
Public Safety Salaries & Wages and Other Expenses	Capital Expenditures
Pension, Social Security, Unemployment Insurance	Debt Service including Type 1 School Debt
General Liability and Group Health Insurance	Reserve for Uncollected Taxes
Garbage and Trash Removal	Grants
General Government Salaries & Wages and Other Expenses	Shared Service Agreements
Uniform Construction Code Expenses	Increase in health care costs limited to the State Health Benefits percentage increase
	Exceptions approved by Referendum (except if an ordinance to raise the cap is in place)

appropriated in those line items that are NOT subject to the cap and simply later transferred to those line items that ARE subject to the cap? This will not work, as transfers can be made from inside the cap to outside the cap and between line items that are outside the cap, but NEVER from outside the cap to inside the cap.

Now that we have established how much a municipality can spend, how do we pay for it?

Tax Levy Cap

The total budget, less anticipated revenues, equals the Amount to be Raised by Taxation. This levy on property taxes is also subject to a cap; however, this cap is fixed at 2%. We have all had residents question how their tax bill can be more than 2% higher than the previous year. This is because the tax levy cap, similar to the appropriation cap, is subject to adjustments and limited exclusions.

The prior year tax levy must be adjusted by any prior year deferred charges, recycling tax and changes in service providers. Exclusions to the tax levy cap include allowable increases in certain appropriations, such as shared service agreements, health insurance, pension obligations, capital improvement appropriations, and debt service. Similar to the appropriation cap, a municipality has the ability to bank available tax levy cap, but rather than two years, these funds are available for three consecutive years' budgets.

Here is an example to illustrate: A municipality faces a significant number of retirements in 2018, resulting in a large contractually required severance liability. The municipality may authorize an emergency appropriation in the 2018 budget to fund the severance pay. However, the emergency appropriation must be raised in the 2019 budget, and becomes a deferred charge. The deferred charge is a negative adjustment to the 2% tax levy cap calculation. This is the type of scenario that emphasizes the need to understand cap implications of budget decisions not only in the current year, but more importantly, on future budgets.

There are far more exceptions, additions, subtractions, and adjustments to both the appropriation cap and tax levy cap calculations than are mentioned here. Each municipal budget document details cap calculations in the Budget Message section of the Explanatory Statement. The DLGS also makes available to the public tax levy cap bank reports and

appropriation cap calculation sheets on their website.

At first glance, navigating the budget process may seem somewhat straightforward. However, once you steer beyond the coast line it becomes clear that caps are complex and knowledge of their intricacies has a big impact on whether its smooth sailing or rough seas ahead. 🚢

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GOLD DOME



What Would You Give to Land Amazon?

With current tax incentive programs set to expire in June, Trenton is jumping head-first into a critical policy discussion

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

At the start of his January 2019 State of the State address, Governor Phil Murphy launched a scathing broadside against the administration of New Jersey's tax incentive programs. Generally, these programs—administered by the state's Economic Development Agency (EDA)—provide tax breaks to companies that move to New Jersey and to companies that stay here, but were considering moving away.

The governor cited the findings of the recent state comptroller's audit of the EDA. The report criticized administrators for not properly monitoring programs and implied that a number of companies may have received state benefits without fulfilling their obligations to the state.

"This is about wasted money, phantom jobs, squandered opportunities, and misplaced priorities," said the governor.

Unfortunately, the rhetoric didn't match the substance. The State Comptroller, Philip Degnan, conceded that the audit did not use a representative sample and could not be extrapolated into larger conclusions. And he would not cite a specific company that lied or otherwise engaged in fraudulent activity. Rather, Degnan explained, the issue was that the proper monitoring systems were not always in place to prove definitively that the jobs were generated. In addition, as Tim Sullivan, the Gov. Murphy-appointed CEO of the EDA, noted: 70% of the problems stem from older programs that had different statutory requirements and are no longer in use.

While Gov. Murphy re-affirmed his belief in tax incentives—targeted and administered properly—he also argued that the \$11 billion in tax incentives awarded over more than a decade would have been better spent elsewhere.

"For the same price as these tax breaks," he said, "New Jersey could have funded our public schools, funded NJ TRANSIT, met our pension obligations, provided more property tax relief, or all of the above. We could have rebuilt the entire Portal Bridge, on our own, seven times. We could have built the ARC

Tunnel, or at least financed nearly the entire length of the Gateway Tunnel."

This, of course, assumes that New Jersey wrote an \$11 billion check to selected companies, when in fact the money awarded was unrealized future tax revenue, and indeed, only \$700 million has been paid out to date. Further, even under the loosest of standards, the tax breaks are actualized only when the company meets certain job creation/retention thresholds.

In monitoring those thresholds, there are serious concerns with how different EDA programs are administered. However, because the governor's speech exceeded the reality of his report, many observers saw it as the opening salvo in the upcoming state budget debate. It's not hard to imagine Gov. Murphy arguing that the state is broke, and therefore higher taxes and program cuts are needed, because "corrupt" tax incentive programs are diluting the state treasury.

Further, a significant number of NJ Grow projects have focused on the city of Camden. Therefore, the attack was also viewed as part of the ongoing political struggle between Democratic legislators from southern New Jersey—among the city's biggest boosters—and the governor.

Necessary revisions

For New Jerseyans, who are rightfully concerned with the management of economic tax incentive programs, it is clear that some revisions are necessary.

The current EDA programs are scheduled to expire in June. Gov. Murphy has proposed five new tax incentives to replace them, focused on job creation/retention, gap financing for new construction, brownfields redevelopment, historical preservation, and the creation of a state-run public-private venture capital fund.

Points for debate

The next few months are sure to involve a much-needed, rigorous debate over what New Jersey wants from these programs. The debate will likely focus on several key elements:

The net benefit. A project that is supported with tax credits is required to generate a 110% return; that is, New Jersey

expects \$1.10 collected in various state taxes (corporate, payroll, etc.) generated by the company for every \$1 given in a tax break.

Trenton may look to raise the required return to 120% or higher.

The payback period. For NJ Grow, a tax credit is distributed to a company over 10 years, but the payback period extends over 20 years. For many of the Camden-focused projects, the net benefit was allowed to be generated over 30 years.

New legislation may consider reducing this number, say, to 15 and 25 years, respectively.

New Jersey presence. To receive the tax benefit, the company is also required to stay in New Jersey for at least 15 years. For critics, this provides a significant loophole, in that Company A has 20 or 30 years to meet the required 110% return, but can leave New Jersey after only 15 years. Thus, extending the stay-in-the-state requirement to match the number of payback years may be come up in the debate.

“Claw-back” provisions. The “claw-back” is the ability of the EDA to go after any company that receives a tax benefit but does not meet the 110% return through hiring and retention. In his response to the audit, EDA’s Sullivan welcomed additional legislative authority to enforce financing agreements.

Program caps. Gov. Murphy has insisted that future tax incentive programs have caps so that taxpayers can be assured that they are not “open-ended cash out the window.” Business leaders counter that this will weaken New Jersey’s regional competitiveness. Others question whether any business would relocate to New Jersey if there is a strong chance the tax benefit program you’re relying upon will run out of money because it’s capped.

Transferability. State Treasurer Liz Muoio recently stated that New Jersey was losing more than \$1 billion annually because of the tax incentives, in large part due to nearly 75% of the credits awarded being sold to other companies that are not part of the program. This

market exists, say proponents, because the tax credits can only offset the Corporate Business Tax (CBT) that is paid almost exclusively by large, publicly traded companies. Most businesses receiving the tax credits are much smaller, and are unable to use the benefit themselves. Therefore, they sell the credits to a larger company for what is typically 92-cents on the dollar.

Limiting the transfer market or otherwise adjusting the applicability of the tax credit is a likely topic for the legislature.

What are you willing to give?

The challenges facing the state are nothing new to municipal leaders, whether you are revitalizing your shopping district or have available space for new development. More than a few localities have asked: What are you willing to give to get a shopping center, a Starbucks, a high-tech startup, or even an Amazon?

Trenton is about to embark on a very contentious debate over these same issues. 📌

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LEGISLATIVE UPDATE

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

A-2201/S-410 **Promoting Jersey Fresh**

Status: Reported out of Assembly Committee, 2nd Reading in Assembly; Passed Senate

The League of Municipalities supports A-2201/S-410, which we believe will promote the marketing of “Made with Jersey Fresh” and “Baked with Jersey Fresh” products, without posing any public health threats, in municipalities hosting Farmers’ Markets.

Current law requires a numerical count of foods offered for sale at New Jersey Farmers’ Markets, or, in the alternative, use of the avoirdupois weight system. This initiative would relieve bakers of that requirement.

The avoirdupois weight system was originally authorized in England by Henry VII. It was subsequently adopted, and its use enforced, by Elizabeth I. Following refinements, over many years, it attained its current form, with one ounce equaling 16 drams, and one pound equaling 16 ounces.

This bill will put bakers who sell at Framers’ Markets on an equal footing with other New Jersey commercial bakers, who are not required to weigh their wares using the avoirdupois system or any other.

The League of Municipalities supports favorable action on A-2201/S-410. –JM

A-4725 **Certification for zoning officers and land use board administrators**

Status: Referred to Assembly State and Local Government Committee.

The League of Municipalities has reviewed A-4725, which would establish educational requirements and State oversight of zoning officers and land use board administrators. While the League endorses continuing education for appointed and elected officials, the League continues to have concerns that these new requirements are not only unnecessary, but unnecessarily bureaucratic and infringe on local discretion, and opposes the legislation as introduced.

Each year, municipalities are being asked to do more with less. Even though A-4725 does not directly require municipalities to expend funds to cover costs associated with certification and continued education of zoning officers and land use board

administrators, the practical reality is that this cost will be borne, one way or another, by municipalities. The certification and continued education requirements as a condition of employment insure this. Working under a 2% levy cap means that every additional dollar municipalities are required to spend must be taken away from other necessary services.

Additionally, A-4725 infringes on local discretion in hiring practices and impedes efforts to reduce costs through shared service agreements. Zoning officers and land use board administrators are positions are appointed locally, and are often joined with other titles, or shared with other municipalities. Section 3 of A-4725 would allow the Department of Community Affairs (DCA) to review the terms, conditions, and duties associated with a zoning officer or land use administrator’s positions within a municipality or within multiple municipalities. The DCA would be empowered to ensure that necessary obligations are being met by entering into agreements and discussions with the employing municipalities and individuals. This gives broad authority to the DCA to dictate the hiring and staffing practices of local governments and has real potential to curb the use of municipal shared service agreements.

For these reasons, the League of Municipalities opposes A-4725. –FM

A-4791/S-3154 **Changes law governing limited breweries**

Status: Pending in Assembly Oversight, Reform, and Federal Relations Committee and Senate Law and Public Safety Committee

The League’s Legislative Committee has reviewed, and must oppose, A-4791/S-3154 as currently drafted. The bills would authorize holders of limited brewery licenses to host and participate in a variety of special events. The Committee objects to the bill due to the lack of two specific provisions.

For on-site events, the bill provides no notification to the host municipality for an unlimited number of special events. For off-site events, there is no requirement to obtain local consent, except if the event is to be held on public property.

We believe that the host municipality should be notified for all events, and that, for all off-site events, the brewery’s participation should be subject to approval by the hosting municipality.

We would be pleased to support A-4791/S-3154 if those deficiencies were to be corrected. And we have contacted the sponsors, requesting the opportunity to discuss this further. –JM

X A-4594
Limited Brewery Special Events Authorization

Status: Pending in Assembly Oversight, Reform, and Federal Relations Committee

The League’s Legislative Committee has reviewed A-4594, which would authorize holders of limited brewery licenses to host and participate in a variety of special events. The Committee objects to the bill due to the lack of two specific provisions.

As is the case with A-4791/S-3154, the bill provides no notification to the host municipality (or the ABC) for an unlimited number of special on-site events. Off-site events, similarly have no requirement to obtain local consent, except if the event is to be held on public property.

Our consistent stand is that the host municipality should receive notice for all events, and that, for all off-site events, the brewery’s participation should be subject to approval by the hosting municipality.

We would be pleased to support A-4594 if those deficiencies were to be corrected. We have contacted the sponsors and await their reply. –JM

X A-2567
Club Licensees Fund-Raiser Authorization

Status: Reported out of Assembly Committee, 2nd Reading in Assembly

The League’s Legislative Committee has voted to oppose A-2567, which would allow club license holders to sell alcoholic beverages in connection with fund-raising events held by non-profits and charitable organizations.

Under the bill, a club license holder is permitted to sell alcoholic beverages to non-club members during the charitable event. The bill defines fund-raising event as a scheduled event whose primary purpose is to raise money to be used for the operation, maintenance, support, or promotion of the nonprofit or charitable organization.

The bill provides for no notice to the municipality. Further, it could be abused by the unlimited scheduling of “fund-raising events” by the club licensee, permitting the club to operate as a plenary consumption licensee, in effect, open to the general public.

The League must oppose the bill, unless it is amended to give the host municipality the ability to impose some rational limits. –JM

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Around the State

Local Government Week:

Something to Strut About!

The week of April 7-13 marks the kickoff of the first Local Government Week and we hope you're ready to show off the hard work that goes into the day-to-day life in municipalities, from collecting leaves to planning for the future.

This youngster from Montclair is enjoying the role of drum major in the annual Montclair African-American Heritage Parade. Events that bring the community together and celebrate that unity are part of what makes municipalities great.

We hope you enjoy the Local Government Week celebrations and share your event images and anecdotes with us at www.njlm.org/njlocalgovt.



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The New Jersey State League of Municipalities would like to thank its supporters, who value their partnership with the 565 municipalities of New Jersey. For information about the League's sponsorship program, please contact Michael J. Darcy, CAE, at 609-695-3481, Ext. 116 or mdarcy@njlm.org.



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