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Bringing the Vision to Life

The *Cambridge Dictionary* defines infrastructure as: “the basic systems and services, such as transport and power supplies, that a country or organization uses in order to work effectively.” In fact, without these systems and services, it’s unlikely that our economy and our society would be able to work, at all.

Imagine a town without a ready supply of clean water or a working sewerage system. Picture yourself waking up in a home without electricity, or going to work on dirt roads. Suppose an emergency occurs in a workplace without telephone service, let alone high-speed internet. And imagine running a business that depends on deliveries without access to railways, ports, or airports.

In order to live long and prosper, a 21st century economy needs a 21st century infrastructure. But building and maintaining such an infrastructure requires consistent investment. And that depends on vision, and the courage to commit the financial and political capital that can bring the vision to life.

The alternative is a crumbling, second-rate infrastructure. That would ensure our children a crumbling, stagnant, second-rate economy. And that just can’t be acceptable.

In this issue of the *NJ Municipalities*, we focus on the Smart Infrastructure

initiatives that communities can use to regain and retain the economic vitality that will improve the lives of citizens and of their children.

We expect the best in New Jersey municipalities. That’s what our people deserve.

And speaking of what our people deserve, as we approach the June 30 finish line, the state budget process is heating up. But to date, we’ve seen no movement toward giving municipal property taxpayers the relief to which they’re entitled.

It has now been 10 years since the state “relieved” municipal budgets of \$320 million in property tax relief. In every year since, that money has been used to help balance state spending.

Policymakers in Trenton need to recognize the fact that there is a connection between property tax relief funding and property tax relief. New Jersey municipalities are entitled, by statutes, to significant, dependable, sustainable sources of revenue, other than property taxes. We need to move away from our overreliance on excessive, regressive property taxes. And only action at the state level—the level that establishes New Jersey tax policy—can make that a reality. ♣

Michael Darcy

“In order to live long and prosper, a 21st century economy needs a 21st century infrastructure. But building and maintaining such an infrastructure requires consistent investment. And that depends on vision, and the courage to commit the financial and political capital that can bring the vision to life.”

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Planning Infrastructure

Smart infrastructure begins with a smart plan

Sheena C. Collum, MPA, Village President, Township of South Orange Village;
Executive Director, American Planning Association–New Jersey;
Charles W. Latini, AICP, PP, President, American Planning Association–New Jersey

We hear a lot of buzz these days about “smart infrastructure.” And rightly so. The opportunities to apply technology to improve the efficiency of infrastructure, respond in real-time to user demand, and receive early indications of maintenance needs are seemingly endless; consider:

- **Parking meters** that charge variable prices depending on the time of day and demand.
- **Stormwater Infrastructure** that uses weather prediction data to prepare systems for the next big rain event.
- **Sensors** built into roads that improve winter road management by sensing when to time salt or other de-icing materials or lower speed limits.
- **Apps** that allow residents to report new potholes from their phones.
- **Smart metering** on water and sewer infrastructure that provides real time data on usage and leak detection.

This all sounds great. Saving money and improving services leads to happier residents. Bring it on.

Be smart to get smart

But before we can invest in smart infrastructure, we need to get smarter about our infrastructure.

We tell our children all the time to “make smart decisions.” We say this hoping that they will forego immediate gratification in favor of longer-term rewards, making informed decisions that will help them grow, be safe, and succeed. Why then wouldn’t we have the same expectations for the decisions we make regarding the future of our state? In New Jersey, the State Development and Redevelopment Plan (State Plan) was created to be a guide for making smarter decisions, at all levels of government, regarding investment in growth and preservation.

Infrastructure investment dictates the quality of the communities that we can build, the ability of goods to flow through the state, and the access to opportunity through education, housing and



jobs. It also affects the resiliency of our communities and the safety of our citizens against the impacts of extreme weather.

“ With 565 municipalities making decisions everyday about infrastructure of all types, shouldn’t we all be working from the same playbook? ”

The State Plan provides a vision for what these investments could create and a framework for working together to get there. But the State Plan has gathered dust on a shelf while business as usual

Infrastructure Check List

What do people want and need?

- Safe, decent affordable housing.
- Jobs and industry such as tourism and agriculture.
- Natural resources to protect and enjoy.
- Resiliency from climate change.
- Quality education.
- Safe communities.

None of these exist in a vacuum, and they must be coordinated to deliver a quality environment in which people will want to live, work and thrive.

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

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JPM provided an outstanding Temporary DPW Director, and completed an outstanding Efficiency Study of our DPW.

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

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

George Jackson
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Planning Infrastructure

has strained resources, delayed maintenance, put affordable housing in the hands of the courts, and watched higher intensity storms take a toll on our shores.

With 565 municipalities making decisions everyday about infrastructure of all types, shouldn't we all be working from the same playbook?

The people's infrastructure

Communities are the confluence where decisions regarding our hard infrastructure (sewer, water, energy, etc.) come together with our soft infrastructure (natural resources, social services, etc.) to serve the people.

Understanding the critical relationships among the components that comprise a towns' infrastructure is difficult but necessary work. Infrastructure provides the underlying framework upon which the rest is built. The goals of economic growth, natural resource protection and social equity that were outlined in the State Plan—last updated in 2001—remain relevant today, even more so, and making smart,

“ Understanding the critical relationships among the components that comprise a towns' infrastructure is difficult but necessary work. ”

coordinated, efficient infrastructure decisions is essential to meeting these goals.

It is vital that the State take the lead by dusting off the State Plan and jumpstarting the work of the long-dormant State Planning Commission. This would go a long way toward providing our communities with the tools, resources, and information needed to make smart decisions about the infrastructure systems that keep residents safe, our infrastructure from falling apart,

and the trains running on time.

What you can do

Municipalities can build relationships across political jurisdictions with all of the entities that impact infrastructure at the local level. Get to know the infrastructure that is already in place, its age, life span, and maintenance needs, and collaborate on an ongoing basis with neighboring towns, counties, and state agencies that can help you get the most out of it, or help you bring it up to modern standards.

Consider establishing a “Dig Once” policy to minimize the disturbance to the roads and sidewalks and maximize the opportunities for cost-effective modernization. And demand the opportunity that an active and engaged State Plan process provides municipalities and their residents to move New Jersey into the future.

Leadership is necessary as these issues transcend political term limits. If we really care about our state, we'll put forth the difficult effort. Smart infrastructure begins with a smart State Plan. 🗺



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

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DUNES ARE CRITICAL

Seaside goldenrod in Barnegat Light NJ
Photo by Ben Wurst

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NOW & THEN



Amy Spiezio
Managing Editor

Building Better Communities

The focus for this issue is infrastructure, but it may very well have been building. There's a massive effort underway to build better, stronger communities, from the underground up into the skies. This month, we continue the community spirit celebrated during last month's Local Government Week by sharing the stories of communities around the state.

Author Dan Van Abs from Rutgers looks at the new option for communities to adopt fee-based stormwater utilities, noting, "calling these fees a 'rain tax' is incorrect and disingenuous, as these are fees for service and apply only to stormwater runoff that requires management."

Funding needed infrastructure projects can be a challenge. Would a national infrastructure bank help the effort to secure roads, bridges, and more? Stanley Forzcek from the Coalition for National Infrastructure Bank explores the possibilities, while Sheena C. Collum, MPA, Village President, Township of South Orange Village, and Executive Director, American Planning Association—New Jersey explores the state-level considerations of how the return to the basics of a State Development and Redevelopment Plan can help all levels of government make smarter infrastructure decisions.

But local officials are also taking social structures into consideration. This spring, more than a dozen municipalities have received Healthy Town-related designations from the Mayors Wellness Campaign by the NJ Health Care Quality Institute. Campaign Director Adrian Diogo notes, "With these designations, municipalities across New Jersey can highlight their efforts toward building healthier communities and simultaneously encourage other municipalities to take active steps toward making their communities healthier places to live, work, and play."

In a first for the Garden State, Pleasantville and its residents decided together to create a safe infrastructure by voting for a bond initiative to finance the purchase of the ShotSpotter system to reduce gun violence. Beyond backhoes and building permits, the infrastructure of a municipality goes through every aspect of life to create a safe and healthy environment now and into the future. 🚧

TIMELINE

In a March 1934 NJM article by Gerald Knight, C.E., a Field Consultant for NJLM, it was noted, "There are nearly 120,000 men working on Civil Works projects in New Jersey, half of whom prior to the middle of November were either in



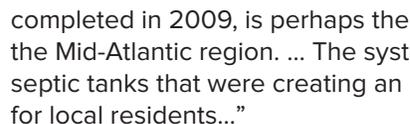
breadlines or on relief. Five thousand projects throughout the State of New Jersey, involving road construction, grading, landscaping, building, dams, reservoir clearing, fire prevention, swamp amphitheatres, sewage disposal works, concrete bridges... and whatnot."

In the June 1946 issue, Montclair Mayor George K. Batt discussed the growing importance of municipal parking:



"Now is the time to prepare for proper parking. Almost every town or city in the county is making plans, big or little, for the post-war period. Rural traffic is expected to double by 1960. Increased traffic means increased demand for parking space...provision now of adequate parking facilities is the only way communities and business can protect themselves against decentralization, deterioration, and resultant loss of business and higher taxes.

In the Nov. 2009 issue, Mayor Edwin Masker from Alloway Township and Carl Gaskill, PE, Fralinger Engineering, noted their success at moving the community away from septic tanks. "Alloway's new wastewater collection system, which was



completed in 2009, is perhaps the most advanced sewer in the Mid-Atlantic region. ... The system replaces hundreds of septic tanks that were creating an environmental problem for local residents..."

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NJLM

This Month

with NJLM President
Colleen Mahr,
Mayor, Fanwood



NJLM Event Connects Local/State Leaders

The 27th Annual Mayors' Legislative Day, held April 5 in Trenton attracted local, legislative, and state officials to discuss the important issues of the day from affordable housing to flooding. The June issue of *NJ Municipalities* will feature a full write up of the event, including recognition of this year's inductees to the Elected Officials Hall of Fame. *Shown here, (l to r) NJLM Executive Director Michael J. Darcy, CAE; Hope Mayor Timothy McDonough, NJLM Past President; Hardwick Committeeman Jim Perry, NJLM 1st VP; Senate President Steve Sweeney; and Fanwood Mayor Colleen Mahr, NJLM President.* 📌



P3 In the Spotlight

NJLM President, Mayor Colleen Mahr of Fanwood, was a speaker on a P3 panel at the New Jersey Alliance For Action's Public-Private Partnership Conference in March. More than 400 contracting, developer, engineering, higher education, utility, labor and other leaders turned out to discuss ongoing construction work at "New Jersey's Leading Infrastructure Projects." 📌



Mayor Mahr and Donald Shields discuss P3.



Richard Mroz, Managing Partner, Resolute Strategies, LLC moderated the Industry Panel Discussion at the NJ Alliance for Action's Public Private Partnership Conference panelists included; Eric Brophy, Executive Director, NJ Educational Facilities Authority; Steven Gardner, Director, NJ LECET; Steven Goldenberg, Shareholder, Giordano, Halleran & Ciesla, P.C.; Donald Shields, Vice President and Director of Engineering, NJ American Water, and Colleen Mahr, President, NJLM, and Mayor of Fanwood Borough.

Mahr Meets with Kean



NJLM President Mayor Colleen Mahr met with Senate Republican Leader Tom Kean, Jr., at his office in Westfield.

Raritan Valley Line Mayors' Gateway Gathering

Fanwood Mayor Colleen Mahr, NJLM President, spoke recently at a meeting of the RVL Mayors Alliance, a group of 32 mayors working together to get better service for their residents who use the NJ Transit Raritan Valley Line (see Op-Ed on page 18).

The RVL Mayors co-chairs are Mayor Mahr, Mayor Shelley Brindle of Westfield, and Mayor Robert Fazen of Bound Brook. The Alliance was organized in 2018 by the co-chairs to engage mayors in discussion and advocacy. Brian Fritsch of the Regional Plan Association & Build Gateway Coalition talked to the mayors about the impact on their towns should a Hudson River tunnel close. 📍



Mayor Mahr addresses the attendees.



Mayors, Senators, Representatives, and other officials attended the event to discuss the Gateway project.



Mayor Michele Delisfort of Union; Mayor Mahr of Fanwood; Mayor Dennis Sullivan of Somerville; and Mayor Michael Giordano, Jr., of North Plainfield.

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\$115 (Pre-Registration until June 4, 2019)

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Cannabis Biz Buzz



NJLM's recent Medical Marijuana: What Public Employers Need to Know also included a special update on the status of the recreational marijuana bill.

The presentation by Genova Burns' attorneys Jennifer Roselle, Esq. (right) and Justine L. Abrams (left) drew a full room of interested attendees. ☎

@ For more information about future NJLM seminars, visit www.njlm/seminars.

NJLM Annual Conference Earns Recognition

The NJ State League of Municipalities' Annual Conference has been named one of the top 250 trade shows in the U.S. on the 2018 Trade Show News Network (TSNN) Top Trade Shows list. The list ranks the top trade shows held in the U.S. based on net square footage of exhibit space. The CES show, held in January in Las Vegas, won the No. 1 spot.

Held each November in Atlantic City at the Atlantic City Convention Center, the League Conference is an invaluable learning experience which yields benefits throughout the year. Delegates have the opportunity to learn at approximately 125 panels, clinics, workshops, and other sessions conducted by the League and the 21 allied associations of technical and professional employees. Commercial, government and association exhibits display the latest products and services for municipal government in over 1,000 exhibit booths.



NJLM Executive Director Michael J. Darcy, CAE noted, "The League Conference is a service to our members and we take great pride in the annual success story our members, staff, exhibitors, and speakers work together to create. Our Exhibit Manager Kristin Lawrence and our entire team appreciates the recognition and looks forward to an even better League Conference next year." 📌

Inaugural NJ Local Government Week a Success!



The New Jersey State League of Municipalities (NJLM) kicked off the inaugural New Jersey Local Government week April 7-13, 2019. Municipalities all over the Garden State engaged citizens while celebrating the work of

local government. Next month we will feature a rundown of activities all over the Garden State. We thank you for your participation and welcome your suggestions for making Local Government Week a Success. 📌

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By William M. Cox

Revised & Updated By
Stuart R. Koenig (2011-12),
Jonathan Drill & Lisa John-Basta

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WASHINGTON

Opportunity Zones: Q&A with Senator Cory Booker

By U.S. Senator Cory Booker

In December 2017, Congress passed legislation to establish “Opportunity Zones,” a community investment tool to drive private capital off the sidelines and into high-poverty communities. Opportunity Zones create a tax incentive for individuals who reinvest unrealized capital gains into high-impact projects in designated Opportunity Zones across the country. The provision, co-authored by Senator Cory Booker and Senator Tim Scott from South Carolina, has been identified as perhaps the most ambitious economic development tool to come out of Congress in a generation, with major implications for New Jersey municipalities. Last year, Governor Murphy designated 169 census tracts across the state that are now eligible for the tax incentive under the new law.

Below, Booker talks exclusively with New Jersey Municipalities about his legislation and its potential to boost communities in New Jersey and across the country.

Q What led you to work across the aisle in the Senate to push this piece of legislation through Congress?

A According to the Economic Innovation Group, 52 million Americans currently live in what are known as economically distressed communities—places where educational attainment, employment, household income, and economic growth stubbornly lag behind. For residents of these communities, the stakes are high: today, the zip code in which a child is born in America is more predictive of their future life outcomes than their talents and work ethic.

As Mayor of Newark, I saw firsthand the importance of working with partners at every level—from the federal government to the private sector—to grow our city’s economy and attract new private investment. And it paid off. We saw new supermarkets come to underserved neighborhoods, growth in

business starts, and office towers being built for the first time in decades. When I came to the Senate, I worked with a Republican colleague, who was also formerly a local elected official, to empower community leaders with a new tool to attract investment and create opportunity for their residents. In late 2017, our Opportunity Zones bill was passed into law.

Q How impactful can Opportunity Zones (OZ) be in New Jersey and nationwide?

A Opportunity Zones can truly be a game changer for designated rural and urban places in New Jersey and across the country. Since few private investors look to distressed communities when considering where to put capital, Opportunity Zones break down barriers to investment, creating a tax incentive to roll over unrealized capital gains into long-term, high-impact projects in designated communities. This program has the potential to dramatically level the playing field for disenfranchised communities seeking capital investment and who are too often left out of the game. And it’s clear that the communities designated by governors are truly high need and high potential: The typical Opportunity Zone has an average poverty rate of nearly 31% and a family income of 59% of its area median; its housing stock has a median age of 50 years, more than 10 years older than the U.S. median—a sign that many of these neighborhoods urgently need reinvestment.

Q What’s the status of the OZ implementation and are there any obstacles to the success of the program as you see it?

A We are currently in the implementation phase, with the U.S. Treasury Department making important decisions about how Opportunity Zones will work and what types of projects will qualify.

My priorities are twofold.

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

First, the Treasury must provide clarity for community leaders and investors who are exploring investments in startups and other operating businesses, a central goal of the legislation.

Second, Treasury must institute safeguards and transparency measures to ensure the incentive works as intended, something I've been pushing them on (these types of safeguards were removed from the original bill that Senator Scott and I authored for procedural reasons). Specifically, Treasury should institute reasonable reporting requirements, including of transaction-level data, so that we can properly evaluate impact for communities and their residents.

Finally, we must ensure that current residents actually benefit from increased capital investment. Early signs are encouraging: recent analysis shows that less than 4% of Opportunity Zones have recently experienced high levels of socioeconomic change, a proxy for gentrification and displacement risk. We must not lose focus on this important goal though. In my conversations with community leaders in New Jersey, I have stressed the critical role of state and local leaders to implement policies to support long-standing residents, including local hire provisions and affordable housing requirements.

Q **What message do you have for industry and local and state government leaders in New Jersey looking to take advantage of this program?**

A Be engaged! As local leaders, you are critical to ensuring Opportunity Zones realize their full potential. There are many ways to participate, including creating a strategy to ensure collaboration between public, private, and philanthropic sectors; elevating promising local projects and assets for investors; and establishing your own fund focused on investments in certain high-priority projects. Please consider my office as a resource for

questions about the provision and best practices from across the country.

Q **How is New Jersey uniquely situated to take advantage of this program?**

A New Jersey speaks for itself—robust infrastructure, growing tech hubs, world class higher education institutions, significant small business presence, and great transit-oriented hubs. New Jersey is on the rise, and I believe that Opportunity Zones will unleash our state's full potential. ↴

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Gateway Program: Not Just a Commuter Issue

By Colleen Mahr, Mayor, Fanwood; NJLM President

The Gateway Program, which includes construction of a new Hudson River tunnel and replacement of the Portal North Bridge, is described as the most important infrastructure program in the country. That statement hits especially close to home for many New Jersey municipalities with residents and businesses dependent on safe and efficient travel in and out of New York. And, this is not just a commuter issue.

There really is no time to waste. The existing 107-year-old tunnel, badly damaged by Superstorm Sandy, is the only passenger rail link connecting New Jersey to Manhattan and in desperate need of repair. The 103-year old Portal Bridge repeatedly malfunctions and is unable to close after boats pass, causing major train delays and worse, cancellations. The impact to NJ commuters simply trying to get to work and home again has caused many to reconsider where to buy a home or locate a business. This is certainly a frustrating experience, but would pale in comparison to the catastrophic conditions that would result if even one tube in the tunnel is forced to shut down for emergency repairs. Further, Amtrak has already announced that each of the tunnel tubes will need to be closed for a year within the next 15 to 20 years for extensive repairs.

According to the Regional Plan Association's (RPA) report "A Preventable Crisis" the economic and human toll will be overwhelming and potentially devastating to our state. Hundreds of thousands of people and tens of thousands of businesses from New Jersey and the region will be affected. With only one track in operation train service would be reduced by 75%, leaving 38,000 passengers in need of alternate transportation every day. Depending on where they work, some may be able to use PATH, bus, or ferry, with the rest forced to drive further and clogging not just highways but local roads. In human terms, there would be a terrible decline in quality of life for many of our residents.

Additionally, on a local level, more than 40% of homes located within two miles of a train station, particularly in the northern part of the state, would see a decline in value. Ultimately, declining home values impact municipal revenue streams. Businesses with employees, clients, and customers affected by a tunnel shutdown would also face a drop in

property values. The RPA estimates federal, state, and local governments would lose \$7 billion in tax revenue. "Both the regional and national global standing as a place to live and work would suffer an incalculable loss. A partial shutdown would be a dramatic event," the report states.

Last year, the Gateway Development Program Development Corporation surveyed people and found that 90% think a new rail tunnel is important to getting to work and do business; 80% believe that a new rail tunnel is important to housing prices in the region; more than 60% worry about a failure or breakdown in the current tunnel.

In February, I testified before the Senate Transportation Committee in support of S-3410 to establish the Gateway Development Commission, an important step to making Gateway projects a reality.

“ I am proud to co-chair that Alliance and encourage other mayors on or near rail lines to organize in support of these projects and transportation that is reliable, safe, and efficient. ”

It is, as the RPA report states "A Preventable Crisis," but decisions and funding need to happen now. A new tunnel between New Jersey and New York and a new Portal Bridge really are the most important infrastructure projects and a good deal of planning, environmental, and engineering work have been done. The decision rests with the federal government. As mayors, we hear from our constituents and businesses every day. Thirty-two mayors on the Raritan Valley Line organized to advocate for improved service and in support of these projects. I am proud to co-chair that Alliance and encourage other mayors on or near rail lines to organize in support of these projects and transportation that is reliable, safe, and efficient. Our communities and our residents rely on it and more importantly, deserve it. It's more than a commuter issue. 💡

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Rebuilding America's Infrastructure is a Local-Federal Partnership

By Clarence E. Anthony, CEO and Executive Director, National League of Cities

Every weekday, as many as 200,000 people travel across the Hackensack River on a bridge that first opened in 1910. The crossing helped make the region one of the busiest train spans in the Western Hemisphere, contributing to the area's incredible economic development and success.

But as New Jersey's local leaders and commuters know well, the century-old Portal Bridge struggles to accommodate 450 daily trains and the demands of the river's maritime traffic. Aging mechanical and electrical systems can sometimes prevent the bridge from closing properly, leading to long delays that affect thousands. Coupled with the effects of increasingly extreme weather and the pressure of a growing population, finding the \$1.5 billion to replace the bridge has long been a priority for elected leaders.

Every region across the country has an infrastructure asset or major project in need of an overhaul. Our roads, bridges, water systems, and broadband networks must meet the demands of today, while serving as a resilient foundation for the future. And to get there, we need to invest in the training and education for the people that will bring our communities into a good state of repair.

To build infrastructure that will last for the next 100 years, every level of government must play their part. Since 2016, municipalities, regions, and states have approved nearly \$250 billion in investments to modernize local infrastructure. And while municipalities will continue to rely on all-purpose funding tools such as tax-exempt municipal bonds, local financing cannot replace the need for a federal partnership that includes grants, loans, and models like the Transportation Infrastructure Finance and Innovation Act (TIFIA) to support local projects.

The National League of Cities (NLC) is calling on Congress to make 2019 the year they pass a comprehensive infrastructure package. Every day, NLC is working across the aisles of Congress and with the White House on proposals to rebuild

our essential infrastructure and equip our workforce with the skills to build, maintain and strengthen that infrastructure for the future.

But we can't do it alone—we need local leaders to share why they need our federal partners to invest in our communities. Whether it's filling potholes on Main Street, completing the Gateway Program, or finishing major rebuilding efforts like the Goethals Bridge replacement, rebuilding America's infrastructure will take partnership from all levels of government. Municipalities

“ To build infrastructure that will last for the next 100 years, every level of government must play their part. Since 2016, municipalities, regions, and states have approved nearly \$250 billion in investments to modernize local infrastructure. ”

are already doing our part—even when budgets are stretched.

In February, the New Jersey State League of Municipalities joined NLC on Capitol Hill to share a clear message: Rebuild With Us. We need more New Jersey leaders to join the movement. We're asking every municipality to join with NLC and educate members of Congress on the critical needs facing communities back home. You can start by connecting with us to learn how you can be your community's best advocate. Because our infrastructure—and our country—will be stronger when we work together. 🚧

@ For more information visit www.nlc.org

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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.

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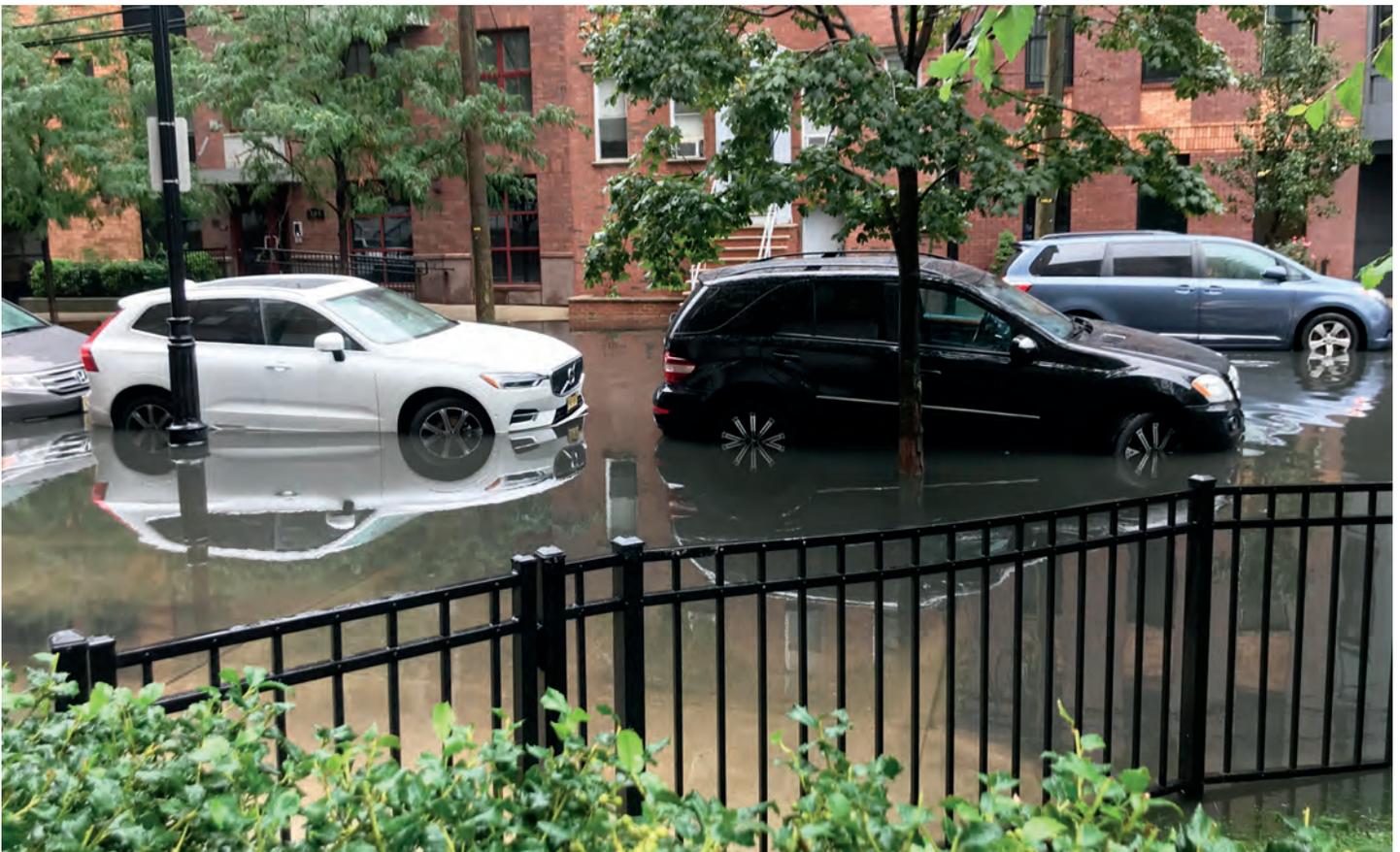


Focus: Smart Infrastructure

Stormwater Utilities in New Jersey

Coming to a town near you?

By Daniel J. Van Abs, Ph.D., AICP, PP, Associate Professor,
Rutgers School of Environmental and Biological Sciences



New Jersey municipalities have been building and operating stormwater systems for many decades, using property taxes and developer contributions. Some have very active programs, while others are reactive. Some have complex systems, while others don't.

After a decade or so of legislative consideration, New Jersey now has become one of more than 40 states that authorize fee-based stormwater utilities. What does that mean for our state? How will this new law change local operations?

The most important point is that no municipality is required to do anything. Most municipalities will decide that business as usual is just fine for them. However, some municipalities will find this law to be of tremendous value.

Clarifying the new law

Let's clear up a misconception about fee-based stormwater utilities. Under the new law, a municipality or county may establish a fee-based system to fund the operations, repairs, and upgrades to the public stormwater systems under their management. In short, the law provides for a different way of funding existing government responsibilities. That's it.

However, for some municipalities, fee-based utilities would be

Stormwater Utilities



much more equitable, as fees must be based on the relative amount of stormwater runoff generated, not the property value. Think of a parking lot, a single-story building and a five-story building, each occupying one acre. Their property

taxes will be wildly different, but they will generate roughly similar stormwater runoff, so each would pay similar stormwater fees.

Stormwater fees are similar to sewer fees. If a property is connected to a

public sewer, the owner should support sewer costs. If a property is connected, directly or indirectly, to a public stormwater system, the owner should support stormwater costs.

Each municipality decides whether those costs should be handled through property taxes or fees. More than 60 New Jersey municipalities cover residential sewer costs through property taxes, and the rest use sewer fees.

Currently, no municipality in New Jersey can use stormwater utility fees; they must rely on property taxes.

Note that the vast majority of municipalities and counties don't have fee-based stormwater utilities, even in states that have many. Why? In most cases, the local governments decided that their needs just didn't require a new system of funding. In a very few cases, attempts to establish stormwater utilities founded on poor planning, poor communication, or poor execution.



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Major purposes of fee-based stormwater utilities

Black & Veatch, one of several national consulting companies active in this field, compiles a biennial survey of stormwater utility managers. Respondents to the 2018 survey ranked the importance of various issues for their stormwater utility. The top two were availability of capital and public awareness. Increasing stringency of stormwater regulations, water pollution, green stormwater infrastructure needs, and aging combined sewer and separate stormwater infrastructure also ranked high. (See sidebar.)

The high ranking for availability of capital is important. Fee-based stormwater utilities are often formed when a municipality realizes it faces major costs for improving or rehabilitating stormwater systems, often in response to local issues or state/federal regulations. After all, our stormwater systems are aging. Many were constructed well before modern standards and their uncontrolled discharge pipes cause tremendous damage to the environment and property.

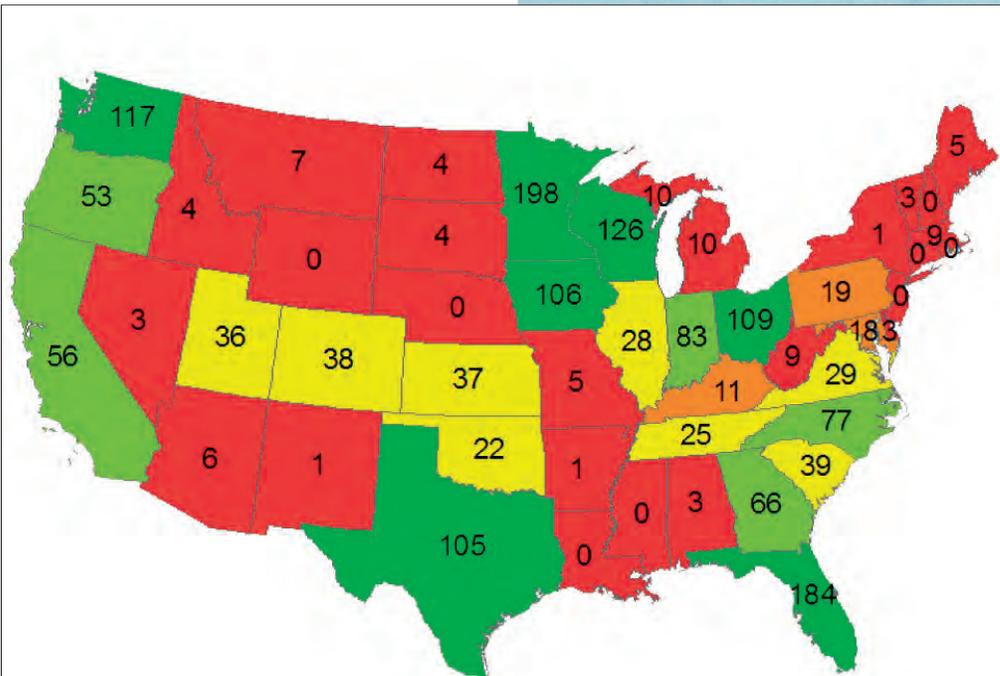
Municipalities face a choice between

Around the Nation

With the new law, municipalities have a choice—they can do nothing, or they can join nearly 1,700 local governments that have formed fee-based stormwater utilities or utility authorities. As documented by Western Kentucky University, these stormwater utilities are in small towns and large cities, rural states and urban states, and areas from cold to hot and wet to dry. Note that relatively conservative states such as Iowa (with 106) and Texas (with 105), along with much of the Southeast (especially Florida, with 184), are major users of fee-based stormwater utilities (see map). Why? Because they work, because they apportion the costs fairly among properties, and because the money is dedicated to a purpose.

As a side note, calling these fees a “rain tax” is incorrect and disingenuous, as these are fees for service and apply only to stormwater runoff that requires management. After all, most rainfall in New Jersey naturally goes back up into the atmosphere (evaporation and plant transpiration) or into the ground (infiltration and recharge) and doesn’t need active management. No cost, no charge.

Source: Western Kentucky University
Stormwater Utility Survey 2018



Stormwater Utilities 2018 by State

increased property taxes and establishment of a fee-based stormwater utility. Where the costs are high enough and the use of property taxes would be especially inequitable (i.e., in urban areas with many parking lots and tax-exempt properties), fee-based systems will be more compelling.

Influential factors

In New Jersey, we can expect the highest interest in areas that need to address one or more of the following issues:

- **Combined Sewer Overflow (CSO) Control Plans.** New Jersey has 21 municipalities with combined sewers that handle sewage all the time and stormwater during rainfall. These systems are often overwhelmed during rainstorms, forcing a combination of raw sewage and stormwater into nearby waterways.

Towns with CSOs are developing plans to control them, for protection of both public health and the environment. The total implementation costs will be in the billions of dollars. Because CSOs are caused primarily by stormwater runoff overwhelming combined sewers, the use of fee-based stormwater utilities to reduce the amount of stormwater inflow makes sense.

- **Severe Local Flooding.** Many urban areas were developed when no laws protected streams or required stormwater management. As a result, streams got buried or walled in, and stormwater runoff rushes into them with each rainfall event, overwhelming their limited capacity and flooding out into nearby streets, harming people and property.

The capital costs of correcting these problems can be high. Stormwater fees represent an equitable approach to raising those funds. (However, we shouldn't expect local stormwater utilities to resolve regional river flooding such as happens

along the Passaic, Raritan, Delaware, and other larger rivers.)

- **Stormwater Pollution of Recreational Lakes and Beaches.** Many municipalities have local lakes damaged by stormwater pollution—everything from motor oil to fertilizer to pet waste. Coastal municipalities have back-bay beaches and in some cases ocean beaches that are likewise polluted by stormwater. Fee-based utilities can provide some of the capital funds needed to correct these problems.

- **Severe Stream Erosion.** Stormwater runoff is a major cause of severe stream erosion. Addressing these problems, which can place buildings and roads in peril, will require capital funds that fee-based utilities can provide.

Who runs fee-based stormwater utilities?

According to Black & Veatch's 2018 report, existing stormwater utilities are operated in many ways. About a fifth each are operated through local departments of public works, shared between

water or wastewater utilities and municipal departments, or shared between municipal stormwater departments and other departments of the municipal government. Just less than a third are operated solely by stand-alone stormwater departments.

In other words, most are within municipal governments, and some are in utility authorities that also manage drinking water, sewage, or both. The creation of a new governmental agency to operated stormwater utilities is rare (and should be).

What to do?

First, if your municipality doesn't have a big stormwater problem and your existing programs work, you don't need to do anything. If it isn't broken, don't fix it.

Second, don't start with the assumption that you need a fee-based program. Start instead with problem identification, goals and objectives, management approaches, and an understanding of the capital costs necessary to achieve the

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desired results. If all of that can be handled equitably without the creation of a fee-based stormwater utility, great! But if the capital needs and equity concerns are great enough, a fee-based utility may be the best answer.

In summary, many municipalities will not find a strong need for stormwater utilities, but others will find great value in the approach. New Jersey's first stormwater utilities will be looked to as helpful models for others to emulate. Let's work together to make sure they get it right. 🌿

Daniel J. Van Abs is associate professor of practice for water, society, and environment at the Rutgers School of Environmental and Biological Sciences. He has spent more than 30 years as a professional, manager, and advocate in the fields of water resources and watershed and regional environmental management. With Karen O'Neill, he is co-editor and co-author of "Taking Chances: The Coast After Hurricane Sandy" from Rutgers University Press. The views expressed in this essay are solely those of the author.



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Focus: Smart Infrastructure

National Infrastructure Bank

A Hamiltonian solution to today's infrastructure crisis

By Stanley Forczek, Coalition for National Infrastructure Bank

While there are a plethora of infrastructure projects requiring funding in New Jersey and throughout the Nation, the most urgent is the Gateway Project continuing the connection between North Jersey and New York City. Fully 20% of the Gross Domestic Product (GDP) of the nation flows through the two 100-plus year old tubes that link the two jurisdictions. Part of this immense project is also the North Portal Bridge over the Hackensack River, allowing rail traffic through the tunnels and into Manhattan. This bridge, which is also well over 100 years old, breaks down 11% of the time it is opened for river commerce.



The cost of building the new Gateway tunnels will be approximately \$13 billion, the cost of rehabilitating the existing trans-Hudson tunnels will be another \$2 billion and the cost of building a new Portal Bridge will be \$1.5 billion. The costs of not implementing the program will be far greater; as they would include the unseen costs of gridlock time, the reduction of productivity, disruption of the GDP, and many more components.

The tip of the iceberg

Even if the Gateway Project were to be constructed, there remain thousands of deteriorating bridges used by rail operators between Boston and Washington, D.C. Many of those structures are likewise very old and in similar need of urgent repair. Were any of those bridges to collapse, train traffic would also stop, disrupting the GDP of the country. A point to bear in mind is that the Nation's railroad lines were constructed in the 1850s and many remain with that same architecture; in comparison

rail lines in Europe and the Far East were designed and built in the 1960's after the devastation of World War II.

The infrastructure crisis hardly starts and stops with rail/tunnel connections. Over 300 school facilities in nearly 50 school districts in New Jersey have found lead in the drinking water. Newark's Mayor Ras Baraka has called this the real emergency in the nation. Contaminated water supplies affect every state and many localities. Like the railroad problem, where much of the road ways in the country goes back to the Civil War, a significant number of national water systems are also over 100 years old. They simply have outlived their projected usefulness. This is true for roads, highways, gas distribution lines, and even communication satellites.

The cost to bring our aging, decrepit infrastructure up to a "state of good repair," Grade B, according to the American Society of Civil Engineers (ASCE), is well over \$4 trillion.

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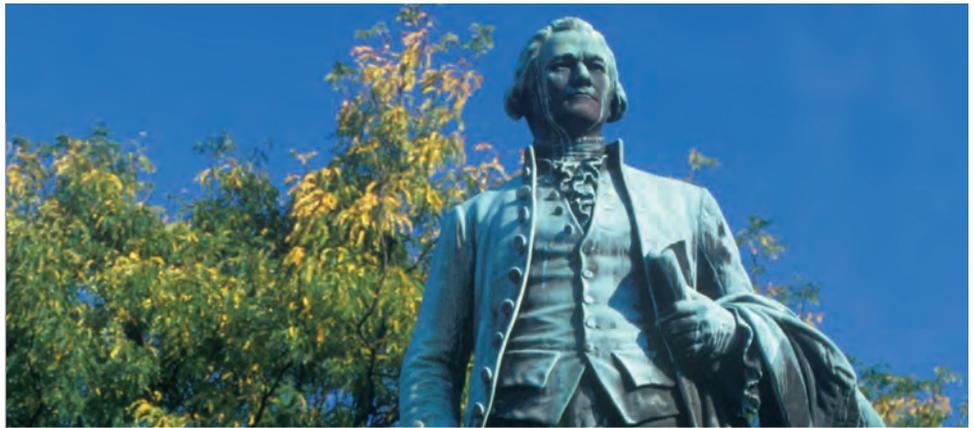
While perhaps half of that sum has been allocated, the other half has not, and the cost of doing nothing is causing dollar amounts to skyrocket. U.S. House of Representatives Transportation and Infrastructure Committee Chairman Peter DiFazio estimates that for every dollar not deployed now to fix our infrastructure, the cost will increase to \$4 or \$5 per project. DiFazio estimated in a recent committee hearing that the economy would lose \$4 trillion in GDP between now and 2025 leading to a loss of 2.5 million jobs and many other dire consequences.

“ Currently, there is still no agreement on funding the Gateway Project, let alone the other programs for New Jersey or the nation.”

As of now, there are no bills in congress which address this shortfall in our infrastructure spending. Some bills will allocate \$500 billion to \$1 trillion over 10 years, but none propose to address the real shortfall of \$4 trillion or more. Against this amount, the ASCE pegs the need at \$4.6 trillion, the U.S. Chamber of Commerce says it is \$3.7 trillion, and North America's Building Trades Unions say it is \$4 trillion.

As for the administration, the President's 2020-21 capital budget proposes to cut federal grants to Amtrak's Northeast Corridor by 50%. The Gateway project has been downgraded to a medium-low priority, making it ineligible to receive Capital Investment Grants from the Federal Transit Administration. The administration inexplicably now labels the Gateway Project a local responsibility.

Currently, there is still no agreement on funding the Gateway Project, let alone the other programs for New Jersey or the nation.



Historic Precedents for the National Infrastructure Bank

This National Bank is not a new idea. It has been successfully implemented four times in our history, beginning with the First Bank of the United States under President George Washington and Treasury Secretary Alexander Hamilton. This Hamiltonian model was followed by Presidents John Quincy Adams, Abraham Lincoln, and Franklin D. Roosevelt. Under the Adams' administration, the Second Bank of the United States financed many of the canals and railroads that were built in New Jersey. The city of Paterson, where a statue of Hamilton was erected, was launched by Hamilton personally with William Paterson, then governor of New Jersey. It was the first prototype industrial city in the nation and was funded in concert with the First Bank of the United States.

National infrastructure bank

That is why I am working with people across the nation in a broad coalition to get a bill introduced into Congress for the creation of at least a \$4 trillion National Infrastructure Bank (NIB). This bank would be capitalized in a way already used by other such institutions. It would monetize existing Treasury debt, thus creating no new debt, would be federally guaranteed, and would pay an interest rate approximately 2% above Treasuries. With the NIB in place, partisanship is removed from designation of projects and over 25 million new, high-wage jobs would be created. The increase in productivity and industry would yield a pay back of many times the expenditure, as occurred under all the previous national banks.

Already, 17 state legislatures, including New Jersey, have introduced resolutions to Congress urging that such a bank be immediately enacted. The Trenton City Council recently passed a resolution in support of the NIB, and our group has delivered testimony to many other elected

bodies and institutions.

There is now a real buzz to bring this kind of National Infrastructure Bank into existence. At the recent Congressional City Conference of the National League of Cities on March 11, the morning panel was dedicated to infrastructure. Congressman and Vice-Chairman of the House Transportation and Infrastructure, Salud Carbajal (California), proposed that a national infrastructure bank be one of the avenues pursued by Congress to address the issue.

Our efforts are aimed at nothing short of creating this very large national bank, which can finally tackle the massive problem that confronts us. We have put off this crisis for far too long, and the day of reckoning has finally arrived. If you would like to join this effort, feel free to contact me. 📧

Stanley Forczek is a transportation and energy executive. He retired from Amtrak with over 30 years of service; and has also worked as a consultant for a variety of engineering, energy, and financial services firms. He can be reached at stforczek@comcast.net or 215-435-2287.

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Mayors Wellness Campaign

2018 Healthy Town Designations Announced

By Adrian Diogo, Mayors Wellness Campaign Director, New Jersey Health Care Quality Institute



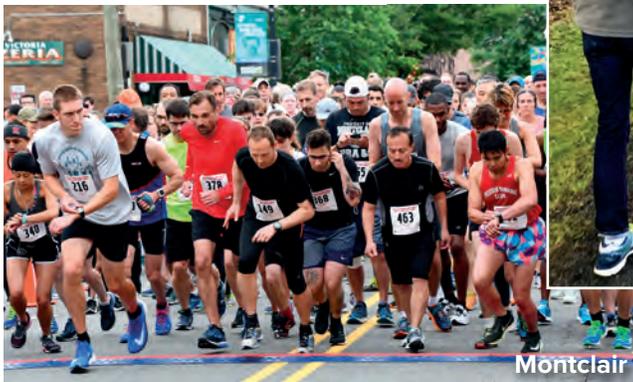
Elizabeth



Chatham Township



Morristown



Montclair



Bergenfield Borough

Photo by Tom Salvas

Across New Jersey, mayors are taking the lead and working to create better, healthier communities for their residents. Each year, mayors and their teams apply for the chance to be designated as “Healthy Towns.” The Healthy Town designations are a part of the Mayors Wellness Campaign (MWC), a program of the New Jersey Health Care Quality Institute, in partnership with the New Jersey State League of Municipalities.

Communities participating in the MWC complete a comprehensive application outlining the research they’ve done to identify their community health needs, explain how they have organized their local MWC committee, and highlight the actions they’ve taken to make their towns and cities healthier places to live, work, and play.

“The commitment to improving health and wellness by these Mayors and volunteers is impressive,” said Linda Schwimmer, President and CEO of the Quality Institute. “It was inspiring to read their applications this year and we are excited to share their great work.”

The towns who have researched their community needs and then implemented multi-faceted impressive wellness programs received the following designations:

- **Healthy Towns:** Bergenfield Borough, the Chathams, Montclair, Morristown, Plainfield, Princeton, Stone Harbor, and Westwood.
- **Healthy Towns to Watch:** Bridgewater, Elizabeth, Freehold Township, Oradell, Ridgewood, Rutherford, and Scotch Plains.
- **Healthy Towns in the Making:** Jefferson Township, Vernon Township, and Wildwood Crest.

Strong applications

The many initiatives described in the Healthy Town applications this year included: programs to support seniors safely aging-in-place at home, employee wellness initiatives, yoga for all ages, community walks with Mayors and health professionals,

Toolkit

Now in its 12th year, the MWC has grown to over 400 municipalities—two-thirds of the 565 municipalities in the state. Check out the Quality Institute’s MWC Toolkit and resource section on its website to get started or add new ideas to your campaign. The page is available at www.njhcqi.org/MWC-TOOLS.

and a focus on creating places to bike and walk. Other examples from the 2018 MWC Healthy Town designees include the STAY program—an adult education program to prevent suicide attempts in the community. This program, by the Chatham Mayors Wellness Campaign was hosted in the local library to provide families with access to information on crisis support techniques and resources.

Stone Harbor, a 2016 and 2018 MWC Healthy Town, held yoga classes at the Stone Harbor Elementary School every Thursday morning led by Mayor Judith Davies-Dunhour. As a yoga instructor, Mayor Davies-Dunhour led approximately 100 students who regularly attended each yoga session with the Mayor. Students also learned the importance of an active lifestyle and managing stress.

Westwood, a 2017 and 2018 MWC Healthy Town, implemented a variety of unique programs that involve all residents of the community. One of the programs implemented include SNAP—Special Needs Activity Program. SNAP offers various sports and arts and crafts programs for school-aged and young adults with special needs. Most importantly, the program is open to all residents and non-residents to emphasize social inclusion of the special needs community.

Scotch Plains was designated as a 2018 Healthy Town to Watch for its innovative programming and committed mayoral involvement. Mayor Alexander Smith developed the Mayor’s Medal Program to encourage and incentivize residents to stay active and participate in community events. Residents who participate in three of the total four

aces held by the township are invited to the final council meeting of the year where they are presented with a medal.

“Wildwood Crest has just started to scratch the surface in its wellness initiatives,” Mayor Don Cabrera said. “You can’t find a more perfect community setting for wellness with our excellent beach, parks, events, pool, and bike path—

not to mention our dedicated residents and vacationers. There’s more to come.”

With these designations, municipalities across New Jersey can highlight their efforts toward building healthier communities and simultaneously encourage other municipalities to take active steps toward making their communities healthier places to live, work, and play. 📌

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Smart Cities, Changing Transportation

Electronic vehicles' impact on street infrastructure

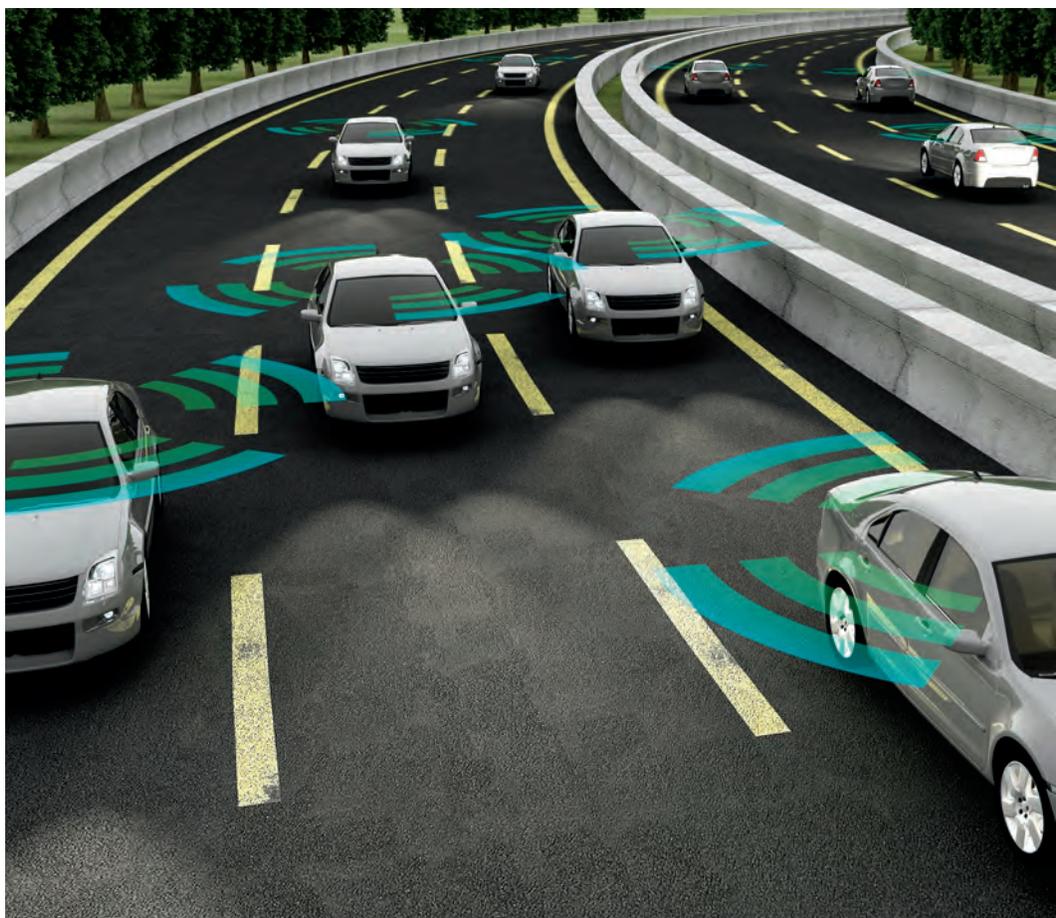
By Mike Hornsby, Chief Project Development Officer, New Jersey Board of Public Utilities;
Wasif Mirza, Director Mobility Engineering, NJ Department of Transportation;
Natalia Murtha, Manager of Energy Services, PHI Utility of the Future Group

Infrastructure and smart cities were the focus of several sessions at the 2018 League Conference, including “Smart Cities-Changing Transportation.” During this session, the impact of electric vehicles on municipalities in particular and communities overall was examined, with special attention paid to the infrastructural aspects of electric vehicles and future transportation options such as autonomous vehicles.

Moderated by Princeton Mayor Liz Lempert, NJLM Executive Board Member, the session featured Mike Hornsby, Chief Project Development Officer, NJ Board of Public Utilities, Wasif Mirza, Director of Division of Mobility and System Engineering at the NJ Department of Transportation, and Natalia Mathura, Manager of Energy Services, from the PHI Utility of the Future Group. Following are highlights from their session.

EV Horizons

“The BPU is definitely all in on electric vehicles with the establishment of our workgroup, we’ve mobilized the other key



agencies in the State of New Jersey, mobilized NGO’s, and the public at large,” notes BPU’s Hornsby. “So there’s a great deal of momentum surrounding the interest in electric vehicle right now.

Most folks are still becoming familiar with electric vehicles, Hornsby said, adding, “In order to get to the point where you



Bold New Words

ACES: According to McKinsey research, the future of transportation is going to be self-driving, electric, shared vehicle, sometimes called ACES:

Automated

Connected

Electric

Shared

Range Anxiety: The feeling of fear EV drivers experience when they are not sure that they'll make it back home.

can press the button and actually purchase or lease one of these vehicles, potential consumers need to go through several psychological barriers—from awareness to consideration to preference to purchase. We help people move through those psychological gates. We also work with partners, educating first responders about how to deal with

electric vehicles. It's not that they're particularly dangerous, in fact they may be inherently safer, they just require different procedures first responders need to know about."

Benefits of electrification

Natalia Mathura, Manager of Energy Services at PHI Utility of the Future

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Fuel cells: BPU's Mike Hornsby notes: Fuel cell vehicles are great, they fuel just as fast and go just as far as a conventional vehicle. The Achilles heel is in the infrastructure. Building charging infrastructure for hydrogen is a tough slog. Presently there are zero charging stations in the state of New Jersey, two are planned in North Jersey. Their day may come, but I'd say from a commercialization standpoint they're a bit more in the future than EVs. On the compressed natural gas side, you see that in the heavy vehicle segment, trash vehicles, and the like.

Sharing vehicles: You're going to see less vehicles on the road, but used for more time, PHI Utility of the Future Group's Natalia Mathura says. They can be used in 24-hour increments because they are going to be shared. I think they're going to be so expensive that you're not going to see families with one autonomous vehicle off the bat. Also, parking structures are going to change: How many parking spots you need—and this is future, future—is going to completely change when we go from just electric vehicles driven by single drivers to autonomous vehicles, so that would be a planning consideration.

Vehicle service: The panel agreed that the changeover for municipal fleets would be a gradual phase in. One consideration is the change in operations and maintenance staff. You're going to have to train some folks on how to service electric buses. EVs have 80% fewer moving parts, Hornsby says, "You'll never get an oil change, you'll never get a tune up, never go to a gas station. That'll have a profound effect on maintenance. In fact, I've heard from some, organized mechanics that they're concerned about this from a jobs perspective. Yes it's going to be a shift where these cars are essentially computers on wheels and there will be a significant reduction in that type of maintenance.

Futureproof: Plan on expansion. "If you're going to put in a couple of chargers now, think that in the future it might go 2, 4, 8, 10, 12, 20 chargers. So if you're going to trench across your parking lot to put in some chargers, put some extra conduit in the ground so you can run some more cable through there in the future and allow for additional chargers," Hornsby said. Secondly, allow for higher power capacity. Now a fast charger can charge at the rate of say 50 kilowatts. In the future, that will go up. More chargers, more power is what's expected in the future.

Partner wisely: Nothing is free, NJ DOT's Wasif Mirza advised. "You say, I'd never be able to do this in my town, but this vendor is going to give me all of these things... for free. Make sure you talk to other vendors and come and talk to the DOT."

Group shared key benefits of transportation electrification. “There’s a clear value in operational savings. For each gallon of gas a \$1 savings is realized; it will save about \$2000 per year for the family. You can extrapolate that to the fleet savings that towns and cities can save by deploying electric fleets.”

She adds that while light duty is where most towns and cities are focused on today, medium duty is the very next step and fleets that typically run around 150 miles a day and then come back to a home location are ideal for that fuel switching.

There’s a lot to be gained and realized in our locations by deploying electric vehicles for both residents and businesses, Mathura notes. “The environmental benefits are huge—for every electric mile driven you are emitting roughly 70% less in carbon dioxide. The environmental justice piece of that alone is huge. There’s a disproportionate amount of highways and byways running through our low income issues and there’s health concerns that are impacted by that. By going to electric vehicles you can make a huge impact on our low income communities.”

Economic Development is another plus when it comes to the dawning of EVs, which can be expected to bring hardware, software, and new service options and financing options and companies to towns and cities that are ready for the plethora of electric vehicles that are coming our way, Mathura said.

Gathering stakeholders, system engineers

All of the panel’s experts agreed that before EVs can take hold, there needs to be a general consensus reached by community stakeholders and processes put in place. “As we start to think about the different opportunities, there needs to be some kind of coordination within our locations to make sure that the experience is seamless,” Mathura said.

One of the limiting factors in EV advancement, notes Wasif Mirza, Director Mobility Engineering, NJ Department of Transportation, is that

key stakeholders in the value chain are not really on board with all this.

“There are certain procedures you follow, a basic system engineering. We need to get the stakeholders in a room, have detailed interviews with them.”

As the process develops, Mirza notes, municipalities need to leave space

for growth, literally and physically.

“Make sure your systems are modular so when you’re expanding you don’t run out of room.”

Notes BPU’s Hornsby, a good place for a municipality to start figuring out the options and processes is DEP’s website: www.drivegreen.nj.gov

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Opting for ShotSpotter

Pleasantville's voters opt for smart gunfire detection

By Sean Riffin,
Chief of Police, Pleasantville

In late 2014, the Pleasantville Police Department started talking about ShotSpotter. The discussion began after a long summer of gunfire, too much police overtime, and a great deal of frustration. The talk consisted mostly of lamenting the tight budget and wishing for better because the groundbreaking acoustic gunfire detection system was well out of reach for this little town. The system, while already proven to be a gamechanger for law enforcement in challenged neighborhoods across the country, was simply too expensive for this town which has been referred to economically challenged and worse on bad days.

But at about 6 p.m. on February 27, 2019, that talk became reality as Pleasantville took its gunfire detection system live. The path from those first talks in 2014 in the police station to the creation of a first-in-the-nation approach to community partnership leading to gunfire reduction is a source of pride and satisfaction for both ShotSpotter and Pleasantville.

A history of violence

Pleasantville is a town of about 20,000 with a historically high violent crime rate. In 2014, that crime rate was on the rise and Pleasantville took note of their neighbors to the east, Atlantic City, whose police department was making notable progress with the same crime Pleasantville found so intractable. A year earlier, Atlantic City had purchased the ShotSpotter acoustic gunfire detection system and it had led to tangible results in response times, criminal investigations, and offender arrests. Pleasantville had similar, and often connected, crime patterns but lacked the budget to purchase the system.

In 2015, while Pleasantville was experiencing daylight shootings on the sound end of town, the police department and city hall submitted the first of many grant applications for funding to acquire a gunshot detection. The police department told city hall and Mayor Jesse Tweedle, Sr. that if they could get police to every instance of gunfire, and get them there quickly, things would get better. The police department cited instances of several minutes to find a gunshot victim due to erroneous calls from residents and a startling observation that the neighborhoods most impacted by gun violence were the least likely to call the police to report gunfire. They needed a tool, but they simply didn't have the money to fund the project.

In 2016 and 2017 Pleasantville continued to seek funding from State and Federal sources, supported by U.S. Senator Cory Booker, Congressman Frank LoBiondo, County Freeholders, and community groups such as the Coalition for a Safe Community, but were never able to get funded, mostly due to the size of the municipality. The residents and police officers continued to lobby the administration of the police department and city hall to find a way to get the project done and get a hold on the gunfire problem. In fall 2017, Mayor Tweedle and the Pleasantville City Council found themselves at a loss, unable to fund the project without raising taxes, and unwilling to raise taxes on a community that was already facing economic challenges.

Taking it to the people

City leaders had worked with ShotSpotter executives to cut prices and increase value but still came up short of the numbers needed to make the project go. It was then that Mayor Tweedle decided that the issue had to go to the community. Mayor Tweedle and the City Council said that Pleasantville would put together a bond initiative to fund the project and put it on the November ballot for the residents to decide. This would be the first time the decision for funding ShotSpotter had ever offered to a community so directly and the company's executive team took immediate notice. Even ShotSpotter CEO Ralph Clark was excited, directing his executive team to support Pleasantville in every possible way, filling out the team that would take on this mission with the police department, city leadership, the commercial vendor, and most importantly the community.

Making it Happen

A number of steps were undertaken to promote support for the ballot issue.

A committee was created to spearhead the project.

Police department: coordinated the efforts of the committee, community groups, and ShotSpotter.

City Leadership: worked with elected and appointed officers.

Police Chaplains: spoke with the faith community to build support and answer questions.

Over the next few months, the town would be canvassed by police officers and department chaplains to talk about the benefits. The committee chair, Cindy Pitts printed election signs that covered the town. Mayor Tweedle, city council, and the police department held community meetings to brief out the vision of the project and the cost to the voters. Local media from the *Press of Atlantic City* and radio personalities from WEHA, WPG, and WOND all covered the progress of the initiative.

uphill climb from the beginning but City Council and Mayor Tweedle were confident the measure would pass. By 11:30 p.m. on November 6, 2018, it was decided, the voters approved the referendum by a margin of 2 to 1, a landslide victory.

Since that night, the City of Pleasantville has been on a non-stop mission to get the dozens of sensors that serve as the “ears” of the system, listening for gunfire and tracking it within few feet in a matter of seconds. The community support for this project proved that Pleasantville was truly united behind this now serve as a model for the ShotSpotter company.

Pleasantville found a way to both fund a project and energize the community to reduce violent crime and today continues to enjoy dramatic reductions in violent crime compared to the 2015 statistics that initiated the idea. 📌

Momentum building: June 2018

In early fall, representatives from ShotSpotter, commanders from the Pleasantville, Atlantic City, and Trenton Police Departments, city council, and Mayor Tweedle put together programs to educate and listen to the residents.

At times, it looked as if the whole thing might fall apart as homeowners talked about taxes that were already difficult to bear. But the Pleasantville team pushed back, knowing that gunfire reduces economic development and a reduction in violent crime could mean a real bump for commerce and development in the city. Pleasantville knew that unless they did something dramatic, something like the whole community coming together to put their effort and their money into this problem, it would prove difficult to move forward. They also knew that if the referendum lost, it would probably mean the end of their hopes for ever installing gunshot detection.

By the end of October 2018, everything was in place for a reckoning. The cost would be 2.5 cents on to the tax rate for every homeowner. It was an



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2020 U.S. Census

Safe, easy, and important
process underway

By Keith Goralski, Media Specialist, New York
Regional Census Center, U.S. Census Bureau



The state of New Jersey is currently preparing for the 2020 Census, a process that began more than two years ago. Lauren M. Zyriek, Director of Intergovernmental Affairs from the NJ Department of State, has worked diligently to form a New Jersey Complete Count Commission, with members including NJLM Immediate Past President and East Rutherford Mayor James Cassella, to help inspire municipalities and various organizations to create their own Complete Count Committees with trusted voices in the community.

Zyriek has also worked closely with Jeff Behler, Director of the New York Regional Census Center, to help inform state and local leaders that the 2020 Census is safe, easy, and important, and that recruiting for jobs is currently underway.

The following questions address common inquiries regarding the Decennial Census.

What sort of jobs are available for the 2020 Census?

Although the Census is national, in order to be successful, it must be conducted at the local level. The Census must hire people to work in their own communities. The City of Newark held its first job fair in January at the Newark Public Library Main Branch and collected more than 150 applicants for various positions. “This is the first job fair of many that we will hold throughout the city,” said Deputy Mayor of Community Engagement, Jacqueline Quiles, following the January 22 event. True to her word, the city organized an additional 14 job fairs through the end of March at locations like the Good Neighbor Baptist Church, FOCUS Hispanic Center for Community, Welcome Center at Branch Brook Park, and University High School, to name a few. Recruiting efforts are on-going and those interested are encouraged to apply at <https://2020census.gov/jobs> and www.USAJobs.gov.

What is the purpose of forming a Complete Count Committee?

Complete Count Committees (CCC) are comprised of bipartisan community leaders who serve as the trusted voices in the community. They work together to identify possible obstacles in obtaining a complete and accurate count of their local population, and work on how to overcome them. CCC’s promote the importance of the census, encourage participation, and promote employment opportunities.

Is my information safe? Can it be shared with other government or state agencies?

The census is SAFE. Your information is completely safe, private, and never published. The Census Bureau collects information for statistical purposes only. Personal information collected cannot be used against respondents by any government agency or court, and is protected by Title 13, a federal law. Violators are subject to severe penalties, including a federal prison sentence of up to five years, a fine of up to \$250,000, or both. Census Bureau employees are sworn to protect confidentiality for life.

How can I complete the Census questionnaire?

The census is EASY. There are four ways to fill out your form: online, phone (available in 12 non-English languages via a toll-free number), paper, personal visit by census employee (door-to-door enumerator). The Census Bureau will mail (or hand deliver) invitations to complete the 2020 Census in March 2020.

Why is the decennial census so important?

The census is IMPORTANT because data obtained through the decennial census will serve as a population benchmark for the next 10 years. Counting every person once, only once, and in the right place is important for two reasons:

1. It provides a basis for division of more than \$675 billion in annual federal funding for programs like Medicaid, SNAP, Special Education Grants, WIC, Health Center Programs, among others.
2. It determines the number of seats each state has in the U.S. House of Representatives and defines congressional and state legislative districts, school districts, and voting precincts. 🗳️

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FROM THE DESK OF...

A Local Government Attorney Continues Consideration of Ethics

By John Gillespie, Esq., Parker McCay P.A.; NJLM Associate League Counsel, President, New Jersey Institute of Local Government Attorneys

As President of the New Jersey Institute of Local Government Attorneys (NJILGA), and on behalf of our members, we appreciate this opportunity to introduce our organization to the readers of *New Jersey Municipalities*, and to continue commentary on the ever-important topic, local government ethics. Our goal is to provide our elected and appointed officials with the best legal advice available, so that they can develop and implement the policy initiatives important to their communities.

Ethics are a cornerstone of local government. The public demands (and rightly so), that its local officials be trustworthy, act in the public's best interests, and be free of conflicts of interest which might impair their ability to act with uncompromised honesty. The oath of office administered to every elected official in New Jersey underscores this obligation: "I do solemnly swear (or affirm) that I will faithfully, impartially and justly perform all the duties of [my] office..."

“ On behalf of NJILGA, we applaud public officials for their willingness to serve their communities, honestly and forthrightly. ”

Case law is unfortunately replete with examples of officials who deviated from these responsibilities, and violated their fiduciary duty to the public. However, having now served as a municipal attorney for 35 years, I am confident that the overwhelming majority of elected and appointed local government officials

take their ethical obligations seriously, and strive to avoid even the appearance of impropriety.

Prior to 1991, local government officials were guided by the four “common law” theories of conflict of interest:

1. Direct personal interests
2. Direct financial interests
3. Indirect personal interests
4. Indirect financial interests.

In 1991, the Legislature codified those common law principles, enacting the Local Government Ethics Law, *N.J.S.A. 40A:9-22.1 et seq.* Every local government official should read that statute, front to back, over and over. It establishes the framework, and the guidelines, for a local government official to follow in staying true to the ethical responsibilities of public office.

Importantly, there are sometimes gray areas, where the answer is not clear as to whether a conflict of interest exists, and/or whether a certain course of action might violate the Local Government Ethics Law. In those situations, the public official should consult with her/his local government attorney, whether that be the municipal attorney, the county solicitor, or the attorney for the planning board, zoning board, MUA, etc.

On behalf of NJILGA, we applaud public officials for their willingness to serve their communities, honestly and forthrightly. We look forward to providing those officials with the advice that will allow them to proceed on the straight and narrow, and avoid the ethical challenges that sometimes arise during public service. **§**

John C. Gillespie is Chairman of the Municipal & Government Law Department, and a member of the Executive Committee, at Parker McCay P.A. He currently serves as attorney for three municipalities, an MUA, and a Fire District.

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LEGISLATIVE UPDATE

NJLM Sends Budget Notes to Committees

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

NJLM's leadership recently sent Senator Paul A. Sarlo (District 36) and Assemblywoman Eliana Pintor Marin (District 29), Chairs of the Senate Budget & Appropriations Committee and Assembly Budget Committee, respectively, the following letter defending municipal concerns in regards to the FY 2020 Budget.

As you review the Governor's proposed FY 2020 budget and put together a final Appropriations Act, please consider the impact that your decisions will have on New Jersey municipalities and local citizens and businesses. From our perspective, municipal property tax relief funding is of paramount importance.

We thank the Governor for an appropriate increase in Transitional Aid and the end of the diversions from the Affordable Housing Trust Fund (a \$59 million restoration), and the Clean Energy (\$70 million) funding programs. While more needs to be done to address the affordable housing crisis in New Jersey municipalities, this is a welcome first step toward the State reentering the playing field to develop a statewide, rational housing policy.

Unfortunately, the proposed budget does not seek to end the diversion of Municipal Property Tax Relief, as well.

Regarding that, the Governor has proposed level funding for combined Energy Tax and Consolidated Municipal Property Tax Relief Assistance (CMPTRA) property tax relief. After 10 years of reduced relief, we hoped to see these funding sources restored to their previous levels. If the Governor's proposal is not changed, FY 2020 funding for Energy Tax and CMPTRA property tax relief will be \$190 million lower than it was before the Recession of 2008. And if the \$71 million shift, which occurred between 2015 and 2018 from Transitional Aid to CMPTRA is discounted, the statewide gap grows to over \$260 million.

The Energy Tax and CMPTRA are all municipal revenue replacement programs. They are not, properly speaking, State aid. They were not meant to make things better for municipal property taxpayers, but rather intended to keep things from getting worse. But things are now worse, since the State slashed funding in the years after the 2008 financial collapse.

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 municipality. It worked out to about \$188 per capita. For 2020, the Governor asks for only \$1.44 billion in municipal property tax relief, \$190 million less than was distributed before the Great Recession. On average, that would be about \$2.5 million, per municipality or about \$161, per resident.

After over a decade of this failure to honor the State's statutory promise to local taxpayers, the time has come to recognize the

fact that there is a connection between property tax relief funding and property tax relief.

That connection is obscured by the proposed continuation of last year's decision to open the ETR 'lock box,' which has always been funded through taxes (Sales and Corporate) levied on energy-supplying utilities. Instead, the budget would again deliver level funding with Income Tax dollars. This 'accounting change' shakes the foundations of the Energy Tax Receipts Property Tax Relief Fund (ETR), which, for more than 20 years, has delivered reliable, though insufficient, property tax relief to municipal home- and business-owners, all around our Garden State. We urge the respective Budget committees to keep the ETR lock box off-budget.

We want to commend a couple of other initiatives that the Governor mentioned in his speech or that are, otherwise, included in the proposed budget. Negotiated public employee health benefit reforms are projected to provide a total of \$400 million in savings for local employers participating in the State Health Benefits Program or the School Employees' Health benefits Program. Details on these savings have not been provided yet and we are anxious to learn more about how these potential savings may be achieved.

Further, we appreciate that the budget would allocate \$2 million for outreach for the 2020 Census. And, in addition to \$9.8 million in Federal funding, the State will put \$10.8 million toward election access and security.

In addition to our advocacy on the matters already mentioned, League members must ask for a permanent fix to the telecommunications business personal property tax problem that costs more communities more tax revenues every year. The problem began in 2008, when Verizon informed a handful of municipalities that it had decided to exempt itself from payment of taxes on all of the cables and electronic equipment it houses in local switching stations. In the years that followed, similar decisions by Verizon have led to cases affecting taxpayers in hundreds of other New Jersey municipalities.

After a court case that dragged on for 10 years, Hopewell Borough finally prevailed. This win, however, only required Verizon to meet its obligations to the citizens of Hopewell for one year. And we have recently learned that Verizon has appealed even that. Absent legislative action, every affected municipality will be faced with mounting legal bills in every year that Verizon claims an exemption.

A few years ago, Senator Bob Smith and Assemblyman Ralph Caputo introduced legislation that would address this matter. We hope to see remedial bills again this year. And we hope, this time, to see them passed.

We would welcome the opportunity to meet with you, or any other members of the Senate Budget and Appropriations or the Assembly Budget Committees, to discuss our concerns with the proposed budget. 📌

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Historic Preservation Powers & Planning

By Frank Marshall, Esq., NJLM Staff Attorney



What power does our municipality's Historic Preservation Commission have to review permit applications made to the planning board?



The powers of your Historic Preservation Commission to review applications depend on whether or not your municipality has adopted a Historic Preservation Ordinance. As provided for by the Municipal Land Use Law (MLUL), if your municipality has adopted this type of ordinance, then your Historic Preservation Commission is required to be forwarded all applications for permits pertaining to historic sites or property in historic districts.

Once an application has been submitted, the commission has 45 days to issue a report either denying or approving the application. The commission may also approve with conditions to be met by the applicant. Failure by the commission to act within 45 days is deemed to be a report favoring issuance of the permit. Your municipal planning board is required to follow the recommendation of the commission.

If your municipality has not adopted a Historic Preservation Ordinance, the commission acts in more of an advisory role. While applications for development affecting historic sites must still be referred to the commission for comments, the report and comments that come from the commission's review is not binding on the planning board. However, the commission is authorized to send a delegate to the planning board of adjustment to provide testimony about the impact of the proposed development on a historic site.



Who makes appointments to the Historic Preservation Commission, and who can be appointed to the commission?



The power to appoint members of the Historic Preservation Commission can rest in one of two individuals—the mayor or, if specified by ordinance, the chairman of the planning board. A review of the ordinance creating your commission should reveal to whom your municipality has designated appointment authority. Absent a specific delegation of appointment-power to the chairman of the planning board, the mayor would have appointing authority.

A Historic Preservation Commission can consist of five, seven, or nine regular members appointed for a term of four years and a maximum of two alternates appointed for a term of two years. There are three classes of members on any Historic Preservation Commission and each commission must have at least one member of each class.

- A Class A member is a person who is knowledgeable in building design and construction or architectural history.
- A Class B member is a person who is knowledgeable or has a demonstrated interest in local history.
- All other members are designated as Class C.

While Class A and B members are not required to live within the municipality, Class C members must be residents. Class C members cannot hold any other municipal office, position, or employment except for membership on the planning board or board of adjustment. In addition, the majority of the commission must be comprised of Class C members. ❧

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FINANCE CENTER

Cooperative Purchasing—What is It? Should I Use It?

By Nicola Reid, QPA, Purchasing Agent, Stafford Township

According to the Local Public Contracts Law (N.J.S.A. 40:11-1 et seq.) and the Division of Local Government Services Cooperative Purchasing Guide, cooperative purchasing is when two or more local contracting units join together for the provision of performance of goods or services.

What does that mean?

Cooperative Purchasing is an additional purchasing tool available to local governments (municipalities, schools, and counties).

Working with your purchasing agent (PA) or Qualified Purchasing Agent (QPA), a cooperative purchasing contract may be utilized when purchasing goods and services without advertising for bids.

Types of cooperative systems

Throughout the State of New Jersey and nationally, cooperative purchasing systems have been formed to offer cooperative contracts that provide savings, convenience, and flexibility to local governments when purchasing various goods and services. The various types of cooperative systems available to municipalities in New Jersey include the following.

Cooperative Pricing System (N.J.A.C. 5:34-7.3)

A local contracting unit advertises for bids and awards a master contract to a successful vendor for its own quantities and the estimated quantities submitted by the individual registered members. (Must register as a member.)

Joint Purchasing System (N.J.A.C. 5:34-7.3)

The lead agency serves as the purchasing agent for the membership of the system with all of the duties and responsibilities associated. (Must register as a member.)

Regional Cooperative Pricing System (N.J.A.C. 5:34-7.13)

A New Jersey local cooperative pricing system composed of two or more registered cooperative pricing systems and their participating contracting units which have agreed to join together for the provision and performance of goods and services, including the purchase of energy.

Commodity Resale System (N.J.A.C. 5:34-7.15)

A New Jersey local purchasing system in which a local contracting unit purchases gasoline, diesel fuel, snow removal chemicals, public works materials, or supplies for its own consumption and then sells all or a portion thereof to another local contracting unit. (Must register as a member.)

County Cooperative Contract Purchasing System (N.J.A.C. 5:34-7.21)

A system that formed by a county and in which the county

advertises for bids and awards a contract to the successful vendor. Only those entities within the county boundary can participate in the county cooperative contracts.

NJ State Cooperative Purchasing (N.J.A.C. 5:34-7.29)

Local contracting units may, without advertising for bids, purchase any goods or services from designated cooperative contracts through the New Jersey Division of Purchase and Property.

National Cooperative Purchasing (N.J.S.A. 52:34-6.2(b)(3))

A state, regional, or single government agency awards contracts for itself and extends the contracts to other government agencies throughout the United States. (Must register as a member.)

How do they work?

The lead agent, defined as the contracting unit responsible for the management of the cooperative purchasing system in the Local Public Contract rules (N.J.A.C. 5:34-1 et seq.), will publicly advertise for the receipt of cooperative bids. Depending on the cooperative system, estimated quantities may be requested from the participating members.

Awarded cooperative contracts will list those vendors who have agreed to extend their contract prices to the participating cooperative members.

Prior to utilizing a cooperative contract, the local government must complete the registration process associated with each system. The lead agent for each system will be able to assist the contracting unit with the new member registration (if applicable), thereby enabling the local unit to become an active participating cooperative member and avail the town to those contracts.

Governing body responsibility

The participating contracting unit needs to determine if the total purchases, in the aggregate and during the same contract year, will exceed the contracting units bid threshold. If the total cost of the contract (one-time purchase or multiple purchases) exceeds the contracting units bid threshold within the same year, a resolution of contract award shall be adopted by the governing body.

Cooperative Purchasing can be a valuable purchasing tool to have in your purchasing tool box. Cooperative contracts provide the contracting unit with the accessibility and opportunity to utilize various contracts without publicly bidding (as the work has already been done for you) and may provide cost savings as well.

As always, the contracting unit should do their homework. The prices available through a cooperative contract should be evaluated to determine, based on price and other factors, if the cost savings or convenience is advantageous to the contracting unit. 📌

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LABOR RELATIONS

What to Know About the New Jersey Minimum Wage

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

New Jersey has passed a law that will put the state on track towards a \$15 per hour minimum wage for most employees. The bill passed the legislature on Jan. 31, 2019, and was signed into law on Feb. 4.

In a significant change for municipal employers, the law changes the definition of “employer” to include public employers. Previously, public employers were excluded from New Jersey’s wage and hour laws and subject only to the federal minimum hourly wage of \$7.25. The new minimum wage law, however, specifically defines an employer as “the State and any county, municipality, or school district in the State, or any agency, authority, department, bureau, or instrumentality thereof.” Thus, municipalities are required to comply with the minimum wage provisions of the law.

Minimum Wage Timetable

The new law mandates the following minimum hourly pay rates, which would bring the minimum wage to \$15 per hour by 2024:

- Effective January 1, 2019 \$8.85
- Effective July 1, 2019 \$10.00
- Effective January 1, 2020 \$11.00
- Effective January 1, 2021 \$12.00
- Effective January 1, 2022 \$13.00
- Effective January 1, 2023 \$14.00
- Effective January 1, 2024 \$15.00

After 2024, the yearly increase will be tied to the consumer price index for all urban wage earners and clerical workers (CPI-W) as calculated by the federal government for the 12 months prior to the September 30 preceding that January 1. Based on prior experience, it is expected that the increases listed above will outpace the consumer price index and be the minimum wage rate for 2019 through 2024.

The new law provides a slower phase for seasonal employment and small employers. Under the new law, seasonal employment means either:

- Employment by a seasonal employer
- Employment by a non-profit or government entity limited to the period of May 1 through Sept. 30
- Employment by a government entity in a recreational program or service during the period May 1 through Sept. 30.

A seasonal employer is one that either:

- Exclusively provides its services in a continuous period of not more than 10 weeks from June through September.
- Received at least two-thirds of its gross receipts in the previous calendar year in a continuous period of not more than 16 weeks.
- In the preceding year paid at least 75% of wages for work performed during a single calendar quarter.

The dates stated in the criteria must be taken literally. So, for example, if an individual is performing work that you deem to be seasonal, but is performed at any time between Oct. 1 and April 30, that employee will be required to be paid at the standard minimum wage rate and not the rate paid to seasonal employees.

A small employer is one that employs fewer than six employees every working day during a majority of the calendar workweek in the current calendar year and not less than 48 calendar workweeks in the preceding calendar year, with special rules for newly established businesses.

The slower phase in for seasonal employment and small employers will remain \$8.85 until Jan. 1, 2020, at which point it will increase to \$10.30. The wage will then increase \$0.80 per year from 2021 through 2025, then by \$0.70 to reach \$15 per hour per hour in 2026. In 2027 and 2028, the minimum wage will increase by the same rate as the general minimum wage plus one half the difference between \$15 and the general minimum wage in 2026. Under this formula, the minimum wage for small and seasonal employers will match the general minimum wage by Jan. 1, 2028.

The slower phase-in does not apply to employees who regularly and customarily receive tips.

Beginning in 2020, employers will be able to pay “training wages” of not less than 90% of the minimum wage for the first 120 hours of work by employees enrolled in a training program.

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

To take advantage of this trainee wage, the trainee must be working in an occupation where he or she has no previous similar or related experience.

The employer cannot use this program

to secure employment for the trainee after the training period has concluded. The training program must be one that meets the standards for training as set forth by the Commissioner of Labor.

“ The new minimum wage law, specifically defines an employer as “the State and any county, municipality, or school district in the State, or any agency, authority, department, bureau, or instrumentality thereof.” Thus, municipalities are required to comply with the minimum wage provisions of the law. ”

to displace currently employed workers or to replace or duplicate an approved apprenticeship program. There must also be a reasonable expectation of regular employment upon successful completion of the training program. The employer must make a good faith effort

Task Force and preparation

The new law also creates a Task Force on Wages and State Benefits. This task force will study how changes in the minimum wage could affect the eligibility of low-income residents for public services. It will be required to produce

an annual report with recommendations for adjustments in eligibility standards or changes in subsidy rates.

In sum, public employers must be prepared to be in compliance with the new minimum wage law. This is true even for employees who are covered by a collective negotiations agreement.

The new law does not create an exception for those who are currently in a collective negotiations agreement so wage rates may need to be adjusted to meet the new requirements of the law. Public employers should be prepared to deal with these increases and adjust their budgets accordingly as well as devise a strategy for negotiations and handling of these increases with all its employees

Public employers should continue to monitor changes to the CPI, any increases to the federal minimum wage, and any regulations concerning the new law to ensure continued compliance. ⚡

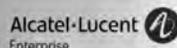
Mr. Hannon would like to acknowledge Brian McKeegan, Esq., for his assistance with this article.



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GOLD DOME



Budget Ironies

On several fiscal issues, Senate President Sweeney's actions result in political wins for Governor Murphy.

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

From the beginning of Governor Phil Murphy's administration, one of the major political narratives in Trenton has been the tension between the administration and State Senate President Steve Sweeney, a fellow Democrat.

In part, the friction was driven by ambition—one is governor, one wanted (and may still want) to be governor. There also remains anger over Gov. Murphy's refusal to demand that the New Jersey Education Association, an extremely close ally of the governor, call off its multi-million dollar campaign against Sweeney's re-election in 2017. Further, these two strong-willed and powerful men simply have different personalities, backgrounds, and leadership styles.

The Murphy-Sweeney fight has loomed large over everything that has happened in state politics over the last year-and-a-half. Indeed, the 2018 state shutdown that resulted when a budget agreement was not reached by July 1 is largely attributed to their poor relationship. Thus, when Gov. Murphy introduced his proposed FY 2020 \$38.6 billion state budget a few weeks ago, more than a few observers were surprised to see it how little acrimony there was. From a strategic perspective, making peace—or at least *détente*—with legislative leaders is a smart move for the governor. With few absolute allies in the legislature, he needed to avoid some of the peripheral fights that occurred last year. For example, unlike last year, in his latest budget proposal, Gov. Murphy included a number of legislators' priorities.

The Murphy budget is also notable for the lack of any captivating, new initiative. Largely, it is a blueprint that continues to fund the things that he has already stated are his priorities: NJ Transit, pre-K, K-12 education, free community college, and supporting the pension system.

Taking a step back, the new budget proposal fits into a larger

storyline: The great irony that, time and again, the governor's success is driven by his primary antagonist in Trenton—the Senate President.

Consider that a critical source of the governor's current political heft comes from his positive approval ratings with the public. His push for new taxes, expanded government spending, and progressive agenda, including new gun control measures and paid family leave, have been far from the political death knell that might have been expected.

“ From a strategic perspective, making peace—or at least *détente*—with legislative leaders is a smart move for the governor.”

Though they agreed on several of Gov. Murphy's major legislative priorities, Sweeney and other legislators stood resolute in their opposition to the governor's push last year to raise the sales tax back to 7% from the current 6.625%.

It is worthwhile to consider whether the governor's popularity would be as high as it is had this regressive and broad-based tax had been allowed to rise. In effect, Sweeney prevented Gov. Murphy from his more progressive instincts, and that has helped the governor.

Another example concerns state revenues. Both income and sales tax collections have been off the pace that was anticipated in the current budget. But the shortfall has been exceeded by an increase in money coming from the state's corporate business tax (CBT).

The irony here is that the increase in the CBT wasn't something

that Gov. Murphy proposed in his first-year budget. It was Sweeney who pushed for it as an alternative to proposed higher sales and income taxes. And now, that move has made life much easier for the governor.

Finally, over the last few months, Senator Sweeney has been going around the state promoting his “Path to Progress” initiative, a series of reforms—some more controversial than others—designed to re-set the state’s fiscal situation. Given that Gov. Murphy isn’t particularly comfortable with the “town hall” format, Sweeney’s appeal to the public has been largely unchallenged by any real alternative voice from the governor.

A key part of the senator’s plan is to reform New Jersey’s health benefits program for retired state workers, generally by calling for a slightly less generous benefits package and creating a new system completely for new employees.

State worker unions, like the CWA,

have steadfastly opposed such measures, arguing that the pension system is in trouble because the state didn’t make its scheduled payments over many years, while the workers always did. Therefore, it is unfair to ask state employees to sacrifice more for politicians’ mistakes. In addition, the unions argue that any new system needs to be negotiated, not imposed legislatively.

Gov. Murphy has been much more aligned with the state worker unions on this (and almost every other) issue, but the public and legislative pressure from Sweeney and his publicity efforts has been mounting.

For this year’s budget, the governor was able to take at least some of the wind out of the Senate President’s sails by negotiating \$800 million in health care savings as he signed new contracts with different state worker unions. The savings also offset the need to balance the budget with program cuts elsewhere.

Perhaps Gov. Murphy would have

gotten these savings without the pressure from Sweeney, but it is hard to imagine that the senate president didn’t help on some level. The governor gets to warn union leaders that without real savings in health care costs, they will have to deal with legislators like Sweeney, who will be much tougher.

Thus, Sweeney’s advocacy for fiscal reform—ordinarily seen as a challenge to Gov. Murphy and his agenda—ends up, once again, helping the governor.

The governor and the senate president will continue to have a fractious relationship that dominates discussions in Trenton. No one expects it to go away anytime soon. But when it comes to fiscal issues, Sweeney’s actions, ironically, end up helping Gov. Murphy’s political position.

Far from hurting our politics, New Jersey, as a whole, may benefit from these tensions as a rigorous debate is more likely to lead to better overall policy, just as our nation’s founders intended. ♣

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Around the State

Sculpting a Celebration in Haddonfield



This April Haddonfield celebrated Sculpture Month. Family friendly events were on tap as residents and visitors had the opportunity to meet the artists, shop at a pop-up DinoStore, and take walking tours. A highlight of the unveiling of a new Children's Sculpture Zoo was slated for April 27, International Sculpture Day. On April 13, the 200-pound, 6-foot-tall bronze Ballerina by Barry Woods Johnston (shown right) was dedicated and a reception was held featuring the bronze as well as live ballet dancers. The piece was placed by the Haddonfield Outdoor Sculpture Trust (HOST), www.haddonfieldsculpture.org, a nonprofit public/private outdoor art initiative that has populated downtown Haddonfield with more than 20 permanent and rotational outdoor sculptures, both modern and traditional, over the past few years. ♣



Photo credit: Joseph Levine of HOST.

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