

# nj

# municipalities

Official Publication of the New Jersey State League of Municipalities

March 2019

## Creating Community

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Syringe Access Programs

Public Private Partnerships



Focus:  
Municipalities & Education

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## New Jersey Municipalities Magazine

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## Focus: Municipalities & Education

### 6 UpFront:

#### **FOCUS: Future-Focused Internships**

Newark launches educational program for city students at Pequannock Watershed  
Ras J. Baraka, Mayor, Newark

### Features

#### 20 Economic opportunity knocks

DCA Opportunity Zone program taps into state's rich potential  
Lt. Governor Sheila Y. Oliver, Commissioner, Department of Community Affairs

#### 24 FOCUS: New Directions

School district-municipal cooperation  
Lawrence S. Feinsod, Ed.D., Executive Director, New Jersey School Boards Association

#### 28 Conference Connections

##### Hot Session: Schools & Municipalities

Working together for student security  
James Cassella, Mayor, East Rutherford, NJLM Immediate Past President; Steve Forte, Denville School Superintendent; Christopher Wagner, Police Chief, Denville Township Police Department (ret.); Daniel Webster, Jr., Manchester Township Board of Education, Past President, New Jersey State Boards Association



### ABOUT THE COVER

Municipalities can see positive impacts from good relationships with resident colleges and universities. Glassboro has bloomed thanks to partnerships with Rowan University.

# contents

Volume 96 | Issue 3, March 2019



## Departments

**4** 222 West State Street  
Michael J. Darcy, CAE

**10** Now & Then  
Amy Spiezio

**12** NJ Now  
Taran Samhammer & Amy Spiezio

**18** Member Op Ed  
Mayor Albert Kelly

**52** Finance Center  
Leah Szarek, APR

**54** Gold Dome  
Benjamin Dworkin, Ph.D.

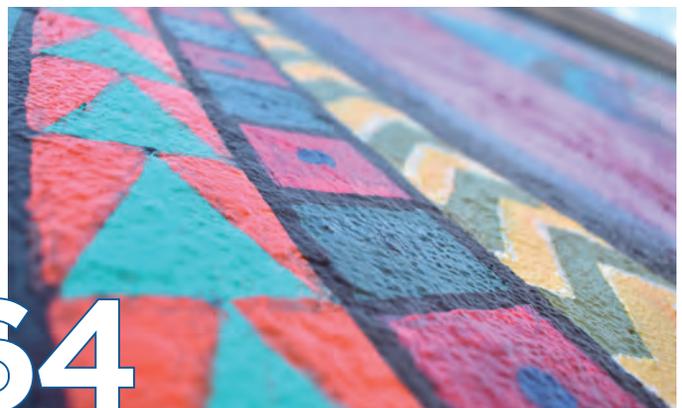
**56** Labor Relations  
Joseph M. Hannon, Esq.

**58** Legal Q&A  
Frank Marshall, Esq.

**60** Legislative Update  
Michael Cerra, Lori Buckelew, Frank Marshall & Jon R. Moran

**62** Business Card Directory

**64** Around the State/Supporters



## **32** FOCUS: Towns & Gowns Report

Municipalities make the most of collegiate neighbors

## **38** Municipalities and P3

Diving into the innovative economy  
Charles Sarlo, Esq., Vice Chairman, Board of Directors,  
New Jersey Economic Development Authority (NJEDA)

## **42** Work in Progress

The City of Asbury Park earns top spot in Rutgers  
Municipal Public Information Contest thanks to strong  
communications efforts  
Sonia Spina, Director of Communications, City of Asbury Park

## **46** Mapping Historic Treasure

Leveraging the past to secure the future of Hanover's  
Whippany Burying Yard  
Brian Cahill, Township Committeeman and Landmark  
Commission Liaison, Hanover Township

## **48** Project SAVE

Making an impact on municipalities' opioid public  
health epidemic  
Louis Cappelli, Jr., Freeholder Director, Camden County

## **50** Syringe Access Programs

Discovering a powerful tool in New Jersey's opioid fight  
Dr. Shereef Elnahal, Commissioner, New Jersey Department  
of Health



# Realistic & Healthy Action for Now & Into the Future

This year Governor Murphy's budget address is scheduled for March 5, about a week later than usual. The League leadership will attend and report back to the membership with helpful analysis on the municipal implications. We will be listening intently for plans to address the State's financial challenges, among them funding the State's pension system.

Without a healthy, effective State budget, municipalities will continue to be short-changed on statutorily required property tax relief because that money will be diverted to State needs. In addition, the State budget must be recognized as realistic and healthy by the financial community, or that weakness will impact the cost of borrowing for all levels of government.

We will be watching for these indicators and much more because any weakness at the State level will mean all eyes will remain on mayors and local officials to solve the state's property tax problem. In many cases, local officials will need to continue to creatively respond and work around the challenges left by inaction at the state level—like with interest arbitration reform, affordable housing, and obstacles to shared services.

The League's Annual Mayors Legislative Day is April 5 at the State House Annex in Trenton. It is a unique opportunity to interact with State Legislators and Cabinet officials responsible for setting

the agenda for property tax relief, affordable housing, infrastructure investment, and much more. Please register and use this opportunity to make the municipal priorities heard, understood, and most importantly appreciated by these officials.

Lastly, in reading this issue of *New Jersey Municipalities*, you will see several items that remind us all that local government is especially a service provided by people for the benefits of our residents. Technology helps, but it is people who deliver the service. I encourage you to consider that point when planning the development and ongoing training of your municipal staff.

Read how Mayor Baraka is investing in the next generation through a Newark school and MUA internship program. Similarly, the League has brought on Chanelle Clark as an intern. Chanelle is an MPA student at Rutgers Camden and is assisting with the League's very popular police and fire labor contract service. At the other end of the spectrum, read about League Financial Administrator Marie Johnson who recently received the National League of Cities John G. Stutz Award, recognizing her for 25 years of service to the State League. We all need to invest in the new workforce, and support the development and retention of our existing staff who are so important to delivering vital services. 📌

*Michael Darcy*

**“**  
**In many cases local officials will need to continue to creatively respond and work around the challenges left by inaction at the state level—like with interest arbitration reform, affordable housing, and obstacles to shared services.**  
**”**

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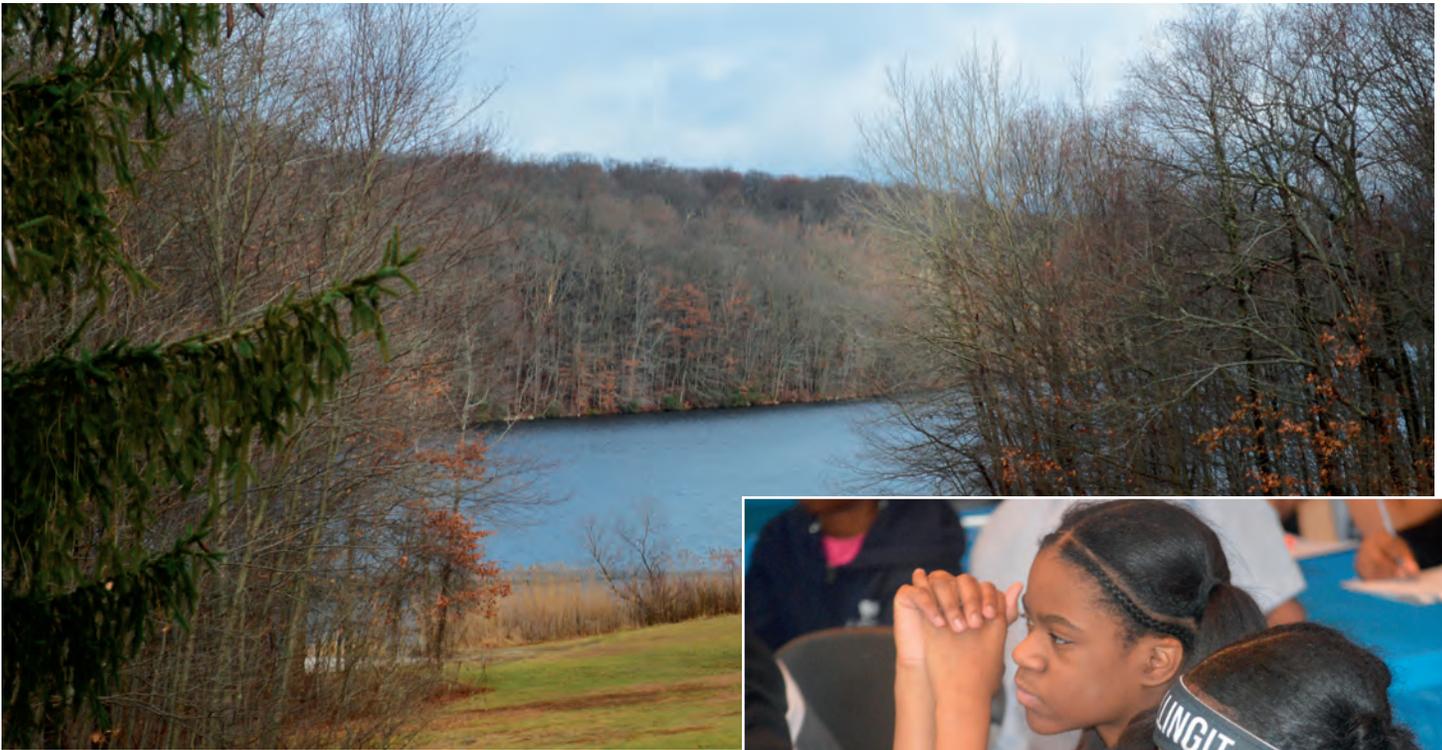
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# Future-Focused Internships

Newark launches educational program for city students at Pequannock Watershed

By Ras J. Baraka, Mayor, Newark



As Newark continues to become a center for technology and science-oriented businesses, we have a growing demand for a tech-savvy workforce. The City of Newark has developed several public/private partnerships to prepare residents for the science and engineering jobs being created here. Our latest initiative involves using our vast watershed as an educational resource.

In December, Acting Director of Water and Sewer Utilities Kareem Adeem and Assistant Director Tiffany Stewart, Esq., launched a science education program for Newark youth at the Newark Pequannock Watershed, located in West Milford. This program will continue through June 2019, close for the summer and resume September 2019 through June 2020.

## Indoor/outdoor learning

The program will provide middle and high school students with indoor classroom lessons and outdoor fieldwork on water infrastructure, water chemistry, water treatment, biology, ecology,



City of Newark students participate in the launch of the Newark Watershed Science and Leadership Academy.

(Photo credit: City of Newark)

and engineering. The program will also include mentoring and leadership components. Students who graduate from the program will be eligible for paid internships with the Department of Water and Sewer Utilities.

The program is part of the Department of Water and Sewer Utilities' comprehensive Watershed Management Plan, which includes this educational program. The program was developed in partnership with the Department of Neighborhood and Recreational Services and the Newark Board of Education.

The Department of Water and Sewer Utilities has enlisted the services of the Ready Set Grow Academy to partner in the implementation of The Newark Watershed Science and Leadership



Academy which is a youth leadership program that teaches academic excellence through the sciences. Through this initiative, scholars will engage in the program in an outdoor classroom environment located on the pristine grounds of Newark's Watershed lands. During the cooler months students will spend most of their time in the Watershed's pavilion.

**Lessons for the future**

This educational program will give Newark youth a unique opportunity to learn firsthand about scientific and

understanding of the efforts we make at the watershed to provide Newark residents with water, and how they can get involved in both creating a sustainable world and becoming involved in the greatest of all careers— public service.

Through the sciences, the program offers assessments for participants to determine their individual type of learning style. This information provides students and educators with an indispensable tool to aid in the academic success of participating scholars. As an extension of our current

engineering fields they could otherwise not been able to study directly. They will learn about many things—biology, chemistry ecology, engineering— and about possible future careers. But the most important lesson they will gain is a greater

Leadership Academy held every first Saturday of the month, the program also has a mentoring and leadership component to assist with personal development and encourage students to be an active and productive member of their academic and social communities.

The mentoring and leadership components focus on the students becoming scientific leaders in their community. It teaches them to be environmentally aware and focused in order to conserve and preserve one of our most precious assets—water. The program accomplishes this by providing them with the scientific foundation to understand how their daily acts from taking a shower to walking their dogs affect the environment and the water system. The curriculum then builds on that knowledge by equipping them with leadership tools to employ that understanding and then become more civically engaged in creating a more sustainable city. Some of the leadership modules focus on self-awareness, activism in the community, understanding



Our graduates say:

*Being in a cohort made us supportive of one another and assisted us with staying on top of key assignments. We became a family! We encouraged each other during rough times... and ensured we all graduated on time! - Chante, 2015 graduate*

*... in-person classes are conveniently scheduled on Saturdays, and were crucial to my success. Here we received direct instruction, but also interacted with our cohort in ways that you cannot get from a strictly online class. - Kathryn, 2016 graduate*

*Executive Master  
of Public Administration*

*Fall 2019*

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**September 7**

*empa.rutgers.edu*

## Future-Focused Internships

local government, staying informed and understanding their rights and responsibilities associated with water.

High school students who complete the full curriculum will participate in an awards ceremony in June where they will be presented with a certificate as a Young Scientific Leader of Tomorrow and be eligible for a paid internship.

Some of those positions include supporting the Assistant Superintendent at the Pequannock Water Treatment Plant, working alongside engineers, inspections officers, meter readers, and administrators. The program will begin with an overview of the various positions available in each unit of the department. From there we will do our best, based on availability, to pair students within their desired field.

To prepare students for these internships, during the program, students will be engaging in scientific experiments where they will collect and perform their own tests on samples taken from the reservoirs. They will also have an opportunity to not only tour the Pequannock Treatment

Plant but also the Charlottesville reservoir and Dam and the Clinton reservoir.

The objective is to expose them to

“The City aims to place Newark students ahead of the curve so that they understand what they need to accomplish to enter these fields.”

these professional fields so that they are able to better focus their academic efforts and excellence both now and when entering higher education. The City aims to place Newark students ahead of the curve so that they understand what they

need to accomplish to enter these fields, how they can succeed and the potential impact they can have on their community and the environment collectively.

The pioneering nature of this program, its creativity, its partnerships, are all things that we are proud of and privileged to have created. But the central focus of this endeavor is the youth that will participate in it. They are our onrushing future.

As urban leaders and managers, we have a moral and constitutional duty to provide them with as the best education possible and the greatest opportunities to make informed choices about their futures. Perhaps most importantly, we also give our youth an early opportunity to become involved in creating change, leading our city, and serving our residents.

We believe that you can never be too young or too old to be the change you want to see in the world, and this program is just one of the many creative steps we have put in place to turn belief into action. 🦋

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Township of Woodbridge

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

**Mayor Thomas Andes**  
Township of Denville

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; Marja 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.

**Mayor Richard Onderko**  
Borough of Manville

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

**George Jackson**  
Administrator, Borough of Eatontown

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

**Mayor Dina Long**  
Borough of Sea Bright

One of the best decisions we made after Sandy was bringing experienced professionals from JPM onto our team. Joe Verruni and Debbie Smith provided the expertise and guidance we needed to navigate the recovery and rebuilding.

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# DUNES ARE CRITICAL

Seaside goldenrod in Barnegat Light NJ  
Photo by Ben Wurst

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**Call:** 609-859-8860 ext. 126 or **Email:** [ryan@pinelandsalliance.org](mailto:ryan@pinelandsalliance.org)



# NOW & THEN



Amy Spiezio  
Managing Editor

## Always Leading, Always Learning

While municipal governments and school districts are distinctly separate entities, they have a symbiotic relationship that has intensified over the years as securing school facilities and creating job opportunities for youngsters have taken center stage in the lives of many constituents.

In this issue, we look at several different aspects of the school-municipal relationship and the challenges and opportunities that come from maintaining and growing good interactions. Newark Mayor Ras Baraka is helping develop future employees for the City and scientific industries with an internship program between the middle and high school students and the Newark Pequannock Watershed. “...The most important lesson they will gain is a greater understanding of the efforts we make at the watershed to provide Newark residents with water, and how they can get involved in both creating a sustainable world and becoming involved in the greatest of all careers—public service,” he said.

Many mayors around the state have endeavored to foster good town and gown relationships, and this month a sampling of those leaders share insights on what they are doing to work with universities within their borders.

But with the good comes the worrisome issue of security. In a feature taken from the League’s Conference session, mayors, education leaders, and police officials discuss how schools and towns work together to provide a safe environment for students, staff, and community.

This issue also shares insights from Lt. Governor Sheila Oliver on economic development and from Dr. Shereef Elnahal, Commissioner, New Jersey Department of Health, about the success of syringe access programs. We also share tips from North Hanover and the winners of the Rutgers University Municipal Information Countest about keeping your citizens informed and engaged. Speaking of engagement, check out the unveiling of the 104th Annual League Conference logo featuring the theme “Igniting Local Engagement” featured in our Conference Connections feature on page 28. 📍

### TIMELINE



**In 1956**, Robert D. Sisco, Superintendent of Recreation and Parks for Livingston wrote about School-Municipal Cooperation in Recreation Programs. The town’s Board of Education with the Recreation and Parks Department agreed, “Whereas, The

practice of establishing school plans and neighborhood playgrounds for joint use will effect a direct saving to the citizens of Livingston; therefore be it

Resolved, That in the interest of better service and greater economy to the community the executive staffs of each board shall study ways and means, develop and recommend plans and policies for the establishment of school and recreational facilities and sites.”



**In 1984**, Eatontown rolled out a program to establish a borough youth committee, “with the purpose of helping young citizens, who councilman Gene Anthony said,

“have a lot of positive ideas, express their views....Residents between 12 and 18 are a lost group. There’s no forum for them to express their needs.”



**In 2015**, West Caldwell Mayor Joseph Tempesta, Jr., then-NJLM President wrote about renewing land with public-private partnerships to find space for its kids to play sports with property in high demand and limited supply.

“Never underestimate the resources that exist today in many of our towns. You would be surprised how many companies are willing to help and want to be good neighbors.”



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# NJLM

## This Month

with NJLM President  
Colleen Mahr,  
Mayor, Fanwood



## League President & Mayors Working Together

Fanwood Mayor Colleen Mahr, NJLM President, and several Union County Mayors met to discuss significant issues and explore shared services opportunities. Topics included affordable housing and the pending legislation to legalize cannabis. Michael J. Darcy, CAE, NJLM Executive Director, joined the mayors for the discussion.

“Each of our towns benefits when local officials share ideas about common issues, services and best practices. There is a strong partnership among Union County mayors and I look forward to a productive year,” said Mayor Mahr.



Shown here, (left to right) Mayor Christine Dansereau, Roselle; Mayor Derek Armstead, Linden; Mayor Joseph Signorello, III, of Roselle Park; Mayor Paul N. Mirabelli, Mountainside; NJLM President Mayor Colleen Mahr, Fanwood; Mayor Al Smith, Scotch Plains; Deputy Mayor Patrick Giblin, Cranford; Mayor Sal Bonaccorso, Clark; Tom Strowe, Project Coordinator, Redevelopment Scotch Plains.

## League Hosts Mayors, Politicos at Pre-State of the State Reception

Before Gov. Phil Murphy made his first State of the State address, members and guests of the New Jersey State League of Municipalities met at the League’s headquarters in Trenton for a visit and networking before heading over to the Statehouse.

Mayor Michael Wildes, Englewood; Heather Loebner, Executive Director, Palisades Parks Conservancy; Mayor Paul Tomasko, Alpine, and NJLM Executive Board Member



NJLM Past President Mayor Janice Mironov of East Windsor, Kari Osmond, District Director for Congresswoman Watson Coleman (NJ-12), NJLM President Mayor Colleen Mahr of Fanwood; Lambertville Mayor Julia Fahl, Governor’s Director for Intergovernmental Affairs Michael DaLamater.



Shared Services Czars Jordan Glatt and Nic Platt, GFOA President and CFO/Administrator Jon Rheinhardt of Wharton, Deputy Mayor Guy Piserchia of Long Hill, NJLM Executive Board Member, Assemblywoman BettyLou DeCrocce (District 26); Mayor Janice Mironov.



NJLM officials visited Assembly Republican Leader Jon Bramnick at his office. Shown Left to Right: NJLM Executive Director Michael J. Darcy, CAE, President and Fanwood Mayor Colleen Mahr, Assemblyman Bramnick (District 21), and NJLM Assistant Executive Director Michael Cerra.

# NJLM's Marie Johnson Recognized for Service

**M**arie Johnson, the League's Financial Administrator was presented with the National League of Cities' (NLC) John G. Stutz award for more than 25 years of service with the League.



Johnson started her tenure at the League as a temporary admin and was offered a full-time position as assistant to the financial administrator 26 years ago. Upon the financial administrator's retirement in 1998, Johnson was promoted and is the guiding hand for advancing business matters at the League. She can be found at the Registration

Desk at the Conference every November, where her work helps make the signature event a success each year.

"Marie's work ethic and kindness have been a powerful combination for the betterment of the League," said NJLM Executive Director Michael J. Darcy, CAE. "We thank her for more than 25 years of service."

The award has been given each year since 1981 to recognize the contributions of long-time league staff members and is named in honor of John G. Stutz Kansas' League Director, who was instrumental in the creation of what became the NLC. ♣

# Mayors Discuss Marijuana Expungement



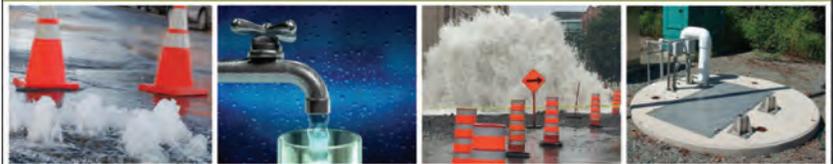
**L** league President Colleen Mahr, Mayor of Fanwood, joined Newark Mayor Ras J. Baraka, Jersey City Mayor Steve Fulop, Hoboken Mayor Ravi S. Bhalla, Bloomfield Mayor Michael J. Venezia; Roselle Mayor Christine Dansereau; Hope Mayor Tim McDonough, Past President, NJLM and Conference of Mayors; Bridgeton Mayor Albert Kelly, NJLM Past President, President, NJ Urban Mayors Association; Clinton Town Mayor Janice Kovach; North Plainfield Councilwoman Keiona Miller; and New Jersey residents whose lives remain affected by non-violent cannabis convictions held a press conference to call for complete expungements of such convictions.

The coalition of mayors is calling upon the State Legislature to pass bills that will expunge all misdemeanor convictions for possession of cannabis and review all felony offenses for downgrade and expungement.

The group discussed how these non-violent convictions, even years after ending their jail, probation, and parole terms, have left them unable to gain the jobs, licenses, loans, and mortgages needed to escape poverty and personal shame. They ask that their convictions be expunged to enable them to get on with their lives. ♣

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## Navigating Privatization of Water and Wastewater Systems



McManimon, Scotland & Baumann, LLC provides solutions to municipalities and authorities throughout the State facing challenges in providing water and wastewater services against rising costs and changing State and Federal regulation. Privatization offers a variety of options for system ownership, operation, maintenance, capital improvement and management. MS&B provides clients with a comprehensive analysis of the legal, financial, strategic and political issues relating to public ownership and privatization opportunities with seasoned insight into the benefits, detriments and pitfalls that accompany the choices along the way.

For more information, contact Frances McManimon at [fmcmanimon@msbnj.com](mailto:fmcmanimon@msbnj.com) or Joseph P. Baumann, Jr. at [jbaumann@msbnj.com](mailto:jbaumann@msbnj.com).

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The League's Orientation for Newly Elected, Re-elected, and Experienced Municipal Officials drew large groups of attendees ready to familiarize themselves with municipal operations. **1.** League General Counsel William J. Kearns, Jr., and Trishka Waterbury Cecil, League Deputy General Counsel discussed ethics and OPRA. **2.** NJLM Assistant Executive Director Michael Cerra discussed League business at the Southern orientation program. **3.** Wharton CFO & Administrator and GFOA of NJ President Jon Rheinhardt spoke on budgeting. **4.** Melanie Walter, DLGS Director, explained budgeting in the municipal world. **5.** The weekend program was a hit with attendees. **6.** Joseph Valenti, former chief of the Bureau of Local Management Services, part of the DLGS informed attendees.

**MARCH**

**March 2**

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

**March 6**

**A Quick Review of Budget & Audit Update**  
Webinar-Your Computer

**March 13**

**The NJ Minimum Wage Increase: What It Means for Public Employers**  
Webinar-Your Computer

**March 19**

**Budget, Ethics, & Procurement Update**  
Conference Center at Mercer,  
West Windsor

**March 27**

**Medical Marijuana: What Public Employers Need to Know in NJ**  
DoubleTree Hotel, Tinton Falls

**APRIL**

**April 5**

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

**April 24**

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

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**Data Center**

# Study Analyzes 2020 Census Attitudes

The U.S. Census Bureau has released findings from the 2020 Census Barriers, Attitudes and Motivators Study (CBAMS), a national survey and series of focus groups designed to better understand the nation's attitudes toward the 2020 Census, potential barriers that may inhibit participation, and possible motivators of responding.

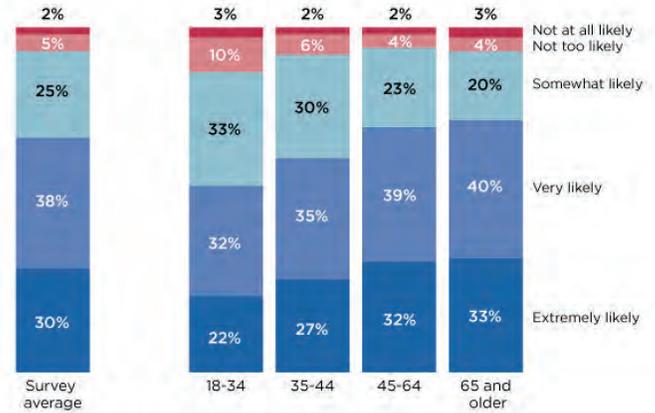
This research shows how to reach all populations, including segments of the population that are historically hard to count, and which types of messages may be most effective.

Two-thirds of respondents are "extremely likely" or "very likely" to fill out a census form. Many people were unfamiliar with the census, with only 33% being "extremely" or "very" familiar.

The analysis also revealed five barriers that might prevent people from participating in the census:

- Concerns about data privacy and confidentiality.
- Fear of repercussions.
- Distrust in all levels of government.
- Feeling that it doesn't matter if you are counted.

## How Likely Would You Be to Fill Out the Census Form?



Notes: All estimates were rounded so that the sum of estimates equals 100 percent.

United States Census Bureau | U.S. Department of Commerce, Economics and Statistics Administration, U.S. CENSUS BUREAU, census.gov | Source: 2020 Census Barriers, Attitudes, and Motivators Study (CBAMS), Public Use Microdata Sample

- Belief that completing the census might not benefit you personally.

Funding for public services was a top motivator across groups, yet less than half of respondents knew that the census is used to determine community funding. 📌

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## Living in a News Desert

Albert Kelly, Mayor, Bridgeton; NJLM Past President; President, NJ Urban Mayors Association

**B**ack in the early 1990's, the prophets of the emerging internet promised us a golden age where information would become "democratized," everyone would have a voice, individuals would be more connected, and there would be more transparency. Some of that may be true, but they never imagined that the internet, and then social media, which didn't yet exist, would become one vast segregated echo chamber controlled by a few guys in a boardroom in Silicon Valley through algorithms.

These prophets never imagined that newspapers would die on the vine, starting with small local papers, and they certainly never imagined that entire communities would live in news deserts, cut off from what was happening in their own towns. But that's exactly where many smaller communities are today, including my community of Bridgeton.

**“Communities pay a heavy price not only for the lack of granular coverage, but...the warping of a community's image...”**

Going back many decades, we had the *Bridgeton Evening News*. It was a good newspaper if for no other reason than that it was local. It knew its role and while it carried national stories from the wires, its value lay in the fact that it covered the happenings in Bridgeton and the western part of Cumberland County. This included City Council meetings, zoning and planning board meetings, local elections, the business climate, civic events and organizations, education, and local sports.

The local newspaper had a mission, which was to keep citizens informed and, perhaps to a lesser degree, to hold government accountable, though accountability took on greater weight after Watergate. At the very least, it served as a mirror reflecting the community back to itself for good or for ill.

Today, with the internet and social media replacing newspapers, there's not much of a mission beyond getting "clicks" that translate into ad revenue. In order to monetize clicks, content has to appeal to the largest number of people. On a global scale, there's no value in local coverage. The newspapers that did survive did so by consolidating into larger, more regional

newspapers covering the occasional big story or something juicy and sensational. These outlets also went more digital, more online content with lower overhead and personnel costs.

For Bridgeton in particular, that means we get no local coverage to speak of and when we do get coverage, it's generally crime-related because you know, if it bleeds it leads. I can't remember the last time a reporter attended a City Council meeting or any other meeting of the government. This matters because that's where decisions get made, where new development projects get discussed, new programs or laws considered, and problems raised. Beyond the few who attend, people don't know what's happening because no one is there to cover these meetings.

The end result for the community is at a best a vacuum that gets filled with rumors, secondhand information, and half-truths. At worst, this lack of local coverage means that the perception of the community, along with the community's perception of itself, gets shaped by the smattering of coverage it actually gets, which as I mentioned before, is usually crime-related or someone being sentenced to a long prison term.

Over time and cumulatively, communities pay a heavy price not only for the lack of granular coverage, but as with the if-it-bleeds-it-leads mentality, the warping of a community's image as a dangerous or unsafe place when that may well not be the biggest truth about that community. There is nothing to balance such negative perceptions, whether development projects that have been approved, grant awards that have been received, ribbons that have been cut, volunteer projects that have been completed, student achievements that have been noted, or even roads that have been set to be paved.

Throw in the raw nerve endings involving race and ethnicity in our current national moment, especially in and toward minority-majority communities, and this lack of local coverage (read lack of accurate information) has enormous implications and ramifications for small and mid-sized communities.

I don't know what the answer is; we can't turn back the clock. Perhaps one possibility might be to change the model of journalism studies so that students, as part of their course work, would have to cut their journalistic teeth covering local communities within a certain radius of their respective schools. The content might be shared online and through social media and then partly through relationships with the very news outlets that don't have the budgets for more reporters. If nothing else, students would learn their craft from the ground-up.

The digital prophets never imagined that citizens would be starved for accurate local news or that they might one day live in a news desert. We're here now, and it's time to look for an oasis that's more than mirage. 🗝

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

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# Economic Opportunity Knocks

DCA Opportunity Zone program taps into state's rich potential

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

The Garden State is ripe for investment and increased prosperity—anyone who has lived in or visited our richly diverse state knows this truth. Situated between two large metropolitan areas, we boast beautiful shorelines, rivers, bays, bustling international ports, mountainous open space and farmland, top-rated universities, cutting-edge businesses, and to top it off, a well-educated workforce. Our assets are great. We are an economic powerhouse and Governor Murphy, the Department of Community Affairs (DCA), and municipal leaders are primed and ready to seize any opportunity that benefits our state.

Opportunity Zone, Camden, NJ



In 2017, under the leadership of U.S. Senator Cory Booker, opportunity came knocking for New Jersey with an important provision in the recent tax overhaul known as Opportunity Zones. The Opportunity Zone program is a powerful economic development tool that seeks to direct capital investment to low-income rural, urban, and suburban communities through tax incentives.

Through this program, investors can defer and reduce capital gains by investing in Qualified Opportunity Funds, which, in turn, are directed to projects in blighted census tracts, known as Opportunity Zones. Essentially, investors can receive significant tax breaks for building essential community assets such as

grocery stores, housing, and retail space in some of the state's most distressed communities. Even more compelling, the incentives can be paired with other federal, state, and local tax incentive programs to further enhance the viability of development projects.

## Strategies for equity and growth

New Jersey has 169 designated Opportunity Zones spread across 75 municipalities, with at least one zone in each county. The zones were strategically selected. They are all well-positioned to become vibrant, walkable, and inclusive communities. The designations were guided by a formula that factored key

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## DCA Opportunity Zone

economic indicators, such as income, unemployment rate, property values, geographic distribution, and access to transit.

As a state, we are committed to investment strategies that promote equity and growth. The Opportunity Zone program meets this standard because it interrupts uneven investment by targeting capital to the people and places most in need, but it can do more. It has the potential to grow existing businesses in these communities through local sourcing and investment in minority-, women-, and veteran-owned businesses.

Hester Agudosi, Chief of the Office of Diversity and Inclusion, who has been a key state advisor for the incentive program stated, “Given that minority- and women-owned businesses comprise over half of the firms in the state, they have the potential to be a strong economic engine. Ultimately, we want to make sure that when investment opportunities materialize they do so equitably so that community stakeholders, and not just investors, are able to partake in and benefit from this transformation.”

The Department of Community Affairs is working hard to ensure that we achieve equity and inclusion through the incentive program, and thus far, the results are promising. To help improve the quality of life for residents that live in the zones, DCA is helping community leaders market their zones to attract the right type of investment. In addition, to help protect longtime residents and businesses from displacement, the selection process included feedback and input from leaders at the local, state, and federal levels.

And this past month, several of New Jersey’s Opportunity Zones ranked among the highest in the nation on smart growth potential in a major report that looked at zones throughout the country in a study published by LOCUS in partnership with The George Washington University and SPARCC (an initiative of Enterprise Community Partners, the Federal Reserve Bank of San Francisco, the Low Income Investment Fund and the National Resource Defense Council). The report measured performance on social equity and inclusion, and factored transit affordability and accessibility,

# A One-Stop Shop

In November, DCA launched a one-stop shop website with an interactive mapping tool to assist mayors, municipal officials, businesses, investors and stakeholders to better understand and navigate Opportunity Zones. The one-stop shop, which can be found at: [www.opportunityzones.nj.gov](http://www.opportunityzones.nj.gov), provides an overview of the program, how it visibly overlaps with special state designation areas, and how it can be leveraged with other state incentives to help stimulate community investment.

The main feature of the one-stop shop is a user-friendly interactive mapping tool, referred to as the NJ Community Asset Map. The Asset Map is an interactive web application that displays where the zones are and their unique characteristics. When users click on a zone, they will see an overview of its demographic makeup, and they can drill down further to view a more detailed demographic profile. The map has over 30 layers of data, some of which can be seen at the parcel level. For instance, users can view community assets in each zone such as train stations, bus terminals, airports, colleges and universities, power plants, ports and marinas, hospitals, and parking areas.

The Asset Map also has overlay options that allow users to view valuable economic, local planning, environmental, and workforce statistics as well as predominant land uses for each zone. This feature allows potential investors and stakeholders to view where the state has targeted its investments through special designations, such as Urban Enterprise Zones or Transit Villages.

In addition to the Asset Map, the comprehensive Opportunity Zone website provides resources for mayors and local government officials, such as guides for strategic planning and measuring and monitoring outcomes in Opportunity Zones. There is a list of resources for businesses, developers, and investors that link to the federal rules and guidelines for the program from the U.S. Department of the Treasury.

housing, diversity of housing stock, and social vulnerability into its assessment. New Jersey’s rankings are proof positive that the Murphy Administration is focusing efforts on attracting the right kind of investments.

New Jersey is also among the leaders in the country in providing online resources for investors, municipalities, and local stakeholders.

As Lieutenant Governor and Commissioner of the Department of Community

Affairs, my goal is to help improve quality of life for all residents, and to help ensure that every community is a community of opportunity with quality housing, safe neighborhoods, high-functioning schools, and good jobs.

I am optimistic that this new incentive program, coupled with the Murphy Administration’s commitment to a stronger and fairer economy, will bring us closer to a New Jersey that works for all of us. 🍀

## Resource Center: Opportunity Zones

- New Jersey’s One-Stop Shop and Asset Map: [www.nj.gov/opportunityzones](http://www.nj.gov/opportunityzones)
- IRS Frequently Asked Questions: <http://bit.ly/OpportunityZoneFAQ>
- Smart Growth America Opportunity Zone Ranking Report: <http://bit.ly/SGARankingReport>

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# New Directions

## School District-Municipal Cooperation

By Lawrence S. Feinsod, Ed.D., Executive Director,  
New Jersey School Boards Association

A decade ago, a driving force behind school-municipal communication was the annual school budget. The local board of education needed the governing body to understand the school budget—and the governing body required such information—in the event that voters rejected the proposed school tax levy. A defeat at the polls triggered municipal review of the proposed budget and possible levy and expenditure reductions.



Today, as a result of a 2012 law, only 14 of the state's 581 school districts still place their budgets on the ballot. But even without the school budget election as a major impetus, sound policy demands ongoing communication about the education of our state's 1.4 million public school students, the largest government service in terms of expenditure.

Recognizing this fact, the leaders of the New Jersey School Boards Association (NJSBA) and the New Jersey State League of Municipalities pledged continued cooperation statewide and locally in a joint letter issued in 2014:

Today, the mutual concerns of schools and surrounding communities, ranging from school safety and security, to energy costs and preserving critical programs in the face of limited resources, will necessitate even more cooperation. ...we are exploring new ways to move forward for the benefit of our members and the taxpayers they serve.

Since then, NJLM and NJSBA have sponsored panel discussions at their annual conferences, during which school and municipal leaders explore best practices in a variety of areas: shared services (2014), strategies to work within the 2%

tax levy cap (2015), energy savings (2016), children's health and nutrition (2017), and school security (2018, see article on page 28). These sessions also gave NJSBA the opportunity to discuss its research on these and related issues.

### Reports of municipal interest

Three of NJSBA's most recent reports should be of keen interest to municipal leaders, not just as interested observers, but also as participants in shaping the services we provide to our communities' children.

### Serving the Career-Focused Learner: An Economic Necessity

Ask a real estate agent what makes a community desirable and, undoubtedly, he or she will put public school quality high on the list.

But too often, the assessment of school quality over-relies on the same criteria: the percentage of graduates entering four-year colleges right after high school, average SAT scores, and even the number of students accepted to Ivy League and other highly competitive universities.

New Jersey's public schools, as a whole, do well in these categories when compared to other states. However, we have to broaden our perception of educational success. For too long the focus on college admissions has come at the expense of the career-focused learner, limiting opportunities, giving parents and other taxpayers the wrong impression of academic success, and endangering our state's economic future.

In a May 2018 article posted on Bloomberg.com, former New

York City Mayor Michael R. Bloomberg described the situation succinctly:

One side thinks that every student should get an acceptance letter from a four-year college. The other argues that college is over-rated and that we should focus on preparing young people for well-paid careers that don't require a four-year education. The truth is that this isn't an either/or situation. We need to do both: put more focus on college and careers, so students have a real choice.

Almost one-third of new job openings require a skill of some sort—not a bachelor's degree. And in many cases, employers are struggling to fill these jobs, which hurts economic growth.

NJSBA's October 2018 report, *Educational Opportunities for the Non-College-Bound Learner*, echoed Bloomberg's assessment of the employment picture:

Business groups report that New Jersey has 44,000 vacant "middle-skills" jobs, which the Harvard Business School describes as "those that require more education and training than a high school diploma but less than a four-year college degree." There is a disconnect between the skills that are being taught in schools, and the skills required in many entry-level positions.

The Task Force on Educational Opportunities for the Non-College-Bound Learner, which authored the report, was the brainchild of NJSBA President Daniel T. Sinclair. The 20-member study group included local school officials and representatives of business and industry, workforce

development, and higher education. It challenged the perception that the path to success invariably requires attendance at a four-year college.

Its 69 recommendations address the skills needed in today's job market; communication and collaboration among school districts, community

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## New Directions

colleges, state and local government, and business, industry and labor; educational programming that reflects economic realities and exposes students to the full array of post-high school options; teacher preparation and certification; student assessments and graduation requirements, and financial need.

### Financial considerations

Finance is one area of critical interest to officials at the municipal and county levels. The State of New Jersey does not provide funding for career and technical education programs in comprehensive high schools—that is, those operated by kindergarten-through-12th grade or by regional districts. At the same time, Career and Technology Education (CTE) program capacity in the 21-county vocational school districts, which receive state vocational education funds, cannot meet current demand.

In the fall of 2017, the director of the New Jersey Council of County Vocational Technical Schools told a legislative hearing that, “of the nearly 30,000 students who applied this year to attend a vocational school, only a little more than 12,000 could be accepted due to space constraints.”

The comprehensive high schools can help fill that gap, the NJSBA task force found. But enabling them to do so will require not only state and federal support, but the formation of partnerships to develop resources and explore alternative funding. One task force recommendation involves public-private partnerships in which municipal officials could play a key role, along with school officials, business leaders, and representatives of local economic or industrial boards.

### Student achievement

In 2017, after almost two years of study, NJSBA issued a 107-page report, *Student Achievement: Advancing Education for All Children*. The report addresses issues ranging from the racial and economic achievement gap and early childhood education to the juvenile justice system and labor-management collaboration.

**The responsibility for the education and healthy development of school-age children must be shared by the entire community, including the board of education and the local governing body,” the study group found. “Obstacles to academic achievement exist not only in schools, but are also evident across the community, regardless of its demographics.**

Obstacles include poor behavioral choices, lack of after-school supervision, lack of social support systems including counseling, and lack of healthy food choices.

The Task Force on Student Achievement recommended that school districts involve municipal government, service organizations, and the faith-based community in a comprehensive plan to promote student achievement and healthy decision-making. Such efforts could be further advanced through regularly scheduled meetings between school and municipal officials and the appointment of liaisons between the board of education and governing body.

In addition, the student achievement report cites examples of community-wide efforts aimed at the healthy development of children: The Hopewell Valley Municipal Alliance, and in South Brunswick, the Community Resource Team, the Healthy Communities-Healthy Youth Assets Initiative, and the Every Person Influences Children program.

We hope the NJSBA’s research projects can spark new avenues of communication and collaboration among New Jersey’s school districts and municipalities. 📌

## Research Resources

- The Final Report of NJSBA’s Task Force on Student Achievement can be accessed at [www.njsba.org/student-achievement2017](http://www.njsba.org/student-achievement2017).
- NJSBA’s body of research also includes studies of under-funded state mandates, impediments to regionalization, student health and wellness, sustainability, and special education costs and services. All reports are available at [www.njsba.org/research-projects](http://www.njsba.org/research-projects).
- NJSBA’s report on Educational Opportunities for the Non-College-Bound Learner (118 pages) can be accessed at [www.njsba.org/Non-College-Bound-Learner](http://www.njsba.org/Non-College-Bound-Learner).
- To access NJSBA’s 2018 and 2014 reports visit [www.njsba.org/schoolsecurity2018](http://www.njsba.org/schoolsecurity2018) and [www.njsba.org/schoolsecurity2014](http://www.njsba.org/schoolsecurity2014) respectively.

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# Conference *Connections*

## School Security

Municipalities and school districts are working together to ensure student safety

By James Cassella, Mayor, East Rutherford, NJLM Past President, and featuring panelists Denville School Superintendent Steve Forte, Denville Township Police Chief Christopher Wagner (now retired); and Donald Webster, Jr., Manchester Board of Education member and Past President of the New Jersey School Boards Association

“Municipal government, particularly local law enforcement, is a key element in providing a safe environment for our students through agreements between schools and law enforcement agencies, emergency planning, and shared notification systems,” notes Lawrence S. Feinsod, Ed.D., Executive Director, New Jersey School Boards Association (NJSBA). He observed that at the 2018 NJLM Annual Conference, the NJSBA discussed its new school security report at a session.



Here we highlight excerpts from that session, “*Schools & Municipalities: Working Together for Student Safety*,” held on Tuesday, Nov. 13, moderated by then-League President James Cassella, Mayor of East Rutherford, and featuring panelists Denville School Superintendent Steve Forte, Denville Township Police Chief Christopher Wagner (now retired); and Donald Webster, Jr. Manchester Board of Education member and Past President of NJSBA.

Does your school district have a school security plan that is updated each year, according to state law? These plans include many parts and a combined effort between school and town is required, particularly when it comes to rolling them out.

New Jersey is one of the few states in the U.S. required to carry out active shooter drills. Successful implementation means local government and schools working together—and continuing to work together. “We see some people starting to get comfortable with the drills,” Donald Webster, Jr., Manchester Board of Education member and Past President of NJSBA Webster said, “and so they’re getting a little lax, and that’s a concern for us.”

Denville schools stay vigilant by dedicating a school professional day to training with the police, often based on what the two school security specialists learned at the mandated Department of Education school security trainings. The town also regularly drills in the schools with police present. “Every available



East Rutherford Mayor, James Cassella, NJLM Immediate Past President

working police officer on a daily shift shows up at the schools for every lockdown, every month, said Denville Police Chief Christopher Wagner (retired).

This helps the police as well as the school staff and students. “If you put your cops in the school eight times a month and you tell them go to the library, go to the locker room, go to the home ec class, it gives them some familiarity,” he added. “Imagine if you’re not putting your cops in every school every month? When you say [there’s a problem] in the guidance office, you’ve got no shot of getting there on time.”

**Communications Solutions**

“As part of their annual review of security plans, school districts should continue to consider advances in communication technology and also to ensure that there’s an unobstructed line of communication between school security personnel and emergency responders by in effect providing staff with communication devices whatever they might be,” Webster said. “We found in some cases that school districts don’t have clear policies, in some cases they don’t have the correct equipment to communicate

in the case of an emergency and that could be disastrous.”

The experts recommended having a full range of communications tools in place to prevent and, if necessary, deal with emergency situations.

- **Walkie talkies/two-way radios.** These allow school personnel to contact the

police authorities and communicate back and forth during an emergency situation.

- **Tip lines.** The NJ Office of Homeland Security and Preparedness (NJOHSP) Counterterrorism watch unit is a centralized location for the anonymous reporting potential happenings in your community, [www.state.nj.us/](http://www.state.nj.us/)

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## Conference Connections

njhomelandsecurity/tips.html;  
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- **Apps.** There are a lot of apps out there that can be accessed through cell phones and can help eliminate the cost of a walkie purchase while linking communications to first responders. Wagner noted that, “all the teachers and all the police officers in Denville have [an app] and any teacher can open the app, press a button, and put the school in lockdown—and it goes to every teacher and every computer in the school and we can communicate back and forth on it.”

- **Cameras.** Useful for evaluating emergencies, cameras in schools can be an effective tool that may require some negotiation. Denville has a written agreement between the school and police, assuring that the cameras are for an emergency, for a drill, for training, not for a police investigation, Wagner said. “We cannot look at the school cameras for a criminal investigation, that’s not what it’s for and there are agreements for that.”

In East Rutherford, Mayor James Cassella, NJLM Immediate Past President noted, the town helps cover the costs of cameras in the school district, but reserves the day-to-day operations to police and

## 2019 NJLM Annual Conference Logo Unveiled

The new logo and theme for the New Jersey League of Municipalities’ 104<sup>th</sup> League Conference, has been unveiled.



With a theme “Igniting Local Engagement,” the annual event continues its legacy of helping local government officials lead their communities fully geared for the challenges ahead of them. The Conference includes a slate of sessions and exhibitors tapping into the latest trends and conversations on the local, state, and federal stage that impact municipal governments on a day-to-day basis.

“Local governments are being asked to do more with less, solving ongoing and new challenges without flagging. This year’s Conference intends to encourage, educate, and ignite leaders to engage with their communities and help them succeed by embracing the information and advice gathered during their interactions with their peers during the three-day must-attend event. The League Conference offers an extremely valuable opportunity for local leaders to learn and grow, and we hope previous and new attendees will join us as we look forward to this year’s thought-provoking sessions, exhibitors, and special League events,” said Michael J. Darcy, CAE, NJLM Executive Director.

The event is slated to run Nov. 19 through 21 at the Atlantic City Convention Center in Atlantic City. [www.njlm.org/conference](http://www.njlm.org/conference)

The Conference website will launch this month, and more information will be featured in upcoming editions of *NJ Municipalities*.



## Final Report: NJSBA School Security Committee

NJSBA’s newest security report builds upon its 2014 study, *What Makes Schools Safe?*, which remains a viable source of information. The new report provides additional recommendations

addressing: Planning, Response, and Recovery; Security Personnel; Communication, Notification, and Detection; Cybersecurity; Physical Security and Building Access; Funding; Election Day Security; School Climate and Mental Health Services

The full report can be found at: [www.njsba.org/schoolsecurity2018](http://www.njsba.org/schoolsecurity2018)

school officials. “Once the cameras are in, I stay out of it, because this is not my expertise. There’s a good relationship between the police department and the two superintendents and they work together.”

- **Keys.** If all the school doors are locked and there’s a lockdown at the schools, how will police get in the building? Every police officer in Denville has a key to every school in Denville, and almost every lock is keyed with one key. Otherwise, Wagner notes, “if you have an emergency at your school and you don’t have a key to get in the front door, you have to drive your car through the building.”

- **Plans.** Along the same lines, police officers need to know the layout of each school. Some counties are centralizing

the effort to collect schematic plans that they can call up on computer to view access points, etc., in school districts.

- **Memos.** The police department and the school administration should work together to promote school safety, starting the school year off with a jointly released memo to the staff each year reminding them to keep doors locked, not to prop doors open, and if they see something tell us, say something.

Forte noted, “It seems more important when the communications come from the chief and the superintendent.”

### Special Law Enforcement Officers

Class 3 Special Officers are a potential cost-saver as well as a cooperative effort between school and town. Wagner noted that in Denville, the school district pays the salary, around \$35,000 annually, while the township covers uniforms and background costs of between \$3,000 and \$5,000. As one of the leading forces behind the creation of the Class 3 Special Officers category, Wagner said that these special officers are another important layer of security, “We have the Class 3 Specials, there are also locks on the doors, and there are security cameras. So there are layers, there’s not one magic pill, not one thing you can do that’s going to secure your schools. It’s a whole number of things layered on top of each other all the time.”

But these officers do raise some concerns with school officials and parents, too. Webster said, “We’ve heard from a number of school districts where parents were very concerned about the so-called pipeline to prison, about their kids getting into trouble in schools where there are police authorities present and they end up getting arrested and next thing you know they’re involved in a succession of situations that may lead to them ultimately being incarcerated. We want to minimize those, we want to work with police authorities, but we also need to respect the rights of our students and the district policies that we have in place.”

“Our schools don’t need to be like prisons, they should be like a castle,” Wagner noted. “A castle is totally fortified, it contains, generally, some very important people inside of it, it is very difficult to get to, with some unique security systems built around it. And when we talk about police officers in

schools, they don’t need to be there to criminally enforce food fights or fights in the locker room, there’s no reason for that. That can continue to be a school issue, we’re there to stop armed intruders and violent encounters from happening in schools. That’s what police do.”

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# Towns & Gowns

Municipalities and Universities work together and both learn important lessons

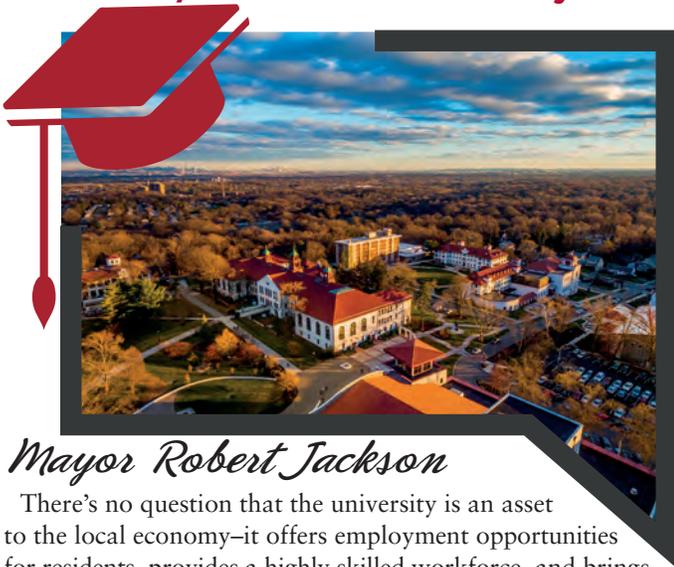
New Jersey has a rich academic history, home to Princeton, one of the United States' oldest universities, (circa 1746), and to many envelope-pushing centers of academic excellence. But students aren't the only ones benefitting from schools of higher learning; municipalities gain prestige, prosperity, and future population through their town and gown relationships.

We asked Mayors and local officials of towns that are home to universities throughout the state four questions:

- What is the biggest benefit of having a college/university in your town?
- What is the most challenging concern?
- How do you connect your town with the educational facility?
- Do you have any specific success stories you'd like to share about a good town and gown relationship?

Following are their responses.

## Montclair/Montclair University



### Mayor Robert Jackson

There's no question that the university is an asset to the local economy—it offers employment opportunities for residents, provides a highly skilled workforce, and brings revenues to local businesses. But the benefits go well beyond the purely economic.

Montclair State University (MSU) offers world-class cultural opportunities, including performances, exhibits, lectures, and many more cultural programs on offer.

The Township has also established mutually beneficial relationships with a number of MSU institutes and departments. The university's Teacher Education program works closely with township schools.

MSU's recently-formed PSEG Institute for Sustainability Studies (ISS) and Montclair's Sustainability Officer Gray Russell partnered to create the Montclair Green Business Program, a project to encourage local businesses to incorporate environmentally friendly measures, such as reducing waste, being more energy efficient, promoting healthy living.

The university also collaborated with the Montclair Environmental Commission on an assessment of the health of street trees, conducting field analyses for the township's Water Bureau and Sewer Utility.

The Montclair Health Department has regularly worked with the university on a number of projects including an objective evaluation of the "Eat. Play. Live...Better" initiative, a township-wide program measuring factors known to impact the ability of residents to eat healthfully and live actively.

The Department also recruited members from the Kappa Sigma fraternity to conduct a door-to-door township-wide animal canvass to help increase licensing rates; the Nursing Division worked with the university to coordinate vaccine clinics; and a graduate student intern is currently working on a Let's Grow Montclair grant to help fund the installation of a bike repair station. The University is also a designated Point of Distribution (POD) for mass distribution of medicine during an emergency. MSU participates in all POD call down drills and joint training.

Montclair's Senior Services Director works with MSU to evaluate the effectiveness of the township's programs for seniors and its Lifelong Montclair aging in place initiative.

The Township's PEG broadcast channel, Montclair TV34, has been airing MSU programming for a number of decades. Students

from the School of Communication and Media have worked as interns at the station and the School recently introduced a “Meet the Mayor” program produced entirely at MSU’s studios.

Perhaps one of the most prolific town/gown partnerships was forged by the president of Montclair’s Overseas Neighbors Organization, Juliana Belcsak, who facilitated the exchange of students, professors, artists and musicians at MSU. Most recently, vis-a-vis the sister-city alliance with Aquilonia, Italy, and the university’s Coccia Institute, First Ward Councilor William Hurlock and I were able to facilitate a variety of connections with U.S. agencies for Italian business leaders looking to do business in this country.

*First Ward Councilor William Hurlock*, in whose ward the university is located, also observed:

**Most challenges are likely no different from those of many university towns. The main issues concern parking, noise, parties on public property—but these are quickly resolved as a result of the excellent relationship our police department has with the university police.**

The University’s need for more land to expand is a challenge of a different sort. MSU has already purchased residential properties, which reduces the availability of real estate for potential homeowners. In addition, the on-campus expansion results in traffic issues in the town.

## Jersey City/New Jersey City University (Also Saint Peter’s University and Hudson County Community College)



### *Mayor Steve Fulop*

We believe that while living in Jersey City, residents are offered education and job growth and we can help our students feel like they are being supported. A main priority is having the access to educate within the community. Living in an urban environment and having a very diverse population, a college/university/community college is crucial to the success of our residents.

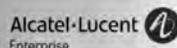


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## Towns & Gowns

Our colleges and universities work closely with each other to ensure that transfers are honored at an affordable rate. We have charter high schools that are pipelines to our universities (University Academy CHS to NJCU). Our community college (along with others in NJ), received a Community College Opportunity Grant (CCOG) for the Spring 2019 semester. CCOG will provide qualifying residents with free tuition, which will allow many of our residents to jump start their careers for free. It's very important to offer opportunities within our city that won't cripple our residents' financially; affordability is important, especially when a good percentage of our residents are living below the poverty line.

I think that our most challenging concern is removing the negative stigma that comes with going to a college/university in an urban environment. It's easy to capture our Jersey City residents, as they see the growth of our universities. But a resident from another city or county may overlook our prestigious universities because of their location. **We have done a great job engaging our community about the benefits of attending local colleges/universities: affordability, accessibility, opportunity and reliability. As more of our college graduates start their careers and mention their City's university/college, I think we will see a larger number of out-of-town/state students wanting to attend.**

This becomes a communal approach to education. We are fully invested in the growth and success of our residents and schools. If high school students attend our local colleges, they are more likely to re-invest in their city's growth. We communicate with our local high schools and colleges to ensure that they are being offered as much support as we can provide as a city, whether it be an internship program for our high school students or municipal job opportunities for our youth and young adults.

### Rowan/Glassboro & Stratford



(l to r) Current Mayor John E. Wallace, III, Freeholder Heather Simmons, Former Mayor Leo McCabe, Nexus Properties CEO Dante Germano, Rowan University President Ali Houshmand, Borough Administrator Joe Brigandi, and Senate President Steve Sweeney

### Glassboro

#### *Mayor John E. Wallace, III*

We have created a landscape blending affordable quality education, modern business, and redevelopment opportunities where everyone benefits—our schools and government, as well

as residents and students—when collaborative town-gown practices are used.

**Our Borough is in a uniquely advantageous position. The interrelationship between the university being a place for creating knowledge, and the community that develops that knowledge is getting stronger each day—and towns that don't tap into this synergy are at a competitive disadvantage.**

Having a university located in the community is a magnet for diversity and talent, with young minds drawn towards the substantive opportunities and offerings unique to college towns. It can be a struggle when a town and a university grow together at such a rapid pace, so we try to balance our advancement with that of the University and how they contribute to the positive long-term relations with the community. Those relations usually come back to how students interact with the community—from behavior to traffic congestion. There is a continuous reciprocating dialog and consistent collaboration.

Part of easing this struggle means breaking the tradition of only hearing from one another when something goes wrong. One simple yet powerful example is a mixture of neighborhood residents, civic representatives, and students working together. The Good Neighbor Forum Meeting was launched in 2008 to create a place where local residents and students can meet and come to know each other and each other's concerns.

Borough of Glassboro officials increasingly recognize the positive impacts that the university community has on our community and the value of the Borough services provided to the campus. These benefits include joint employment opportunities; internship programs, payments for services; city-school projects, shared services, programs, and services; and a knowledge of the other revenues and taxes generated by the University.

Having a university located in our community is a draw for diversity and ingenuity, with young people drawn towards the substantive opportunities and offerings unique to Glassboro. We have several thriving businesses that are owned by Rowan University graduates resulting in them living here, raising families, and contributing to our socioeconomic success and sustainability.

### Stratford (home to Rowan University School of Osteopathic Medicine)

#### *Councilman Patrick Gilligan*

Rowan remains as an un-leveraged asset that potentially could be an economic driver in Stratford. Our most challenging concern is public safety.

A stronger, more frequent connection would be nice. Seeing the medical students doing health screenings at our fall festival, for instance was very positive.

#### *Councilwoman Tina Lomanno*

A benefit is the additional jobs created by the university to local residents. This is an opportunity for business growth with the additional people and their needs from housing to restaurants and shops. My biggest concern is the tax exempt status of the university. Any additional revenue that could be generated as a result of their presence would certainly benefit the town

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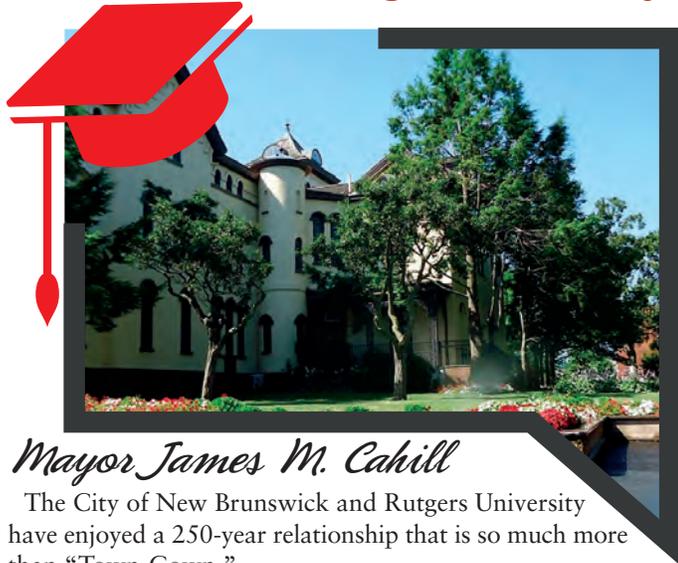
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## Towns & Gowns

and help alleviate the tax burden to the residents.

I believe the university can offer so many resources to our town and schools. I would love to develop a program where the educators and physicians interact with our schools, to help educate our students and expose them to the medical field.

### New Brunswick/Rutgers University



#### *Mayor James M. Cahill*

The City of New Brunswick and Rutgers University have enjoyed a 250-year relationship that is so much more than “Town-Gown.”

We share a dedication to health policy, best practices, research and innovation. Together, we are a training ground for the best and brightest in medicine, research, policy and education and we serve as a beacon of health and education excellence.

The University has been a dynamic partner in this regard, with the engagement of departments like the Chancellor’s Office; the Office of Community Affairs; and the Office of Off-Campus Living and Community Partnerships. Through these discussions, we’ve successfully engaged students on issues like rent control, municipal services, volunteer opportunities and local government.

**Rutgers University and the City of New Brunswick are firmly intertwined, not only through education, but through economic development, social services, health policy, and community outreach.** We have a number of task forces and committees comprised of Rutgers University representatives and stakeholders from the New Brunswick community collaborating on a range of issues, including public health, urban planning, community engagement and quality of life issues.

We have also enjoyed a long history of outreach on behalf of the students of Rutgers University, who have extended their education through work study placement and volunteering through City and community agencies throughout New Brunswick.

We recently transitioned our 9-1-1 dispatch services to the Rutgers University Police Department, enhancing the level of services we provide to our residents while resulting in significant cost savings to the City. The transition made sense, as our police department and the RUPD have a history of collaboration, such as joint patrols, shared operational plans and policing during Big 10 games.

Rutgers Against Hunger’s Snack Pack program tasks incoming Rutgers freshmen with packing bags of snacks as part of their

new student orientation. Over a four-year partnership, approximately 100,000 bags of healthy snacks have supplemented the daily nutrition of the children in our Play S.A.F.E. program.

And this year, in celebration of the 100th anniversary of the graduation of Paul Robeson from Rutgers University, a group of community stakeholders in partnership with Rutgers University have embarked on a project to explore the renaming of Commercial Avenue to Paul Robeson Boulevard.

### Princeton/Princeton University



#### *Mayor Liz Lempert*

There are tremendous benefits to having Princeton University in our town. They are the primary economic driver, attracting companies to locate here, people to move to town, and tourists to visit. The University provides world-class intellectual and cultural offerings—lectures, music, dance, theater, and art—and much of it is free and open to the public.

Issues around growth and development can be a source of tension as the university expands and modernizes. In addition, the fact that the University is largely tax-exempt is a source of tension. Communication and relationships are key to establishing trust and mutual respect as we work through thorny issues. The Council President, administrator, and I have regular quarterly meetings with university administrators to check in about current or upcoming issues. We also invite President Eisgruber for a public roundtable discussion with Council every year.

The University offers a community auditing program for community members to sit in on classes. The University also facilitates working partnerships between faculty and students with community non-profits and the government through their Community Based Learning Initiative. In addition, the municipal government has worked closely with several student groups learning about design thinking as part of the University’s Tiger Challenge on projects ranging from reducing food waste to redesigning our affordable housing materials to be more user friendly.

**The University stepped in to help the town with staffing our volunteer fire department during the day when we were having trouble finding volunteers. They have a program where members of the University staff can sign up to get trained as fire fighters and then be on call during their work day.**

The University even houses a fire truck on campus for responding to those daytime calls. Public safety is a shared priority of both

the municipality and the University, and the university has often stepped in to help the town when we've asked.

## West Long Branch/ Monmouth University



*Mayor Janet W. Tucci*

By having a university in our town we have experienced many positive attributes. Monmouth University has helped to fund both a new fire truck, as well as an ambulance. We provide these volunteer services to the university whenever needed. The students also frequent many local businesses and volunteer for various service projects in town when called upon to do so.

The most challenging concern appears to be dealing with off-campus housing issues affecting local residents. Fortunately, the Monmouth University Police Department and West Long

Branch Police Department do an excellent job in enforcing local noise and nuisance ordinances. Our housing officer vigilantly verifies that Certificates of Occupancy are obtained on all rental properties for university students. We also have been forced to pass a local ordinance that requires the landlord to appear in court if summons are issued. At times students need to be reminded that they are living in a residential neighborhood and are not on fraternity row.

I have had the pleasure of working with the past five presidents of Monmouth University. It is in the process of inaugurating a new president as well shortly. I have always maintained a close relationship with all of them in an attempt to provide mutual respect for our independent needs. Quality of life issues are paramount. West Long Branch residents benefit from having both cultural and athletic events available to them. The Monmouth University Athletic Center is used for graduation ceremonies for some of the surrounding high schools in neighboring towns. Many of our residents are employed by the university as well which enables their children to attend without paying tuition.

The campus of Monmouth University is absolutely beautiful and it abounds in history from its prominent past! The university's academic reputation continues to attract highly qualified students from all over the country. I'd like to think that the Borough of West Long Branch has provided assistance in some small way in helping to make this such a fine institution of higher learning. 🦋

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# Municipalities and P3

Diving into the innovative economy



By Charles Sarlo, Esq., Vice Chairman, Board of Directors,  
New Jersey Economic Development Authority (NJEDA)



*"Logic will get you from A to B.  
Imagination will take you everywhere."*

—Albert Einstein

**M**unicipalities have the ability to be innovative and creative in addressing their infrastructure capital needs as a result of the newly enacted Public Private Partnership Law (PPP or P3), which became effective February 10 (L.2018, c.90, s.1; N.J.S.A. 40A:11 -52, et seq.). In order to ensure that a municipality's economic decisions are financially prudent, the P3 law has built-in safeguards in the form of competitive solicitation, transparency in the form of public hearings, and checks and balances in the form of the State Treasurer making specific findings in connection with the approval of PPP projects.

The simplest definition of a Public Private Partnership is a contractual arrangement between a public entity and a private entity that allows for greater private sector participation in the delivery and financing of capital projects with the objective of shifting risk to the private sector. The P3 law allows for a design-build-finance-operate-maintain methodology to deliver capital projects and is an alternative project delivery method, to the traditional procurement pursuant to the Local Public Contracts Law (LPCL), which is recognized as a design-bid-build approach.

### **Broad applicability**

The P3's statutory applicability in New Jersey is broad, as it allows the P3 project delivery model to be used for any building, local or county road, vertical structure, or facility constructed or acquired by a local government unit (defined to not only be municipalities, but also other public entities that are subject to the LPCL or Local Redevelopment and Housing Law) to operate local government functions, including any infrastructure or facility used or to be used by the public or in support of a public purpose or activity.

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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*  
President   1st Vice President   2nd Vice President   Secretary   Treasurer   Immed. Past President   *NJSLOM Rep.*

## Public-Private Partnerships

Today, the private sector's innovative intellect and financial vigor can craft and implement proposed solutions to a municipality's infrastructure needs. The theme of private sector innovative intellect is front and center in New Jersey's P3 law, which allows the private sector to submit an unsolicited proposal in the form of a "project playbook" that includes certain statutory requirements.

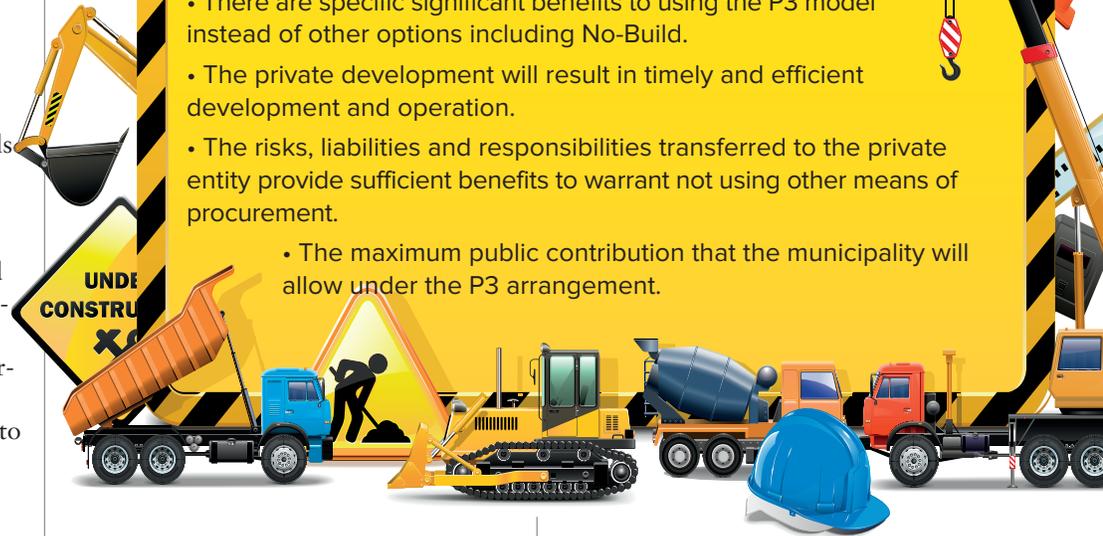
Should the municipality elect to proceed, it must seek competitive proposals via a public procurement process that must also meet the minimum statutory requirements that satisfy the same basic purpose and need of the unsolicited proposal. In the alternative, the municipality can issue a public procurement request-for-qualifications. Upon a determination of the qualified respondents, based, in part, on minimum standards to be promulgated by the State Treasurer, the municipality is required to issue a request for proposals.

Regardless of whether the unsolicited proposal or the solicited proposal pathway is applied, the municipality would rank the proposals received in order of preference based, in part, on minimum standards to be promulgated by the State Treasurer. Thereafter, the municipality is required to make specific determinations of the top-ranked proposals and hold a public hearing at which the specific findings must be made in order to find that the project is in the best interest of the public.

Subsequent to the public hearing, the municipality is required to submit a P3 application to the State Treasurer for review and approval. (see box on page 41) The statute requires the submission of specific items, including: full description of the proposed P3 agreement, a full description of the project, description of any agreement for the lease of a revenue-producing facility related to the project, the estimated costs and financial documentation for the project showing the underlying financial models and assumptions that determined the estimated costs, timetable for project completion, evidence of the public benefit in advancing the project as a P3, and the municipality's findings during its propos-

## Required Findings - Best Interest of the Public

- PPP will cost less than a pure, public sector option (supported by real comparisons), or if it costs more, there are factors that warrant the additional expense.
- There is a public need for the project and the project is consistent with existing long-term plans.
- There are specific significant benefits to the project.
- There are specific significant benefits to using the P3 model instead of other options including No-Build.
- The private development will result in timely and efficient development and operation.
- The risks, liabilities and responsibilities transferred to the private entity provide sufficient benefits to warrant not using other means of procurement.
- The maximum public contribution that the municipality will allow under the P3 arrangement.



al review and the public hearing.

For municipal projects, the State Treasurer, in consultation with the New Jersey Economic Development Authority (NJEDA) and the Department of Community Affairs (DCA), is statutorily charged with approving P3 applications. In order to validate that the proposed P3 project is in the best interest of the public, the State Treasurer must make specific findings for a P3 project approval. (see box above)

If the P3 project is approved, the municipality can then enter into a P3 agreement with the private sector, which needs to include certain provisions, such as a completion date guarantee, liquidated damages, maximum rate of return to private entity, and a provision for the distribution of excess earnings to the local government or the private party for debt reduction, a project labor agreement, performance and payment bonds, prevailing wage, and the establishment of a construction account with a third-party financial institution to act as a collateral agent.

As with any newly enacted law, one can certainly anticipate litigation involving the P3 law in which a party seeks to clarify the intent of certain provisions,

reconcile inconsistencies or challenge the Law's applicability.

Understandably, the initial inquiry by a public official will invariably be "Why?"

Why chose to undertake a capital infrastructure project on a path that appears to be complex, burdensome, and untested—while it may also be assumed to be more costly and potentially fraught with a litigation challenge—rather than the time-tested procurement under the Local Publics Contract Law.

For each initial negative reaction, P3 advocates and P3 case studies can illustrate a positive counter. Generally, it has been proven that there is a role for the private sector to foster solutions for public sector challenges. A well-designed P3 is intended to be performance-based and outcome-focused with a risk-sharing approach where asset performance is optimized for the long term.

### Qualifying considerations

Notwithstanding that some who have had firsthand experience undertaking a capital project under the LPCL would certainly express concerns that they experienced regarding project cost overruns, claims, and missed project completion dates, it should be recognized that the P3

law should not be considered a blanket replacement to capital project procurement under the LPCL, as not every project is appropriate for a P3 arrangement.

National P3 players will advise that a project cost of \$50 million is the minimum project threshold for a P3 project. The New Jersey P3 law prohibits the bundling of projects (i.e., two or more projects considered as one for a P3 arrangement). However, there are many infrastructure needs of municipalities and other local government units with project costs less than \$50 million.

Notwithstanding this industry threshold, it is fully expected and anticipated that the New Jersey local know-how of the private sector will adeptly be able propose P3 arrangements to the public sector pursuant to the P3 law, for many of a municipality's capital infrastructure projects regardless of project size. The public sector should embrace the imagination of the private sector as related to its capital infrastructure needs and base its procurement decisions on sound economic analysis, which supports beneficial fiscal and social impacts as required by the P3 law.



The dawn of Public-Private-Partnerships in New Jersey is now. As may be applicable, it would certainly be prudent for public officials, who are charged with balancing the needs for public funds while developing, upgrading or replacing public infrastructure, to certainly consider the Public-Private-Partnership business model as an alternative

procurement process, notwithstanding its embryonic stage. 

Charles H. Sarlo, Esq., is the Vice Chairman of the Board of Directors of the New Jersey Economic Development Authority (NJEDA). He has presented at NJLM P3 Panels and Webinars. He is a Partner and Vice President and General Counsel of DMR Architects, P.C.

## Express Findings Required by Treasurer

- Municipality's assumptions regarding project scope, benefits, risks and the cost of public sector option, were fully and reasonably developed.
- Project design is feasible, financial plan is sound and long-range maintenance plan is adequate to protect the investment.
- The project is in the best interest of the public based on criteria and findings of municipality prior panel.



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# Work in Progress

The City of Asbury Park earns top spot in Rutgers Municipal Public Information Contest with strong communications efforts

By Sonia Spina, Director of Communications, City of Asbury Park

The City of Asbury Park is proud to have won the category of “Best Overall Public Information Program” in this year’s Rutgers Municipal Public Information Contest. In its 57th year, the contest garners entries from a state-wide solicitation of New Jersey’s 565 municipalities, and is sponsored by the Center for Government Services at Rutgers, The New Jersey Municipal Management Association, and the New Jersey State League of Municipalities.

Material for Asbury Park’s contest entry was submitted from across all available promotional channels, including the City’s website, social media, cable access bulletins, press releases, newsletters, and public service announcements. Material covered a variety of topics, including emergency services, parking, safety posts, public meeting announcements, requests for public input, events, sustainability initiatives, wellness programs, and more.

## It’s a Team Effort

The City of Asbury Park knows that communication is always a work in progress and takes getting our message out seriously. The focus on increasing public awareness of municipal services and information starts at the top. Strong communication with constituents is as a priority for the Mayor and City Council, and each department in Asbury Park takes responsibility for making sure constituents are informed on updates from City Council, changes to policy, upcoming City-produced events and available municipal services. All material sent out by each department is vetted through the Communications Department to ensure it is visually appealing and meets the City’s standards of clarity.

## Remember Your Goals

Communication from City Hall is sent out with the goals of accuracy, transparency, consistency, ease-of-use, and increasing constituent engagement. Each flyer, social media post, or web page needs to be attention-grabbing but also clearly convey the information—residents should never be confused about how things work, how they can have their voices heard, or where to go for more information.

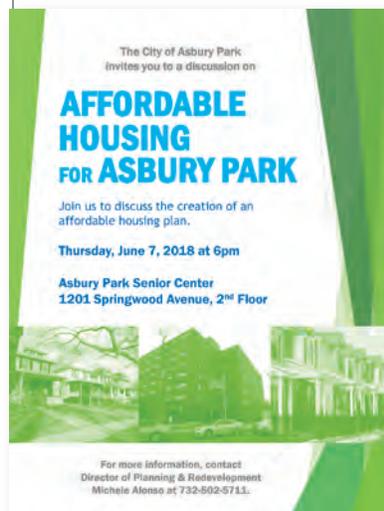
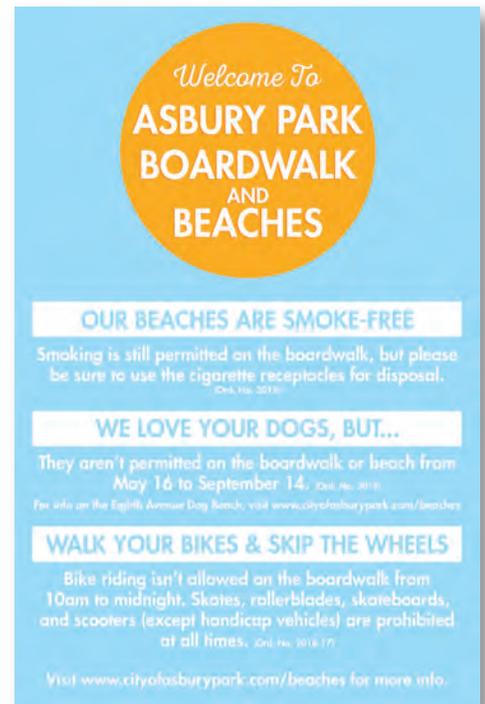
## Make a Plan

Each month the Communications Department sends out an internal calendar to all departments to keep track of information

that needs to be shared with constituents on a regular basis. Items include programs like annual leaf collection, monthly Fire Department safety posts, tax and sewer payment deadlines, annual community events, and committee meetings. A plan is then made for when reminders should go out and what channels should be used for delivery of the information.

## Keep it Simple

Great effort is made to ensure information is presented clearly and in language that is simple and straightforward. We try to avoid using abbreviations, acronyms, terms that are too technical, and government jargon. The most important pieces of information are put first and follow with an explanation of why or how it happened. And, in most cases, less is more—the public is inundated with information so the easier your message is to understand, the better chance it will be remembered.



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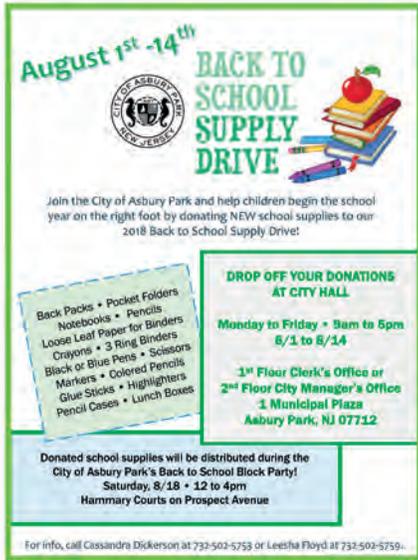


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# And the winners are...



## Make Your Message Count

As a general rule of thumb, every post on Facebook, Instagram, and Twitter includes a photo or flyer to grab people's attention while sharing information. Timing is always a consideration—Friday afternoon social media posts don't get a lot of attention. And we try to ensure that every flyer created is visually appealing to increase the chance of it being read and shared.

## Use Every Channel

We've created various channels to get out City messaging. The City's website houses all official information including the City's code, forms, press releases, and more. We have a strong social media following on Facebook and Instagram (@CityofAsburyParkNJ), on Twitter (@inAsburyParkNJ), and on

Along with Asbury Park's Best Overall win, the **57th Annual Municipal Public Information Contest—Fall 2018** recognized the hard work of towns of all sizes throughout the Garden State. The contest is sponsored by Rutgers Center for Government Services, New Jersey Municipal Management Association, and the New Jersey State League of Municipalities.

Judges were Jerome "Jerry" Barberio, Administrator of Hammonton Town; Gregory Bonin, Township Administrator of Branchburg Township; Lori Buckelew, MPA, RMC, Senior Legislative Analyst at New Jersey State League of Municipalities; Michael Capabianco, MPA, MSCJ, Borough Administrator of Asbury Park; Teri Jover, Borough Administrator of Highland Park Borough; Thomas Kenny, Program Coordinator II at Rutgers Center for Government Services.

**Class A – under 5,000 population; Class B – 5,000-20,000 population; and Class C – over 20,000 population.**

## Winners

- Best Overall Public Information Program: **Asbury Park City**
- Best Print Media (Class B Municipality): **Oradell Borough**
- Best Print Media (Class C Municipality): **Summit City**
- Best Web/Social Media (Class B Municipality): **Madison Borough**
- Best Web/Social Media (Class C Municipality): **Jersey City**
- Best Special/Innovative Media (Class A Municipality): **South Toms River Borough**
- Best Special/Innovative Media (Class B Municipality): **Wyckoff Township**
- Best Special/Innovative Media (Class C Municipality): **Winslow Township**
- Best Visual Media (Class B Municipality): **New Providence Borough**
- Best Visual Media (Class C Municipality): **Millburn Township**

## Certificates of Honorable Mention

- Brick Township**
- Manville Borough**
- North Brunswick Township**
- Carteret Borough**
- Maplewood Township**
- Piscataway Township**
- Deptford Township**
- Middletown Township**
- Scotch Plains Township**
- Fair Haven Borough**
- Monroe Township (Middlesex County)**
- Vineland City**
- Franklin Lakes Borough**
- Mount Olive Township**
- Washington Borough (Warren Co.)**



www.NextDoor.com. We use www.Nixle.com for emergency communications. We have created a dedicated community account on Twitter (@APCmtyEvents), as well as a "Community News & Events" bi-weekly email newsletter to share information on social service programs and community events. For the latest on events, music, art, and movies,

constituents can sign up for our weekly "What's Happening in Asbury Park" email newsletter or follow our events page on Facebook (@inAsburyParkNJ.) Asbury Park Television covers the community and runs information bulletins which can be seen on Fios Channel 30 or Cablevision Channel 77. Our electronic sign board is located centrally on Main Street and we physically post information at both the Library and Senior Center. All releases and flyers are sent to local media for coverage and, when necessary, we have

gone door-to-door to share flyers.

**Create Consistency**

We've streamlined what kind of information is released through each of our channels to create consistency in our messaging—that way constituents know where to go for the information they are specifically seeking.

For example: emergency updates and road closure information are sent through our Nixle system; official news and City updates are posted on our website and through our main social media channels; social service programs and community based events are shared through a dedicated community twitter handle as well as a twice-weekly community newsletter; and event information is shared through a weekly "What's Happening In Asbury Park" newsletter.

**Up Your Game**

With the competition of social media, and the ease with which the private sector is able to reach the constituent, municipalities have to up their game to be able to compete for constituents' attention. We need to be smarter in how we market our information, services and events, by providing enough lead time for our messages to sink in, and by creating visually attractive flyers and posts that cut through the clutter. And most importantly, we need to know who our audience is and how they best consume information.



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# Mapping Historic Treasure

Leveraging the past to secure the future of Hanover's Whippany Burying Yard

By Brian Cahill, Township Committeeman and Landmark Commission Liaison, Hanover Township



July 4th travelers on Route 10 in Whippany may have seen a stately gentleman appearing to have stepped out of colonial times. Garbed in period costume, Hanover Township's Historian Emeritus, Don Kiddoo, was at the Whippany Burying Yard that day doing what he does best: bringing the stories of those who rest there to life for a sizeable crowd gathered for a tour of the oldest colonial graveyard in Morris County and north central New Jersey. Joining him in showcasing the lives of those who colored the pages of local, state, and national history was the Hanover Township Landmark Commission, who sponsored the event. Also attired in 1700s style, commission members discussed the artistry of the headstones and ongoing work to preserve these markers and other relics that lend luster to this historic jewel.

The July 4th tour is one of many ways the Landmark Commission has put the Whippany Burying Yard on the proverbial map. Since 1977 when the Landmark Commission was first established by ordinance, the members embarked on a mission and delivered a powerful message to the public about this 300-year-old resting place: These historic lives—and this site—matter.

How did the Landmark Commission manage to give high-profile status to what had been primarily a local attraction? They crafted a restoration plan and communications strategy that pushed the Whippany Burying Yard's significance beyond municipal borders, securing its place in state and national history.

## Preserving the past

Addressing an ongoing critical need, the Landmark Commission has long battled the effects of time to restore crumbling historic headstones. As Chairman Mike Czuchnicki observed, "Nature is not kind to these stones. If we did nothing, soon we would have a very nice lawn with some piles of rubble. Preservation work has been done for the last 40 years and will need to continue."

Using funding the Township Committee appropriated for this purpose in those years the municipal budget allowed, the commission identified gravestones most in need of restoration. The members assisted administration by identifying qualified

conservators, defining scope of work, writing specifications, and overseeing the projects.

In 2008 they embarked on another goal: gaining state and national recognition of the Whippany Burying Yard. Assisted by a consultant hired by the Township, a subcommittee of the Landmark Commission led by Chairman Robert Augelli (now deceased), prepared an application to be filed by the governing body to the New Jersey Department of Environmental Protection Historic Preservation Office formally petitioning inclusion of the Whippany Burying Yard on the State and National Registers of Historic Places. The application was approved and on December 11, 2009, the burying yard took its rightful place on both registers.

This historic designation was a gateway achievement. Not only did it provide protection in the form of state reviews prior to any undertaking at the burying yard, it also opened a door for the Township to pursue grant funding to greatly expand restoration. Over the years, new Landmark Commission members joined veteran commissioners and did just that.

Supported by the Township Committee who appropriated requisite matching funds, the Landmark Commission applied for and received restoration grants in 2017 and 2018 through the Morris County Historic Preservation Trust Fund. In that two-year timeframe, the Morris County Board of Chosen Freeholders awarded the Township a little over \$58,000. With this money and the Township's matches, restoration of 31 gravestones is underway, the work being overseen by professional consultants hired by the Township as experts in this specialized field.

### The write stuff

With restoration progressing, the Landmark Commission gave attention to promoting the Burying Yard. Sharing a passion for the graveyard's history and mindful of the cultural, educational, and tourism benefits to be garnered, the members launched a communications campaign, proving themselves to be skilled publicists.

"Our Landmark Commission draws from a deep well of talent," lauded Mayor Ron Francioli. "We have gifted

authors, photographers, lecturers, historians, educators, and former Township Committeemen all working together to make the history of the Whippany Burying Yard known."

In the last five years, the Landmark Commission has created and distributed two, high-end publications featuring the Burying Yard, "Journey through Olde Whippany," a booklet denoting all of the Township's historic sites, and "Walking Tour Map of Whippany Burying Yard," a brochure enticing the public to take self-guided tours. Additionally, they've submitted press releases and photos for Township Administration to issue to the media. Their releases invite the public to attend free tours, dedication ceremonies, and lectures, as well as announce preservation milestones.

Among the most engaging copy are their descriptions of experiences at the site, like the day the Commission's members joined one of the conservators working there and unearthed hidden treasure by discovering a tombstone buried within a 228-year-old crypt.

The Landmark Commission reaped a significant return on investment in promoting the Burying Yard through literature and media outreach. Last year, an article about the cemetery appeared in the National Trust for Historic Preservation's magazine, *Preservation*, and was also noted in a piece on Hanover's history written for the Morris

Area Genealogy Society's newsletter. Newspapers with local and countywide circulation have given press to Burying Yard programs and New Jersey 12 News featured the cemetery in a segment that aired last July. Turnout for events has increased, most notably in the July 4th tour attendance, which more than doubled from the prior year and drew residents locally and statewide.

### The power of networking

The Landmark Commission's work is supported by the Township Committee, the Hanover Township Cultural Arts Committee, Whippanong Library, and Morris County offices. Networking with fellow Hanover Township boards and county agencies like the Morris County Library, Bureau of Tourism, and the Office of Communications, has afforded the Landmark Commission program venues for Burying Yard presentations and photo exhibits.

Equally important, the event promotion they've received on local and county websites, social media pages, newsletters, and other communication platforms has greatly expanded the reach of the Landmark Commission's message about the Whippany Burying Yard. The county, along with the state, has also given the Landmark Commission invaluable guidance on best practices when approaching restoration and maintenance to safeguard the site and retain its historic character. ♣

## The Journey Continues

Caring for a 300-year-old burying yard richly steeped in history requires a great deal of time and energy. The Landmark Commission considers it well worth the effort. "The Whippany Burying Yard is a multifaceted cultural treasure for Hanover Township and Morris County," posits Don Kiddoo, a former Landmark Commission member. "The historical, genealogical, botanical, environmental, and psychological facets of this treasure deserve continuing exploration and impart great value to the public."

With that value to the public in mind, past and present Landmark Commission members have reached significant heights in preserving and promoting the Whippany Burying Yard. Yet, these dedicated volunteers would be the first to tell you that there is still so much more to do—and then set about getting it done.

# Project SAVE

Making an impact on municipalities' opioid public health epidemic

By Louis Cappelli, Jr., Freeholder  
Director, Camden County



Every year the United States loses more Americans to opioid-related deaths than it did in the entirety of the Vietnam War. Just last year, opioids were responsible for the deaths of approximately 72,000 Americans, according to the Centers for Disease Control; and in Camden County, more people died of opioid overdoses in 2017 than from homicide and motor vehicle accidents combined. There is not a single municipality in New Jersey where the effects of the opioid crisis are not felt.

That's why Camden County and more than 30 of its municipalities have started working on an aggressive solution to end this public health epidemic before it's too late.

## Project SAVE

In 2018, the Freeholder Board in Camden County initiated a groundbreaking new program called Project SAVE (Substance Abuse Visionary Effort). This one-year pilot program focuses on early intervention by licensed social service professionals in the municipal court system to combat the scourge of prescription

pill and heroin use that has ravaged our community. This countywide program seeks to install licensed drug and alcohol counselors in every municipal court in the county. Project SAVE enables defendants to be linked to the appropriate resources regardless of their ability to pay, and gets them the help they need at the first sign of crisis.

I want to be clear as to the purpose of this program: the goal is to make a long-term impact on this terrible epidemic. We have already seen the impact that this program can have on a small scale. The design originated in Gloucester Township in

2014, and we observed meaningful changes almost immediately after the program was implemented. Since the start of their program until this September, the township has been able to reach 178 individuals suffering from opioid use disorder.

Human Services with the 18 original participating municipalities like any other grant program. Since we announced the program in October, we have already increased the number of participating municipalities to 32.

I believe opioid use disorder is the

worked with our healthcare providers and funded progressive harm reduction policies. Project SAVE is the next phase for us to get at the heart of the issue.

The expansion of Project SAVE throughout Camden County will help prevent further tragic deaths due to this epidemic while also assisting police in reducing crime. Law enforcement has been a key partner in the ongoing fight against opioid use disorder and Gloucester Township law enforcement officials have joined us in endorsing the expansion of this program.

I am confident that the growth of Project SAVE throughout Camden County will not be the last expansion of this program in the state of New Jersey. I hope that municipal leaders throughout the state will look to implement their own Project SAVE and that we can increase statewide collaboration to eliminate this deadly epidemic once and for all. ♣

**“ By harnessing the use of regional contract management services the Freeholder Board can leverage economies of scale for the participating towns to lower the overall costs of the program. ”**

As a governing body, we saw these effects and believed that the best course of action was to open it up and provide the same hope and opportunity for treatment, detox and recovery throughout the entire county. Like the state as a whole, it is no secret that every single municipality in the county is struggling with this crisis in some way or another. The sooner we can enable professionals to intervene and stop it, the better off our residents will be.

This program is being implemented for one year to look at the effectiveness of having an advocate and navigator for nonviolent offenders suffering from opioid use disorder. The objective is to save lives, stabilize individuals suffering through the throes of addiction, and reduce recidivism in the criminal justice system. Today, more than 50% of inmates entering the Camden County Jail have a use disorder, and 277 individuals lost their lives to opioid overdose throughout the county in 2017.

**Economies of scale**

By harnessing the use of regional contract management services the Freeholder Board can leverage economies of scale for the participating towns to lower the overall costs of the program. We began by allocating \$100,000 to start the program and monitor its investment through the county Department of Health and

number-one challenge facing the county today, and it is likely the number-one challenge facing municipalities across all of New Jersey. We have funded treatment,



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# Syringe Access Programs

Discovering a powerful tool in New Jersey's opioid fight

By Dr. Shereef Elnahal, Commissioner, New Jersey Department of Health

**M**ore than 3,100 people—eight every day—died of a drug overdose in New Jersey last year. That's nearly five times the number of people who die in car crashes or firearms. More than 2.1 million Americans currently suffer from opioid use disorder.

We are doing everything possible to fight this epidemic at the state level, and I know that all of you are investing in this at the local level. Fortunately, there is a proven public health tool right here in New Jersey which connects at risk individuals with treatment—and nearly half of those referred agree to get help.

New Jersey's seven Syringe Access Programs (SAPs) are a safe haven for those with substance use disorder, linking this hard-to-reach population with access to medical care, social services and treatment in addition to allowing them to return used syringes and leave with new ones.

## Frightening Numbers

The opioid crisis we're facing in New Jersey could not be any more urgent in light of how the deadly synthetic opioid fentanyl has infiltrated the heroin supply.

Fentanyl comprised 50% of the state's opioid deaths last year compared with just 23.5% in 2013.

Fentanyl is about 50 times stronger than heroin, and people who inject drugs are often unaware that fentanyl is mixed into heroin and other drugs. As a result, they are at increased risk of overdosing after injecting even a small amount.

## Mobilizing resources

In our fight to address New Jersey's opioid epidemic, we must mobilize every possible resource to fight it—the most powerful including SAPs. These critical programs aim to prevent and reduce the spread of HIV, hepatitis, and other blood-borne diseases by providing people who inject drugs access to sterile syringes, needles, injection equipment, education and an array of health screenings and social services.

Fentanyl test strips are also used as a harm reduction tool at all New Jersey SAPs to help people who inject drugs test for the presence of fentanyl and make informed decisions, such as taking smaller doses, injecting with a partner and ensuring that the overdose reversal drug naloxone is present during usage.

Twelve years after New Jersey first authorized SAPs, and despite resounding evidence of its success as a public health harm reduction strategy, New Jersey still has only seven programs operating. Kentucky, which has the third-highest rate of opioid overdose death per capita, began its SAP only three years ago and has 46 active sites, with more approved to open shortly.

There is a lack of awareness and resistance in some communities. But, in the face of this opioid epidemic, SAPs are a proven public health intervention that can help communities prevent overdoses and provide access to treatment and social services. Under current law, municipalities must adopt ordinances to approve a SAP, which has been a major barrier to expansion.

## Bridging health gaps

These are places where major health gaps are bridged, especially for hard-to-reach populations such as people who inject drugs, by services including drug treatment referrals, overdose prevention education and access to Naloxone, education on safe injection practices, screening for HIV, hepatitis, and Sexually Transmitted Infections (STIs), fentanyl testing and STI counseling, pre-exposure prophylaxis (PrEP), health screenings, pregnancy testing and linkage to prenatal care, nutritional counseling, reproductive counseling for women of child bearing age, vaccinations, condom distribution and safe sex education.

SAPs in Atlantic City, Newark, and Jersey City have drop-in centers that provide access to food, telephone services, laundry facilities, restrooms, showers, and computer services. Each site is staffed with a state-funded Access to Reproductive Care and HIV (ARCH) nurse who provides services to prevent transmission of HIV from mother to child through the early identification of high-risk women.

Of the 627,233 syringes dispensed at New Jersey's seven SAPs last year, 505,475 were returned—an 81% return rate. Each SAP offers a comprehensive approach to harm reduction by integrating behavioral interventions and access to services and providing pathways to other critical services by collaborating with health-care facilities and community-based organizations.

## Public health interventions

The U.S. Surgeon General and numerous studies have determined SAPs do not encourage the initiation of drug use

or increase the frequency of drug use among current users. According to the Centers for Disease Control and Prevention, SAPs are effective public health interventions that can reduce the transmission of HIV and provide a gateway to drug treatment and medical services without increasing illegal injection of drugs. Research suggests they may even reduce drug use because they are proven to increase entry into substance use disorder treatment.

Nearly half of our SAP clients who were referred to drug treatment were successfully admitted last year.

New Jersey's SAP began in 2001 as a pilot project under the "Blood-borne Disease Harm Reduction Act." The South Jersey AIDS Alliance opened the first program in Atlantic City. The following year, Camden Area Health Education Center opened a site in Camden, Well of Hope Community Development Corporation launched in Paterson (now run by the Hyacinth AIDS Foundation), and North Jersey Community Research

Initiative in Newark opened.

In 2009, Hyacinth opened a SAP in Jersey City. The Visiting Nurse Association of Central Jersey opened the sixth SAP in Asbury Park in 2017, and Hyacinth opened the seventh in Trenton in 2018. Due to local friction, Camden's SAP closed in August 2016 and reopened at the end of October 2018. That's two years Camden County, which saw the second-highest number (323) of overdose deaths in 2018, missed out on the multitude of SAP benefits.

SAPs increase community safety by taking syringes off the streets through routine sweeps, providing sharps containers for safe syringe disposal which protects law enforcement, first responders, and the public from unintended needle stick injuries that can result in the transmission of HIV/AIDS and hepatitis B and C.

**Wraparound services**

In 2015, an Indiana town near Louisville, KY, experienced an HIV outbreak among people who injected drugs. As a result, the state established its first

SAP. SAPs played a key role in controlling the HIV outbreak there. And, now Kentucky is in the midst of a hepatitis A outbreak, with more than 3,000 reported cases, and SAPs there offer hepatitis A vaccinations to clients.

SAPs have proven essential in linking those with substance use disorders with treatment, education and wraparound social services that they otherwise would not have accessed.

We must employ every innovation in our toolbox to address the opioid crisis that touches every corner of our state, regardless of race, age, or demographic makeup. If you want to reduce overdose deaths and the spread of HIV and hepatitis in your community, adopt an ordinance and the New Jersey Department of Health will support you.

New Jersey municipalities should invest in and support SAP expansion that would provide much-needed assistance to communities suffering from HIV and the opioid epidemic. Two extensive public health problems, one solution. ↴

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## Changes to Federal Disclosure Requirements Affecting New Jersey Communities That Issue Municipal Bonds

By Leah Szarek, APR, Sr. Manager, Market Transparency,  
Municipal Securities Rulemaking Board

**W**hen states and local governments issue municipal bonds to finance public projects, they generally must disclose to investors important information throughout the life of a bond. This “continuing disclosure” information includes significant financial information, such as the bond issuer’s latest annual financial and operating information, as well as certain financial events, including bond calls, rating changes, or bankruptcy, among others. Beginning in late February, issuers of certain municipal bonds will be required to disclose to investors information about significant bank loans and other financial obligations, as well as events reflecting financial difficulties related to those financial obligations.

Municipalities make continuing disclosures to bondholders by filing them with the Electronic Municipal Market Access (EMMA®) website operated by the Municipal Securities Rulemaking Board (MSRB). Following is an overview of what New Jersey communities need to know about the changes to their disclosure requirements and filing information with EMMA.

As a result of the U.S. Securities and Exchange Commission’s (SEC) municipal bond disclosure rule, SEC Rule 15c2-12, certain municipal issuers contractually commit to provide investors with continuing disclosures. Communities that issue bonds may also use bank loans and direct placements of securities to finance public projects. Market participants have long sought to enhance transparency in the municipal bond market and give investors insight into financial obligations that could impact an issuer’s ability to repay its bonds, the issuer’s overall creditworthiness, or an existing bondholder’s rights. The SEC has amended Rule 15c2-12 to include disclosure of certain events related to such financial obligations, like the incurrence of significant bank loans.

### When must communities submit new event disclosures?

The new disclosure requirements apply if a community issues a bond after February 27, for which it has agreed to provide

continuing disclosures. Disclosure requirements can be triggered by the incurrence of a new material financial obligation, agreements to certain terms of a pre-existing financial obligation or events reflecting financial difficulties related to financial obligation. Issuers should seek guidance from their legal counsel and other advisors regarding disclosure obligations under Rule 15c2-12, including the amendments effective as of February 2019.

In the interest of transparency, even if a community is not subject to the new requirements, it could still use EMMA to disclose certain financial information related to its financial obligations on a voluntary basis.

### How will issuers submit additional financial disclosures?

The MSRB is updating the EMMA system to accept and display the new financial obligation disclosures. As of February 27, issuers have been able to submit the additional disclosures using the same method they use to submit all continuing disclosure information to EMMA. Read more about the submitting disclosure documents to EMMA at <http://bit.ly/msrbdisclosures>. ↴

@ For more information, read the MSRB’s resource, 10 Things to Know: Disclosing Financial Obligation Information, available at <http://bit.ly/MSRB10things>.

### Webinar On-Demand

The MSRB hosted an educational webinar about the amendments to Rule 15c2-12 and the EMMA submission process on January 17, with panelists from the SEC, the National Association of Bond Lawyers, the Government Finance Officers Association and Bond Dealers of America.

The webinar is available for on-demand viewing on the MSRB’s webinar page, [www.msrb.org/Regulated-Entities/Webinars.aspx](http://www.msrb.org/Regulated-Entities/Webinars.aspx)

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connection is  
the one  
between  
all of us.**



**verizon<sup>v</sup>**

# GOLD DOME



## Are Eco-Answers Blowin' In The Wind?

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

Over the past year, Governor Phil Murphy has focused his economic development efforts primarily on small businesses.

These include a push for incubators to help launch startups and designated “innovation hubs” that will bring together capital, entrepreneurs, transportation infrastructure, and an educated workforce all in one municipality.

The hope is to get the next market-creating company to call New Jersey its home. Dreams of having some future version of Amazon.com or the Ford Motor Company abound. Everyone wants that pioneer that establishes an entirely new industry and thereby redefines the state for generations.

The dream may soon be a reality. New Jersey's deep water ports, with few bridges over them, provide the state with an additional advantage for the transportation of the extremely large turbines and equipment and plans to make New Jersey the epicenter of the burgeoning offshore wind energy industry are well underway.

To date, only Rhode Island has an operational wind farm off the eastern seaboard. The 30 megawatt (MW) project is located just under four miles off of Block Island.

There are huge stakes involved as other states compete to be next. The development of offshore wind energy generation and transmission has the ability to provide a huge economic boost to those involved, as well as, of course, national strategic and environmental benefits.

Most every area of New Jersey's economic ecosystem would be affected, including vocational and higher education, cutting-edge research, workforce training and development, and transportation. The state that emerges as the market leader will be at the forefront of all these areas.

Under the Christie administration, initial excitement for this new opportunity was tempered by the costs of such projects; costs that would ultimately be borne by ratepayers. Little action towards implementation was taken.

The election of a new administration with different priorities and the looming expiration date of the federal tax credit program for offshore wind generators has breathed new life into the state's efforts to compete.

And so, the race is on with numerous states along the East Coast competing. Multiple leases for offshore wind farms have already been awarded by the federal government, with more to come. Now each state has to figure out how to best make the industry take hold and grow.

**“ New Jersey is at the forefront of the competition to become the economic hub of the emerging offshore wind industry. ”**

Murphy has moved New Jersey to the forefront with a state goal of using 50% renewable energy by 2030, a mere 11 years away. Further, he announced that the state would seek out providers of 1100 MW of offshore wind energy in 2019. This would be the first of three phases to eventually reach 3500 MW.

It is left to the five-member NJ Board of Public Utilities (BPU), under the leadership of president Joseph Fiordaliso, to oversee the process of awarding contracts for the actual building of the windmills that generate the power and the transmission lines that would bring them to shore.

In accordance with the governor's stated objectives, the 1100 MW contracting process currently underway by the BPU will be followed by additional 1200 MW projects in 2020 and 2022. A final decision on which company gets the 1100 MW contract is expected in spring 2019.

It is estimated that, once the 3500 MW level is achieved, more than 10,000 jobs in New Jersey would be created, largely in maintenance, manufacturing and construction, and research

into more efficient generation, delivery, and use of wind energy.

The initial phase of 1100 MW is expected to power more than 100,000 homes annually, and some 500,000 homes once New Jersey reaches the 3500 MW level.

These generation numbers are larger than any other announced projects on the East Coast. By committing the state to such an aggressive schedule, Murphy hopes to send a message to energy companies that it is worthwhile to invest in New Jersey.

One of the ongoing debates faced by the BPU is whether to separate the development of the energy-generating offshore wind farms from the building of the transmission lines that will link them to the grid that supplies the state. Companies that focus on generation argue that they should not have to rely on others to carry the energy to shore. They insist that such companies won't address the specific needs of the turbine

generators. Those that focus on transmission strongly disagree and make the argument that they are much more efficient and cost effective.

The BPU, for now, has decided to not focus on building a separate "backbone transmission" delivery system from the open sea to land.

The three bids currently under review for the 1100 MW contract provide for both generation and transmission—the "all in price." Generating companies are allowed to partner with transmission companies as a part of the overall bid.

Nonetheless, the discussion is ongoing and future contracts might be structured differently.

Broadly speaking, there are several competing values that the BPU commissioners will be asked to consider.

**Cost:** Ratepayers will share in the costs of generating this new energy through a surcharge. The exact amount of that surcharge will be determined over the next few months.

**Speed:** With additional projects of 1200 MW each coming soon, there is a premium on the company that can get up and running as soon as possible. No one wants to rush into mistakes, but this remains a race to be the economic hub of a transformative industry.

**Other Stakeholders:** The BPU, having seen the problems that projects in other states have encountered, is working with various stakeholders, including those involved in shipping and fisheries, to ensure whatever decisions are made about the siting of windmill turbines and transmission systems addresses their important concerns.

The iconic Jersey Shore is already home to a multi-billion dollar tourism trade. In many ways, it helps define the state. Miles away, in the open sea, the Murphy administration is hoping that New Jersey finds its next transformational industry. 🦋

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# LABOR RELATIONS

## Interest Arbitration After the 2% Hard Cap

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

**M**any public employers are in the process of negotiating collective negotiations agreements that expired on December 31, 2018. For collective negotiations agreements that expired on or before December 31, 2017, the interest arbitration law limited arbitrators to a 2% hard cap on awards. It is expected that 2019 will see a rise in interest arbitration petitions being filed due to the expiration of the 2% hard cap. This article will review important points regarding the interest arbitration law to provide awareness to the factors and timeframes that exist should you choose to file for interest arbitration, or an interest arbitration is filed by a police of fire union within your municipality.

First and foremost, the sunset of the 2% hard cap does not change any other issues concerning interest arbitration. The timeframes and the statutory standards all remain the same.

The timeframes are especially important when making the determination to file for interest arbitration and to ensure that you are properly prepared should one be filed against your municipality. The filing of an interest arbitration petition may occur after three negotiation sessions or after the expiration of the collective negotiations agreement. If a party filed the petition, the responding party has five days upon receipt to respond. It is vital that, when you either file or respond to the petition for interest arbitration, all issues you wish to submit to interest arbitration are listed in the petition, otherwise they are waived.

The next step in the process is the random appointment of an arbitrator by the Public Employment Relations Commission. Once that appointment is made, a decision shall be rendered within 90 days of the appointment. There is an initial mediation session with the interest arbitrator, but then mutually agreeable hearing dates will be scheduled shortly thereafter. The parties also need time to provide a written summation of the evidence presented at the hearing and the arbitrator is required to write a decision. Once an arbitrator appointment

is made, the 90 days will move very quickly. Preparation prior to the filing of a petition is essential to ensure that you are providing the arbitrator with the necessary information to advocate for the issues in your final offer.

### Uncertain rulings

The statutory framework on the factors in interest arbitration remains unchanged. Interest arbitration under the 2% hard cap provided a different focus on these factors due to the inability of the arbitrator to exceed 2% on the aggregate for salary increases. For example, if the comparability evidence showed that a municipality was providing a below-average salary with comparable municipalities, the arbitrator could not ignore the 2% hard cap to seek to remedy that issue while balancing that issue for an employer need. Now, such discrepancies are not limited by the 2% cap. It is uncertain exactly how an arbitrator will rule on any issue in the future, but detailed evidence on each factor must be presented in support of your proposal. Employers will no longer be able to rely on the fact that the proposal will exceed 2%.

The nine statutory factors listed in *N.J.S.A. 34:13A-16g* must all be presented at the hearing. A few helpful hints regarding these factors should help in the preparation for interest arbitration. Further, your analysis on these issues may also assist in determining whether your municipality should file for interest arbitration.

Four of the nine factors concern economics and financial impact. Especially important in these factors is the ability of the municipality to comply with the tax levy cap and the appropriations cap. These items should be carefully analyzed regarding the municipality's ability to stay within these caps.

Of course, the caps are not the only important economic item. The public interest is of utmost importance. Any effective interest arbitration must provide the arbitrator with an understanding of what each proposal will do to the taxpayer. Additionally, a thorough analysis of the revenues and expenditures must be done to provide the arbitrator with an understanding of the municipality's budget, and the effects the award could have in what the municipality must do to continue to provide the services it needs and wants to provide.

As previously stated, comparability will again become a very significant part of the interest arbitration process. Any successful interest arbitration

Comparability can take several forms. The regulations provide parameters to consider as to the appropriate forms of comparison, i.e., geography,

ranks on various issues such as salary, leave, and benefits will help shape your presentation. As a practical matter, knowledge on these issues should also initially aid in your negotiations proposal.

Police and fire salaries and benefits comprise a tremendous amount of a municipality's budget. The ultimate resolution on police and fire negotiations, whether it is through voluntary resolution or an interest arbitrator's award, will have a significant impact. Thorough analysis of the statutory interest arbitration factors is necessary in the whole process. There are other factors and timeframes to be cognizant of and consultation of your professional staff must occur to ensure that all issues are being addressed.

The above provides some of the more vital issues and timeframes that you will need to know and analyze to give your municipality the most informed and successful negotiations and interest arbitration presentation possible. ⚡

**“Any effective interest arbitration must provide the arbitrator with an understanding of what each proposal will do to the taxpayer. Additionally, a thorough analysis of the revenues and expenditures must be done to provide the arbitrator with an understanding of the municipality's budget, and the effects the award could have in what the municipality must do to continue to provide the services it needs and wants to provide.”**

presentation must provide a persuasive presentation regarding comparability with other similar jurisdictions.

socio-economic, population, etc. A complete understanding of comparable municipalities and where your municipality

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## SALT Update; Conflict of Interest for Board Members

By Frank Marshall, Esq., NJLM Staff Attorney



**A member of our zoning board of adjustment is also a member of a church that has just applied for a variance. Would it be a conflict of interest for the board member to participate in a vote on the variance?**

Probably, but more information is necessary before a better answer can be given. This is because any case involving the potential conflict of interest of a public official must be examined on cases-by-case, fact-sensitive basis.



Zoning board officials are subject to the conflict of interest provisions of both the Municipal Land Use Law (MLUL) and the Local Governments Ethics

Law (LGEL), which are derived from common law principles. The standards found in the LGEL are more stringent than the MLUL and ask whether the circumstances could reasonably be interpreted to show that they had the likely capacity to tempt the official to depart from his sworn public duty. Therefore, proof of actual dishonesty is unnecessary.

A NJ Supreme Court case from 2015, *Grabowsky v. Twp. of Montclair*, involves a similar set of facts as those you have described. In *Grabowsky*, the Court examined whether two municipal officials who had active leadership roles in the church had a disqualifying conflict of interest that should have prevented them from voting on the church's application to amend a zoning ordinance. The Court determined that the officials' membership with the church could be enough to provide a disqualifying conflict of interest, especially under the circumstances where the officials were active members with leadership roles in the church.

Likewise, in *McVoy v. Board of Adjustment of Montclair Twp.*, an Appellate decision, the court found a disqualifying conflict of interest where two board members were also members of a Church that stood to benefit from a proposed variance.

However, underscoring the need for a case-by-case, fact sensitive examination, *Hughes v. Monmouth University* saw the court determine there was no conflict of interest where members of a zoning board, who graduated from the Monmouth University and who had children currently attending the school, were presented with an application for zoning variances from the school. The court determining that, "even recent past membership in an applicant organization is wholly insufficient to disqualify a board member."

Keeping this in mind, you should examine all of the facts with your board attorney to determine whether a conflict exists with your board members.



**Last year there was a lot of talk about municipalities setting up charitable funds where contributions could be made and property owners who contributed would receive a credit against their**

**property tax bill. Are there any updates on this and are municipalities still authorized to create such funds?**



Yes, *P.L. 2018, c.11*, authorizes municipalities, counties, and school districts to establish one or more charitable funds for specific public purposes. Subject to certain limitations, the law permits 90% of a property taxpayer's charitable fund donation to be credited towards their property tax obligations.

*P.L. 2018, c.11*, was passed in response to changes made to the federal tax code, which limited the amount of State and Local Taxes ("SALT") an individual can deduct from their federal income tax. Prior to the federal changes, a taxpayer was entitled to a deduction for the full amount of SALT payments. The new changes, however, limit the SALT deduction to just \$10,000, while the deduction for charitable contributions remains unchanged.

Looking for ways to mitigate the potential impacts the cap on SALT deductions would have on a higher property tax state like New Jersey, legislators came up with what would eventually be *P.L. 2018, c. 11*. The thought being that property tax payments, the deductibility of which is now capped, could now instead be categorized as charitable contributions and could be more fully deducted. This plan is similar to other policies in place for years around the country and informally approved by the IRS. However, shortly after *P.L. 2018, c.11*, was signed into law, the IRS issued regulations overruling their past interpretations, which essentially put an end to the effectiveness of any states' policies that could result in SALT payments being categorized as charitable contributions.

So, while municipalities and other local government entities are authorized under the law to create charitable funds and provide a credit, due to the IRS's recent regulations, the underlying purpose for doing so may be moot. In other words, there is little to no benefit to be gained from either the municipal or taxpayer perspective that would warrant the creation of such charitable funds. ❧

# NJ LOCAL APRIL 7-13 GOVERNMENT 2019 WEEK

#njlocalgovt



## Celebrate Local Government!

This year, the New Jersey State League of Municipalities is kicking off the inaugural **NJ Local Government Week**.

We invite you to join in with municipalities across the Garden State **April 7-13, 2019**, to engage citizens while celebrating the work of local government.

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

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

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

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

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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-4721** **Tax exemptions for certain water quality management structures**

**Status:** Introduced and referred to Assembly  
Telecommunications and Utilities Committee

A-4721 will exempt any “water quality management structure,” after the effective date of this bill and after it is certified by a construction official, from property taxes. A “water quality management structure” is defined in A-4721 as a physical structure designed and installed using, in whole or in part, federal grant money from the National Resource Conservation Service in the U.S. Department of Agriculture, the Department of Agriculture, or the State Agriculture Development Committee, for the purpose of improving water quality.

A property owner with an exempted water quality management structure may be annually exempted from the assessed valuation of the real property in a sum equal to the remainder of the assessed valuation of the real property with the water quality management structure included, minus the assessed valuation of the real property without the water quality management structure.

The construction official must certify that the water quality management structure is exempted from property taxes at the time when the structure is designed, constructed, and financed in accordance with this bill. At any time, the construction official may inquire into the right of the claimant to be property tax exempted and may require the filing of a new application or submission of proof.

The construction official must issue a certificate when it determines a water quality structure is property tax exempt. The certificate must contain information identifying the water quality management structure and its cost, and any other requirements established by Division of Taxation. The certificate must also be given to the claimant, retained on file, and sent to the tax assessor.

The construction official may revoke the certificate under the following circumstances:

- Certificate was obtained by fraud or misrepresentation.
- Claimant failed to substantially proceed with the construction, reconstruction, installation, or acquisition of the water quality structure.

- The water quality structure has ceased to be used for the primary purpose by which it was constructed and is being used for a different primary purpose.
- The claimant has so departed from the equipment, design, and construction previously certified that in the opinion of the construction official, the water quality structure is not suitable and reasonably adequate for the purposes initially intended.

Currently tax exemption is based on the operation and ownership of the property. A-4721 would change this threshold and grant exemption based on grant funds received even if the property is a profit-making. For this reason, we oppose A-4721. –LB

## **A-4714** **Solar energy generation lines in municipality-owned preserved open space**

**Status:** Reported out of committee,  
2nd reading in the Assembly.

A-4714 would allow utility lines needed for solar energy generation facilities to cross municipally owned preserved open space without being considered a disposal of conversion under the Garden State Preservation Trust Act. Under current law, if utility lines were to cross over municipally owned preserved land, that would constitute a disposal or diversion which would require the repayment of certain financial assist provided by the state for the land’s acquisition.

The bill sets other reasonable criteria that must be adhered to for this exemption to apply, such as restoring the lands to their prior condition after installation of the utility lines, requiring the utility lines to be installed underground, and avoiding interference with the use of the land for recreation and conservation purposes. Most importantly, however, municipal consent is required.

A-4714 will help expand implementation of solar energy by allowing reasonable use of preserved open space, while ensuring that the use of that land for its intended purposes is protected.

For these reasons the League of Municipalities supports favorable action on A-4714. –FM

 **A-4644/S-3177**  
**Authorizes bonus affordable housing credits for veterans' transitional housing**

**Status:** Introduced and referred to Assembly Housing and Community Development Committee and Senate Community and Urban Affairs Committee, respectively.

The League of Municipalities supports A-4644, which authorizes bonus credits toward fair share affordable housing obligations for transitional housing occupied by veterans.

Although comprehensive review and reform of our state's affordable housing policy is ideal, A-4644 provides an important incremental improvement that helps some of our most deserving residents. Low- and moderate-income active-service veterans and their families make up a large percentage of those who are homeless or lack stable housing. A-4644 would help address this problem by incentivizing the establishment of affordable temporary housing to assist low- and moderate-income veterans transitioning to a more permanent situation.

For these reasons, the League of Municipalities supports favorable action on A-4644/S-3177. -FM

 **A-4673**  
**Restricted license alternatives to suspensions**

**Status:** Referred to Assembly Judiciary Committee

The League supports this legislation. It would provide for the issuance of a restricted use driver's license as an alternative in specific cases to license suspension in municipal court.

This bill would permit a municipal court to grant the issuance of a restricted driver's license, and a display placard to be placed in a vehicle's rear window, to an individual whose privilege has been revoked (but not if the offense was DWI).

The restricted license would limit the hours and locations of usage and could be used only to get to and from work or school. The court would consider issuance based on the extent of financial hardship and the likelihood of repeat offenses. MVC would collect a fee of up to \$100 for the issuance of the restricted license and the placard.

License suspensions can jeopardize a defendant's ability to pay fines and restitution by limiting or eliminating employment options. It can in some instances prevent individuals from improving their lives through education and training. Giving this option to municipal judges can make our society more just and more prosperous. We commend the sponsors. -JM

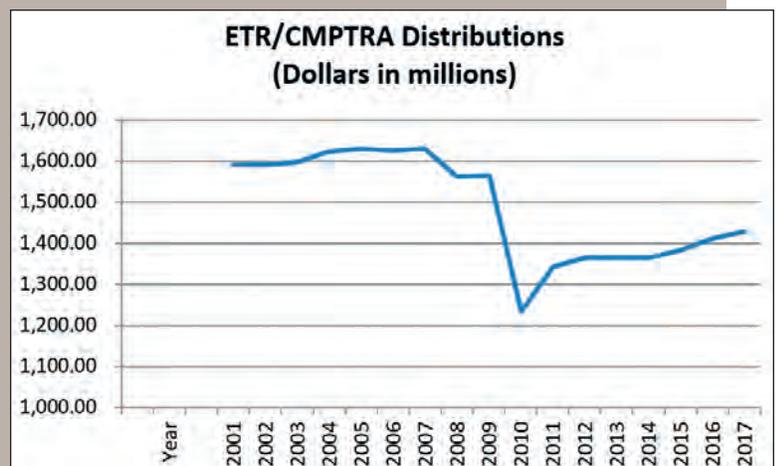
## State Budget Deliberations Begin

In 2007, NJ municipalities divided \$1.63 billion in general property tax relief distributions. On average—and no town is average—that was about \$2.9 million, per town. It worked out to about \$188, per capita. In 2017, the municipal property tax relief total was \$1.42 billion. (\$200 million less than was distributed 10 years, before.) On average, that was about \$2.5 million, per town, or about \$158, per resident. Last year, it was about the same. So the average town is now getting \$30 less, per citizen, than it got before the Great Recession. And that money doesn't disappear. It goes to fund state programs.

Energy Tax and CMPTRA represent "municipal property tax relief," and not "state aid." The Energy Tax Receipts Property Tax Relief program was created in 1997 to replace Public Utility Gross Receipts and Franchise Taxes, which for decades had been the single largest source of municipal property tax relief funding. The Consolidated Municipal Property Tax Relief was created by the enactment of the state's Fiscal Year 1995-1996 Budget, when the state decided to consolidate a number of previously discrete municipal property tax relief programs. Many of those were, like energy taxes, the lineal descendants of taxes that had once been assessed and collected at the municipal level.

The Energy Tax and CMPTRA are, or were, all municipal revenue replacement programs. They are not, properly speaking, state aid. They were not meant to make things better for municipal property taxpayers. They were only intended to keep things from getting worse. But things did get worse when the state slashed funding in the years after the 2008 financial collapse.

This year, policymakers in Trenton need to recognize the fact that there is a connection between property tax relief funding and property tax relief. -JM



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# Around the State

## Plenty to Show Off!

**W**e wanted to thank all of the many municipalities that sent in pictures for the Second Annual Show Off Your City Contest. The League's staff has been bowled over by the quality and variety of the images, from cute children at play and beautiful vistas caught at magic hours to historic moments recorded and preserved sights recognized.

We've also been so impressed with the contributors, from municipal employees to local youths, including 13-year-old

Grace Budd-Cording, who is a student at Highland Park Middle School with a gift for composing stunning images such as the view of a colorful mural located on the side of a local business in her hometown, Highland Park. (shown above)

Congratulations to all! At press time we are making some hard decisions and are looking forward to sharing the contest results—and the amazing images—with you in the April issue and the year to come. ♣

## NJLM Supporters



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](mailto:mdarcy@njlm.org).



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