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Official Publication of the New Jersey State League of Municipalities

Local Government & Wireless Networks: What's Next?



Brownfields Assistance Center @ NJIT

2021 Executive Director's Report



Focus:

Broadband & 5G



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Focus:

Broadband & 5G



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From 222 West State

Michael F. Cerra, NJLM Executive Director



Communicating for a Successful Future

Well, that was an adventure-filled November! To those who sacrificed so much of their personal resources of time and energy to run for office, we offer you thanks and congratulations. Whether you're new to local government or a seasoned public servant, you have our appreciation for the work that you do every day in New Jersey's municipalities and we look forward to serving you from the League's headquarters at 222 West State Street.

is working through. Communicate with these connections through the rest of the year until we meet again in person at the 107th League Conference running November 15-17, 2022, where you can renew and expand your circles.

Speaking of communications, this month *NJ Municipalities* focuses on broadband and 5G. The pandemic era made it crystal clear how important it is for governments, businesses, and residents to have fast and consistent access to the digital world. We hope that you use the articles in this issue to help plan for a better future.

This issue also welcomes the new NJLM President and Officers and shares our 2021 Executive Directors report outlining our efforts for you throughout the year. Working together, the League's leadership and staff strive to represent you in Trenton and provide information and resources to you in your hometown. We look forward to a great 2022, filled with progress and partnership and hope to hear from you about what you'd like to get from the League's publications and policies.

Happy New Year! 🍷

Michael Cerra

**This month
NJ Municipalities
focuses on
broadband and 5G.
The pandemic era
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If you were able to make it the League's in-person conference a couple weeks ago in Atlantic City, thank you. Your attendance makes the conference the success story that it is. And going to the conference is just the first step. Making the event a real success means distilling your experiences into useful processes and plans for your community.

Now that you're back in your hometowns, take a moment to review those business cards you picked up, reach out to your peers in other communities or to those potential vendors you met on the exhibit floor, and email speakers whose words particularly hit upon issues your municipality

PS, don't miss your opportunity to brush up your local governing knowledge at our Orientation for Municipal Officials. Whether you're newly elected, reelected, or experienced, it's a great team-building tool or introduction to local government. See www.njlm.org/seminars for more information.

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New Jersey & 5G

Are they perfect together?

Kenneth S. Fellman, Esq., *Of Counsel, Helmer, Conley and Kasselman, P.A.*



We hear a lot of talk and promotion about the benefits of 5G (fifth generation) wireless networks, but what does that really mean? If your municipality could snap its fingers and be fully covered by 5G networks, what opportunities and changes would that bring? And how is 5G deployment going in New Jersey? How do we compare with the rest of the country?

What Can 5G Mean for Us?

According to IEEE, which describes itself as “the world’s largest technical professional organization dedicated to advancing technology for the benefit of humanity,” 5G will help communities develop into smart cities—with sensors to collect data that in turn will help local officials develop applications to improve air quality, prevent wildfires, coordinate traffic lights to reduce traffic, and improve public safety. In rural areas, farmers would have insight into how to increase crop yields.

Dell’s CTO Ron Silverberg notes that 5G will benefit law enforcement by pinpointing the location of a 911 caller within a few feet. And the real-time transit data will improve traffic flows and increase safety on the roads.

Miguel Gamiño Jr., Mastercard’s Executive Vice President for Global Cities and former Chief Technology Officer for New York City and prior to that, San Francisco, told me once that a “smart” city involves three things: a high capacity, robust broadband network; multiple sensors collecting data throughout the city; and smart, creative people using that data to improve government services and the quality of life for the community. As we look to the future, a robust broadband network throughout the community likely will involve, at least in part, 5G wireless technology.

According to Dr. Nicol Turner Lee, Director of the Center for Technology Innovation at the Brookings Institution, 5G has the potential to increase economic opportunity by providing



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increase access to healthcare, education, transportation and employment for communities of color and low-income segments of the population, communities that generally depend more on mobile connectivity for their online access.

In healthcare, this could mean facilitating remote diagnosis, monitoring medication use, delivery of healthcare services, including scheduling and holding appointments to administering treatment plans and managing insurance.

For education, more robust broadband can help matching lessons with individual students' abilities and style of learning. For example, high bandwidth connections can utilize applications that allow students to ask questions, provide feedback, and keep teachers updated on progress. Wireless education applications can help students to collaborate with each other and teachers in real time, regardless of distance, and can take them from inside the human body to the far reaches of the solar system.

Many of us have heard about the coming of intelligent vehicles, and robust wireless connectivity is necessary to obtain the benefits of this technology. As clean energy sources are further developed, the electricity grids will require connectivity that is both fast and reliable. Dr. Turner Lee notes that 5G can support clean energy by enabling smart grids that integrate renewable energy sources into existing grids. And 5G networks will make it easier for job seekers to access diverse labor opportunities.

How is 5G Deployment Going?

Several states have passed legislation that purports to promote 5G deployment by restricting local government authority over siting and limiting local fees. Local governments generally argue that state laws that expand the preemption already adopted by the Federal Communications Commission are unnecessary, and that regardless of state preemptions of local authority, the industry will deploy in those places that make the most market sense—and avoid those areas that are less profitable. In New Jersey, the proposed legislation (A1116/S2674) that would have limited local control and created public

subsidies or the wireless industry was, fortunately, held by the Legislature before a final vote. Does the wireless industry need legislative help in New

Jersey? A recent study demonstrates that arguments supporting local control are valid, and that overall, New Jersey is doing just fine.



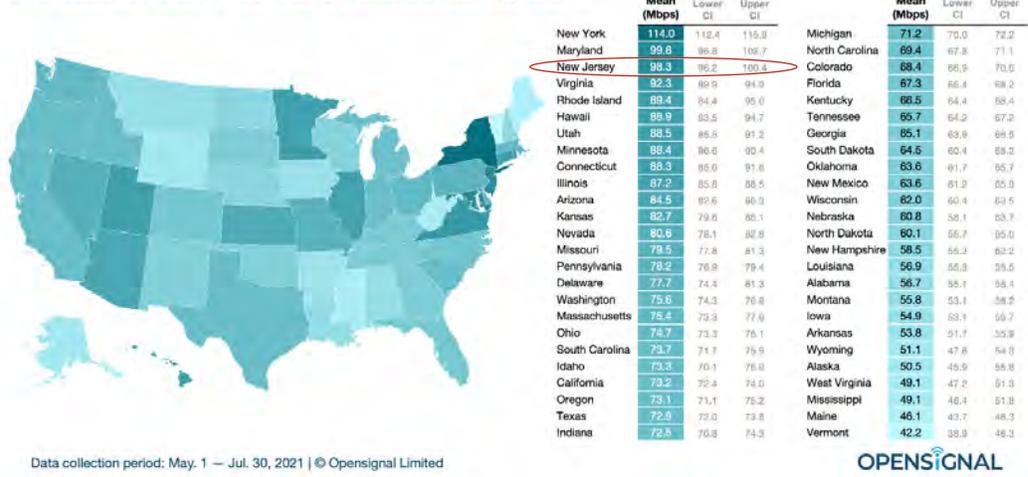
Local Control of Siting

To be sure, the siting of wireless facilities needed to support 5G networks creates significant challenges. It is important to remember that there is no such thing as a purely wireless network. 5G networks are only viable when they can connect to fiber optic networks for backhaul service. The wireless industry will not deploy 5G equipment unless it has access to connect to fiber optics.

While local control is already constrained and restricted by federal statutes and regulations, municipalities today can still have a say in where these facilities are located and what they look like. It is fair to say that most local elected officials want better broadband for their communities, both through fiber optic wireline connectivity and also from state-of-the-art 5G wireless networks.

At the same time, they also want to ensure that these facilities are sited in such a way that do not negatively impact community character or damage property values. The communities that can successfully navigate through the siting issues within a regulatory framework that both encourages wireless deployment and does so in a way that respects local community impacts will become the leaders in developing gigabit communities of the future, providing new and innovative access to a wide range of services and improving the quality of life for all citizens.

The state of 5G in the US: 5G Download Speed



Data collection period: May. 1 – Jul. 30, 2021 | © Opensignal Limited

Opensignal is an independent organization that has published numerous studies on the state of the wireless industry. One of its goals is to reveal “the disconnect between industry hype and the true mobile connectivity received by end users.” In September, Opensignal published a study comparing 5G impacts across all 50 states. It analyzed four

metrics: 5G Availability, 5G Download Speed, 5G Games Experience, and 5G Video Experience. New Jersey was at the top of the national list, ranking in the top five of the first three metrics.

And yet, despite New Jersey’s being ahead of most other states in 5G deployment, there are still parts of the state that lack even 4G coverage. While New

Jersey municipalities did not have their hands tied further by legislation this year, we need to watch closely for any new legislation in the next legislative session. Instead of limiting cost-based fees and restricting local siting authority, the State should be looking for ways to incent deployment of robust wireless network coverage in those rural and less populated parts of New Jersey where coverage is lacking. 🇯🇵

Further Reading

Read more about this issue discussed in these online articles:

IEEE, How Will 5G Impact Local Communities

<https://tinyurl.com/3c2c32hf>

GCN, 5G’s transformational power for local communities

<https://tinyurl.com/4kr45c>

Brookings, enabling opportunities: 5G, the internet of things, and communities of color

<https://tinyurl.com/4myht7vt>



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Westfield Honored by NJDEP for Recycling Efforts

New Jersey's 2021 recycling leaders were honored by the NJ Department of Environmental Protection, Commissioner of Environmental Protection Shawn M. LaTourette announced.

Town of Westfield Department of Public Works was among the nine businesses, organizations, and individuals to be formally recognized at the annual recycling awards program virtual awards ceremony held in conjunction with an Association of New Jersey Recyclers (ANJR) educational webinar.

"I join with my colleagues at the Department of Environmental Protection in commending this year's honorees for their great efforts to promote recycling and educate their communities about the importance of diverting waste, which helps to better protect our natural resources and reduce emissions that contribute to climate change," Commissioner LaTourette said.

"We proudly recognize these award winners for their focused and innovative efforts to keep New Jersey's environment clean and healthy," said Paul Baldauf, DEP's Assistant Commissioner for Air Quality, Energy and Sustainability. "We hope promoting their accomplishments will inspire others to adopt better recycling practices."

In 1987, New Jersey became the first state to enact legislation that requires recycling in residential, commercial and institutional settings. New Jersey remains a national leader in recycling and achieved an overall recycling rate of 58% in 2018, the most recent year for which data is available. The DEP administers several grant and educational programs to help improve the statewide recycling rate.

The NJDEP urges all residents to participate in their local recycling program and do their part to keep non-acceptable materials, such as plastic bags, trash, propane tanks and used syringes, out of curbside and workplace recycling bins.

"For recycling to work, we need to keep our recycling mix clean and free of these problematic items," Commissioner LaTourette said. "It is important to remember that recyclable items are valuable raw materials used to make new products and should not be mixed in with trash."



Recognized in the Government category, the Town of Westfield Department of Public Works was awarded for its recycling efforts. In addition to its curbside collection program, the Town of Westfield in Union County also operates an innovative recycling drop-off center that accepts a wide range of both traditional and non-traditional recyclable materials.

Other awards included: Business - Earth Friendly Products (ECOS); Leadership - Princeton Plasma Physics Laboratory; Rising Star - Matthew A. Karmel; Outstanding Educator/Educational Program - Ocean County Department of Solid Waste Management; Recycling Industry - Mazza Recycling Services Ltd.; Source Reduction, Resource Management/Sustainability - Matriark Foods; Source Reduction, Resource Management/Sustainability - Goodwill Home Medical Equipment and Volunteer Citizen - Matthias Choi. ♻️

State Superlatives



Coollest City

According to the Discoverer Blog (www.thediscoverer.com), a nation of 50 states means a world of worthy places to visit. Each state is more like a different country, flaunting its own individual culture, history and lifestyle. As a result, they dug deep to find the coolest city in each one of the 50 states.

The Garden State's coolest city was found to be Ocean City. As they noted:

“Eight miles of beach, an oceanside boardwalk full of tasty treats and dozens of cute boutiques, Jersey’s Ocean City is nothing like what you’ve seen on reality TV shows. This old-fashioned resort town has been drawing visitors since the 19th-century and it’s no wonder with all the quaint landmarks and family-friendly vibes.”

Specifically they advised potential visitors not to miss the saltwater taffy at Shriver’s.



Winter Delights

Ready for winter fun? According to 24/7 Tempo, Lambertville is the hotspot—or should we say cool spot—for winter fun.

The site noted, it’s a big country and winter means a whole lot more than skating and skiing. Festivals of all kinds, incredible displays of decorative lights, uncrowded access to sites that are mob scenes in the summer—and of course, in some destinations, plenty of hot events to chase away the winter cold.

Lambertville was named New Jersey’s destination thanks to its quaint village atmosphere; galleries, antique shops, and restaurants; and the area’s winter events.

To identify the best winter destination in every state, 24/7 Tempo consulted lists compiled by a wide variety of websites, including Reader’s Digest, Lonely Planet, Condé Nast Traveler, National Geographic, Frommer’s, Cheapism, U.S. News & World Report, Washingtonian, USA Today, Midwest Living, Yankee, and Planet Ware, as well as numerous regional, state, and city tourism sites. 📍

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Mayor John McCormac
Township of Woodbridge

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

Mayor Thomas Andes
Township of Denville

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

Mayor Fred Tagliarini
Township of Aberdeen

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

Mayor Beth Holtzman
City of Ventnor

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

Stephen Mountain
Manager, Township of Randolph

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

Mayor Richard Onderko
Borough of Marlville

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

George Jackson
Administrator, Borough of Eatontown

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

Mayor Dina Long
Borough of Sea Bright

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

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Around the State



GLOUCESTER TOWNSHIP
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Clean Gloucester Power

Gloucester Township officials broke ground for a new 4.5 megawatt capacity solar array. Expected to produce enough energy to power hundreds of homes each year or more than 6 million kilowatt hours of clean energy, the site was once the GEMS landfill, a Superfund site.

Until its closure in 1980, the landfill area's soil and stream became contaminated with pollutants including arsenic, barium, pesticides, and lead. The Superfund cleanup was largely completed in 2004, and construction was slated to start last month and is expected to be complete by spring.

Quoted in the *Philadelphia Inquirer*, Mayor David R. Mayer said, "Gloucester Township takes a gigantic leap forward in not only protecting our environment, but also taking one of the first Superfund sites in the nation, and making that site a beacon of sustainability."

According to the *Inquirer*, the project will be built by Syncarpha Capital in partnership with Blue Sky Power, an energy consultant, and the township. A 25-acre photovoltaic solar generation system will reside on top of the existing cap for the landfill and connect to the regional grid through Atlantic City Electric. Syncarpha will assume the cost to build the array and sell the power. Syncarpha will pay the township about \$40,000 a year under a 25-year lease, or about \$960,000 over the life of the lease.

Police Memorial Unveiled in Trenton

New Jersey's law enforcement leaders gathered at the Richard J. Hughes Justice Complex in Trenton to unveil the state's first permanent memorial honoring police officers and other law enforcement professionals who died during the COVID-19 pandemic.

The memorial honors the 28 law enforcement personnel who passed away from

NJLM Events

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COVID-related complications, including nine employees of the Newark Police Department and nine state and county correctional officers. The memorial will remain in the ground floor atrium of the Hughes Justice Complex, which houses the Attorney General's Office, the State Public Defender's Office, and the New Jersey Supreme Court.

"Members of law enforcement selflessly put their lives on the line every day to protect New Jerseyans," said Governor Phil Murphy. "The loss of these 28 individuals to COVID-19 is a tragedy, and we will always remember their service to our state and our communities. This Memorial is a fitting and solemn honor for these brave and courageous men and women." 🇺🇸



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Woodbine Mayor William J. Pikolycky Elected League President



Mayor William Pikolycky of Woodbine is the President of the New Jersey State League of Municipalities. Mayor Pikolycky was elected at the League of Municipalities' Annual Business Meeting in Atlantic City.

As President of the New Jersey State League of Municipalities, Mayor Pikolycky will help lead the Association of New Jersey's 565 municipal governments. He will represent the interests and needs of New Jersey's local elected officials to county, state, and federal governments.

Mayor Pikolycky has been an active participant in the League for many years as a committee member, Conference participant, and author for the League's magazine, *NJ Municipalities*.

William Pikolycky served as Woodbine councilman from January 1979 until his election to Mayor in November 1990. He is Chair of the Pinelands Municipal Council and a member of the Pinelands Commission. He is on the Board of Trustees for Sustainable Jersey. He has been a member of the New Jersey Water Association since 1991. He has also been involved with the MidAtlantic Pilots Association and the AOPA. He is a member of the New Jersey Farm Bureau. He served as President of the New Jersey Conference of Mayors in 2005, and now serves as a director. He is also Past President of the Cape May County League of Municipalities. He served on the Board of Directors for the Sam Azeez Museum of Woodbine Heritage and is now on the Advisory Board of the Anne Azeez Instructional Site of Stockton University, which is also located in Woodbine. He is on the Board of Trustees of the Woodbine Developmental Center.

He has been inducted into the New Jersey State League of Municipalities' Elected Officials Hall of Fame for serving 20 years in elected office and for his 30 years in elected office. Mayor Pikolycky served the Borough of Woodbine for 12 years as council member and is in his 31st year as mayor.

Mayor Pikolycky is an active member of the local Ukrainian community and a member of St. Nicholas Ukrainian Catholic Church in Millville and is a member of Ukrainian National Association Branch 378. He was employed by the State of New Jersey in various capacities at senior management level positions for 27 years, before retiring in 2002 from the position of Executive Assistant in the Department of Military and Veterans Affairs.

He is a graduate of the Camden County Police Academy, where he was certified by the Police Training Commission, State of New Jersey Department of Law and Public Safety. He served as a Police Officer with the Department of Human Services and rose to the rank of Sergeant. He also graduated from the Real Estate Licensing Program, Cumberland County College, and graduated from the Certified Public Manager Program, Rutgers University, Camden. He is a graduate of Woodbine Elementary School and Millville High School, and the Camden County Police Academy. 🇺🇸



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League Officers for 2021-2022 Elected

On Thursday, November 18, 2021, New Jersey’s mayors elected their new slate of officers and executive board members at the League’s Annual Business Meeting at the 106th Annual League Conference held in Atlantic City. These public servants will help represent the interests and needs of New Jersey’s local elected officials from the state’s 565 municipal governments to county, state, and federal governments.

Nominating Committee Chair Colleen Mahr, Mayor of Fanwood and NJLM Past President, presented its nominations for the offices of President, 1st, and 3rd Vice President and 21 positions on the Executive Board, thereby fulfilling its Constitutional responsibility.

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

Another topic in the development of the recommendations list is balance—even though the League is non-partisan in nature—the committee strives to ensure the maintenance of a balance between the major political parties represented on the Executive Board. Finally, the nominations factor in whether an individual in consideration for nomination has demonstrated an interest in League affairs through active participation on League committees by support of the League policies and programs.

Taking all of those matters into their determination, the committee presented their selections and the following officers and Executive Board members were elected for service in 2021-2022. 📌

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William Pikolycky, *Mayor, Woodbine;*
President, NJLM

Broadband Access More Important Than Ever

The need to invest in new broadband access and capacity is a local, regional, and national issue. The Biden Administration has made expanding broadband infrastructure a top priority, and the southern New Jersey region provides the reasons why such investment is so critical.

The four-county region of southern New Jersey is one of the most rural and in many instances most distressed areas of New Jersey. Of the 68 municipalities encompassing Atlantic, Cape May, Cumberland, and Salem County more than a third are listed among the top 100 most economically distressed municipalities of the state's 565 cities, towns, and boroughs!

In the age of COVID-19 it is more important than ever that our residents, businesses, local governments, school districts, healthcare providers, and other stakeholders have access to broadband capacity that enables them to compete effectively with other jurisdictions in New Jersey, regionally, and nationally. Here's why.

During and after the height of the pandemic, many of our school districts, county colleges, and students were challenged by the prospect of remote learning. Without the ability to obtain high-speed internet service at home or without access to internet at all, our educational institutions and students have suffered. They were placed in an extremely disadvantageous situation. And, they were not alone.

Many of our businesses have not been able to keep pace with their competitors that have now made remote workforce training, working-from-home, marketing, and online sales routine elements of their evolving business models. Emergency management operations have been unable in many cases to respond as effectively and promptly as they would like without good connections to the most remote areas of the region.

Investments in new broadband service, either through wired/fiber optic broadband, wireless 5G infrastructure, or both, are needed to promote economic and community development, provide family wage jobs for our citizens, and enable our

institutions and government organizations to manage data and provide the services and opportunities they desire.

My community, the Borough of Woodbine, is a great example of a municipality whose development potential is being constrained by a lack of high-speed internet and broadband service. There is an Airport Business Park in Woodbine where we are encouraging new investment in drone technology and related assembly and manufacturing. There is growing interest in this aspect of aeronautics and aviation throughout the region. It will be very important for any new companies that locate here—whether or not they are aviation related—to have the high-speed broadband infrastructure that will allow them to grow, expand, and communicate effectively with their customers and suppliers.

Not all of our evacuation routes have access to reliable cell phone and internet service. There are gaps and outages, which in the event of a large scale or rapid evacuation could prove disastrous.

I know that broadband investments are often driven by population density, big industry, and large institutions. So, I understand that we cannot rely on the major internet providers alone to invest in new levels of service. What then, is to be done?

First and foremost, there are critical public actions that must occur. The recently enacted Infrastructure Investment and Jobs Act provides \$65 billion dollars in new investment with the

promise to provide reliable high-speed internet to every American. This is welcome news and while it will take time to occur, there must be oversight to ensure that the goal of this legislation is met so rural New Jersey is not left behind.

The New Jersey League of Municipalities can play a very important role in helping to lead this charge. Working with a strong coalition of communities, counties, and business organizations, we can bring attention to the remote corners of our state and region where broadband and internet access is not being met. We can work with the principal providers to target federal and other funding to enhance their budgets and thereby enable the internet providers to expand services.

Beyond the needs of business, education, and the day-to-day emergency service demands, there is another reason why new broadband and internet investment is so critical. Each year, our region of New Jersey welcomes more than 40 million visitors to enjoy our Atlantic beaches, Delaware Bayshore, historic and cultural sites, and many other activities. Unfortunately, we also have some unwelcome visitors in the form of tropical storms, hurricanes, and other natural disasters. Not all of our evacuation routes have access to reliable cell phone and internet service. There are gaps and outages, which in the event of a large scale or rapid evacuation could prove disastrous.

As a mayor, while I am very sensitive to the needs of residents

and businesses, I can also relate to the challenges that internet providers face. Cellular technology exists today to provide the essential infrastructure needed to provide the same level of broadband/internet service that is available to more populous areas. Carriers claim that the needed infrastructure is not economically feasible due to the number of subscribers. Our challenge is to convince our congressional leaders and the major carriers that their investment in areas lacking population density must be based on the broader socioeconomic consequences if coverage is not provided. Experience has demonstrated that individual municipal or county efforts have been unsuccessful in moving this most important needle. Therefore, it is incumbent on the League of Municipalities to take a stand with our state legislators to ensure that broadband infrastructure funding is made available for our region. It is time for government to partner with the cell carriers and broadband providers to formulate solutions which will make broadband available and affordable, through wired and/or wireless means.

We have an unprecedented opportunity to direct funding to our part of southern New Jersey as well as other areas of the state where there may be broadband and internet challenges. Let's find a way to work together to make sure this opportunity does not pass us by. 

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5G is coming!

Municipal officials should prepare now

Declan O'Scanlon, *Wireless Telecommunications Consultant*

Municipal officials face an aesthetic disaster and a wild, unfettered increase in wireless communications equipment proliferation unless they prepare themselves with the appropriate ordinance and 5G siting plans right now.

The state of cell phone infrastructure is constantly evolving. Thirty years ago, municipal officials were dealing with the proliferation of 160-foot cell towers located three miles apart. Of course, no one wanted the equipment in their backyard—or even in their town—but if we were going to make these systems/networks work, the infrastructure was essential.

The FCC and Congress decreed there was an inherent public benefit to having seamless, dependable coverage and memorialized (via the Telecommunications Act of 1996) local governments' obligation to approve or host towers and wireless carrier equipment as long as the wireless carriers could prove the coverage was needed.

As time went on, phones and systems advanced from one generation to the next, levels of sophistication grew and with that, demands for both bandwidth and speed increased exponentially. Our wireless communications systems evolved from simply providing phone services to delivering data, music, movies, and location services. The need for infrastructure grew in response. More towers were needed closer together to deal with these demands. By the 4th generation of infrastructure evolution, we were building towers a mile, or less, apart.

We've now entered the next evolution: 5G. Speeds and bandwidth will again increase dramatically. Reductions in latency will allow almost real-time data exchanges allowing for communications with self-driving cars and remote control of procedures as delicate as surgeries. We are entering a world with almost ubiquitous, lightning-fast connectivity that will continue to evolve in ways we can't yet imagine.



The goal must be to bring all parties together and balance infrastructure needs with the concerns of residents who will be served by, and impacted by, this equipment and these systems.

In order to meet these lofty demands, we'll have to build a robust, fifth generation (5G) of infrastructure.

Given the frequency ranges employed by 5G, which facilitate speed and capacity but don't travel very far or penetrate buildings or obstacles efficiently, the infrastructure must be located closer to end users. This will necessitate many more broadcast points and antenna locations.

The final designs of these systems and exactly who will build them are still being decided. Here in New Jersey, we have four major carriers: AT&T, Verizon, T-Mobile, and Dish. Each one

of these carriers will need broadcast points approximately 300 to 600 feet apart; but not as high as would be found on a typical cell tower. The structures that will be utilized will be more akin to telephone poles. Sometimes existing poles will be feasible but frequently new poles will have to be erected. By encouraging poles that can accommodate multiple carriers, municipal officials can dramatically reduce the proliferation of new poles. By outlining a reasonable process for local input on locations and aesthetics, the structures can be made to be more attractive and blend in with existing structures and provide opportunities for placement of municipal equipment such as lighting or cameras where appropriate.

The federal government has now weighed in again, making it clear that municipalities will have to permit these systems to be constructed. Municipal officials won't have a choice on that front. The choice will come with officials deciding whether to bury their heads in the sand and permit a free-for-all of massive proliferation, or whether they will seize as much control as possible and engage the carriers and system designers/installers. Such overt engagement, starting with the passage of strong yet reasonable 5G equipment ordinances, will have the potential to dramatically reduce proliferation of single-carrier installations and give substantial control of aesthetics to locals. The goal isn't to be obstructionist or block installations. That simply

isn't an option. The goal must be to bring all parties together and balance infrastructure needs with the concerns of residents who will be served by, and impacted by, this equipment and these systems.

Municipal officials should be in communication with their elected officials at the State level as well. Some interest groups are trying to pass legislation that will give wireless companies almost unfettered control over the placement of this equipment, essentially cutting out municipal officials' input altogether. State Senators and members of the Assembly need to know where mayors, council members, attorneys, and administrators stand on this issue before it's too late to protect what happens in their rights-of-way.

Every single NJ municipality should pass a solid ordinance as soon as possible. These installations are coming and falling behind can lead to precedents that cascade to the point where all input and control are out of local hands. Even if municipalities have previously passed ordinances, they should review or replace them with a solid, comprehensive, up-to-date ordinance. This ordinance won't stop this equipment from coming; the federal government already made that decision. But it will secure practical and fair local input and control thus ensuring fair engagement with the folks designing and building these essential networks. The time to act is now. 🗣️

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5G Deployment and FCC Regulations

What municipalities need to know

Nancy L. Werner, *General Counsel, National Association of Telecommunications Officers and Advisors (NATOA)*

As we approach the end of 2021, it is likely that many municipalities have received at least one, if not dozens or even hundreds, of applications to deploy small wireless facilities, or small cells, in local rights of way and on public property. These small cells are a significant component of wireless providers' efforts to deploy 5G—the fifth generation of wireless network technology. The potential benefits of 5G are exciting, promising to enhance everything from the delivery of municipal services to remote healthcare to personal entertainment, not to mention new applications we cannot yet fathom.

The enormous potential of 5G is not lost on municipal leaders, who have been working hard to get 5G services to every corner of their communities while also ensuring small cell deployments meet local public health and safety standards and are consistent with community zoning and planning goals. In striking this balance, municipalities must be aware of the Federal Communications Commission's regulations and orders that impact local authority to manage small cell deployments.

FCC regulations

The most significant FCC action impacting small cell deployment is an August 2018 *Declaratory Ruling and Third Report and Order* (Small Cell Order) interpreting how certain provisions of federal law apply to small cells. Though several holdings of the

Small Cell Order were thrown out by the Ninth Circuit Court of Appeals in an August 2020 decision, the surviving provisions of the Small Cell Order impact municipal management of small cell deployments and associated fees for use of the rights of way and public property in the rights of way.

Before diving into some of the key holdings of the Small Cell Order, it is important to note that the Order is based on the FCC's definition of small cells, which encompasses only a subset of wireless deployments. Among other limitations, the definition covers only wireless facilities mounted on structures under a specific height (roughly 50 feet, or no more than 10% taller than existing structures) and volume limits (3 cubic feet for antennas and 28 cubic feet for associated equipment).

The Small Cell Order includes three significant limitations on local authority over small cell deployment: fee caps, aesthetic standards, and shot clocks. These limitations apply in addition to any applicable state or local laws and regulations.

Fee Caps. The Small Cell Order caps all fees related to small cells at "a reasonable approximation of the state or local governments' actual and reasonable costs." This cost-based cap applies to permit application fees for small cell deployments both inside and outside the rights of way. It also applies to any fees imposed for use of the right of way use and for use of municipal property in the rights of way.

Though cost is the ultimate benchmark, the FCC established fees that are presumed to meet the new standard. For non-recurring fees, the FCC set a presumptive fee cap of \$500 for a single application that includes up to five small cells, with an additional \$100 for each small cell beyond five, or \$1,000 for non-recurring fees for a new pole to support small cells. For recurring fees, the FCC set a presumptive cap of \$270 per small cell per year, which includes all recurring fees such as any rights of way access fee or fee to attach to municipally owned structures in the rights of way.

The Small Cell Order includes three significant limitations on local authority over small cell deployment: fee caps, aesthetic standards, and shot clocks.

Municipalities can charge higher fees than those set forth above if they can show (i) the fees are a reasonable approximation of costs; (ii) those costs themselves are reasonable; and (iii) they are non-discriminatory.

Aesthetics requirements. The Small Cell Order preempts aesthetic requirements for small cells that are not reasonable and published in advance. The FCC found that small cell regulations are not reasonable if they are not “technically feasible and reasonably directed” at remedying aesthetic harms. The Order does not require every design specification to be published in advance so long as there is sufficient detail to enable applicants to design their deployments in a manner that complies with applicable local standards.

Note that the Small Cell Order attempted to preempt small cell aesthetic

requirements unless they were no more burdensome than those applied to other types of infrastructure deployments and to require aesthetic standards be objective. The Court of Appeals struck down both of these provisions so while they remain in the Order, they are not enforceable limitations on local small cell regulations.

Shot clocks. The Small Cell Order sets up two new time limits—“shot clocks”—in which municipalities must act on small cell permit applications. There is a 60-day shot clock for applications to add a small cell to an existing structure and a 90-day shot clock for small cells that require a new structure, such as a new pole. Note that existing shot clocks

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for non-small cell wireless deployments remain in place: 90 days for collocation on an existing structure; 150 days for deployment on a new structure.

The shot clocks include a short window after an application is submitted in which municipalities must notify an applicant that an application is incomplete and request the omitted information: 10 days for small cells and 30 days for non-small cells. This provides an important opportunity to stop the shot clocks and obtain necessary information applicants need not provide once the window closes.

Both the new and existing shot clocks apply to any approval a siting authority must issue prior to deployment. This includes zoning approvals and building permits, and may also include license or franchise agreements to access the rights of way, leases for use of municipal poles or property in the rights of way, electric

permits and road closure permits, among others.

Failure to act within the small cell shot clock constitutes a presumptive violation of the Communications Act, which allows applicants to seek expedited injunctive relief in court within 30 days after the shot clock deadline.

As municipalities continue their work to usher in the 5G era, it is important to understand these and other federal requirements and limitations, in addition to applicable state laws, to ensure local ordinances and processes are consistent with these laws while continuing to promote local policies and the public interest to the greatest extent possible. ↴

Nancy Werner is General Counsel of the National Association of Telecommunications Officers and Advisors (NATOA), the premier local government professional association that supports and serves the communications interests and needs of local governments. www.natoa.org

Other Federal Regulation Impacts

While the Small Cell Order is significant, it is not the only federal regulation that may impact small cell deployments. For example, though residents' concerns about radio frequency (RF) emissions seem to be on the rise, federal law preempts municipalities from regulating the placement, construction, and modification of wireless facilities, including small cells, based on the environmental effects of RF emissions so long as the facilities comply with the FCC's RF regulations.

Municipalities also should be aware that federal law may require approval of requests to modify or collocate additional antennas on wireless towers and other support structures if it would not substantially change the physical dimensions of the tower or support structure. This means that, without appropriate planning and protections, the approval of a single small cell could open the door to must-approve applications for additional, unanticipated antennas and equipment on the same structure.

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The Value of Effective Authentication

Four steps to move in the right direction

Bill O'Hern, Chief Security Officer, AT&T



During my career at AT&T, which has spanned decades, I've watched as our employees, customers, and other companies continue to struggle with passwords. This has always struck me as a little surprising because passwords are so comfortable. Everyone knows how to set up and use passwords.

And yet, the struggle continues.

Too many passwords

The familiar challenge with passwords is that there are just too many of them. The tools offered to support simplification, such as password managers, are often clumsy and do not cover all use cases. As a result, some people still resort to carrying around small paper booklets with alphabetized listings of passwords that are scribbled down, crossed out, reused, and erased.

It's not unusual for someone to have literally hundreds of different passwords for everything from corporate VPNs to

online gaming systems. We hear this every day from customers.

The challenge is complicated by multifactor authentication, which was created to reduce the risk of password guessing or stealing. Methods such as mobile push notifications or biometric scanning are used to improve the security of access to corporate networks, web applications, entertainment systems, and more.

They are straightforward to use, but they do require that the user have access to an additional proof factor such as a mobile phone. Perhaps worse, they are usually combined with the continued use of passwords, which can be a serious vulnerability.

This is a really important topic. I would rate authenticated identity at the top of any list of hot security issues. The majority of headlines you read about breaches and ransomware involve someone getting into a system through a problem with access credentials.

Authentication in business and government

The biggest issue with authentication in a business or government context involves friction. That is, at a time when organizations want their online systems to be easy to use, passwords and two-factor authentication often increase user frustration.

This is especially true for government online systems which must support a wide range of use cases for citizens. For example, it cannot be assumed that every citizen has a government-issued ID or possesses the physical attributes to support a certain type of biometric system.

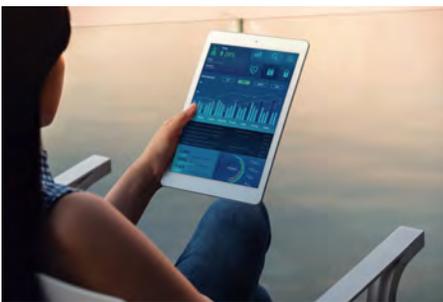
Based on my experiences at AT&T dealing with many different authentication scenarios, including for our massive employee base, I'd like to offer some practical suggestions. Obviously, the steps offered below will need to be tailored to your local situation. But hopefully they can serve as a useful resource.

it often becomes clear that they don't know what they have deployed today. Consider, for example, that employees might be using one type of authentication system, perhaps with single sign-on (SSO) for multiple applications. This system might be configured differently across various departments.

Furthermore, partners and suppliers might be using a different authentication approach. And residents might be using a totally separate means for authenticating to products, services and resources.

This implies that before decisions can be made about more efficient authentication, an inventory is needed. I wish

1 Step 1: Take an Inventory



This first step might seem obvious. But when I speak with business leaders about their authentication challenges,



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Effective Authentication

I could tell you that there was a simple automated tool that can discover these systems, perhaps by crawling your network. But the truth is that the only way to get the facts is to create a management initiative that collects data from relevant systems and that solicits information from unit leaders and their supporting security teams.

This process is easier said than done, but it is necessary.

2 Step 2: Identify & Prioritize Threats



This next step is to examine your cybersecurity goals. At AT&T, we understand cyber risk protection initiatives must be a primary concern, especially with the emerging cloud, fiber, and 5G infrastructure we support. But even within a modern Internet Service Provider (ISP), cyber threats must be prioritized. Threats targeting sensitive data or ones that can cause outages to critical infrastructure, for example, are particularly high priority and will always have my team's fullest attention.

For your situation, the threat prioritization should be driven by the specifics of your mission. The security concerns that exist within a civilian federal agency, for instance, will be different than the threats that affect our military.

Even within the civilian sector, differences will emerge. An administrative bureau, for example, might not prioritize online network availability in the same way that a consumer-facing bureau might. Each organization will have unique threat profiles, and these must be factored into the local authentication requirements.

3 Step 3: Define the User Experience



This step involves determining the factors related to user experience. In almost all cases, this will involve removal of sources of friction—but there are exceptions. Designers of systems that manage the safety of a nuclear power plant, for example, are likely to prioritize high function over a frictionless experience. That said, nuclear operators must never be prevented from accessing a system in an emergency; so the balancing act results in a tough challenge for authentication system designers.

In all situations, it is best for the security team to understand the objectives of the user experience. This should include clarity on how employees, suppliers, customers, and any other stakeholders should be authenticating to access resources.

The user experience will also be influenced by requirements for federation to popular identity systems, adherence to budget pressures and matching the authentication process to the local situation (e.g., home office, factory floor, business office, military camp).

4 Step 4: Plan Your Authentication Transition



Once you've completed your inventory, identified threats, and defined the user experience, it is time to begin planning your journey to efficient and effective authentication. This will likely involve discussions with new vendors, and our teams at AT&T Cybersecurity and AT&T Public Sector are certainly here to help. As you develop your roadmap, initiatives are influenced by budgets, priority shifts, and other factors, and we can help.

An option to consider is our joint venture with other major US wireless providers to develop the innovative ZenKey authentication. ZenKey utilizes the power and reach of domestic mobile carriers to create an effective option for many using a combination of wireless network signals to verify identity.

Regardless of the solution you choose, I hope your management roadmap leads to a successful implementation of effective and efficient authentication. 📌

@ For this article and more like it, visit AT&T's online blog at <https://about.att.com>

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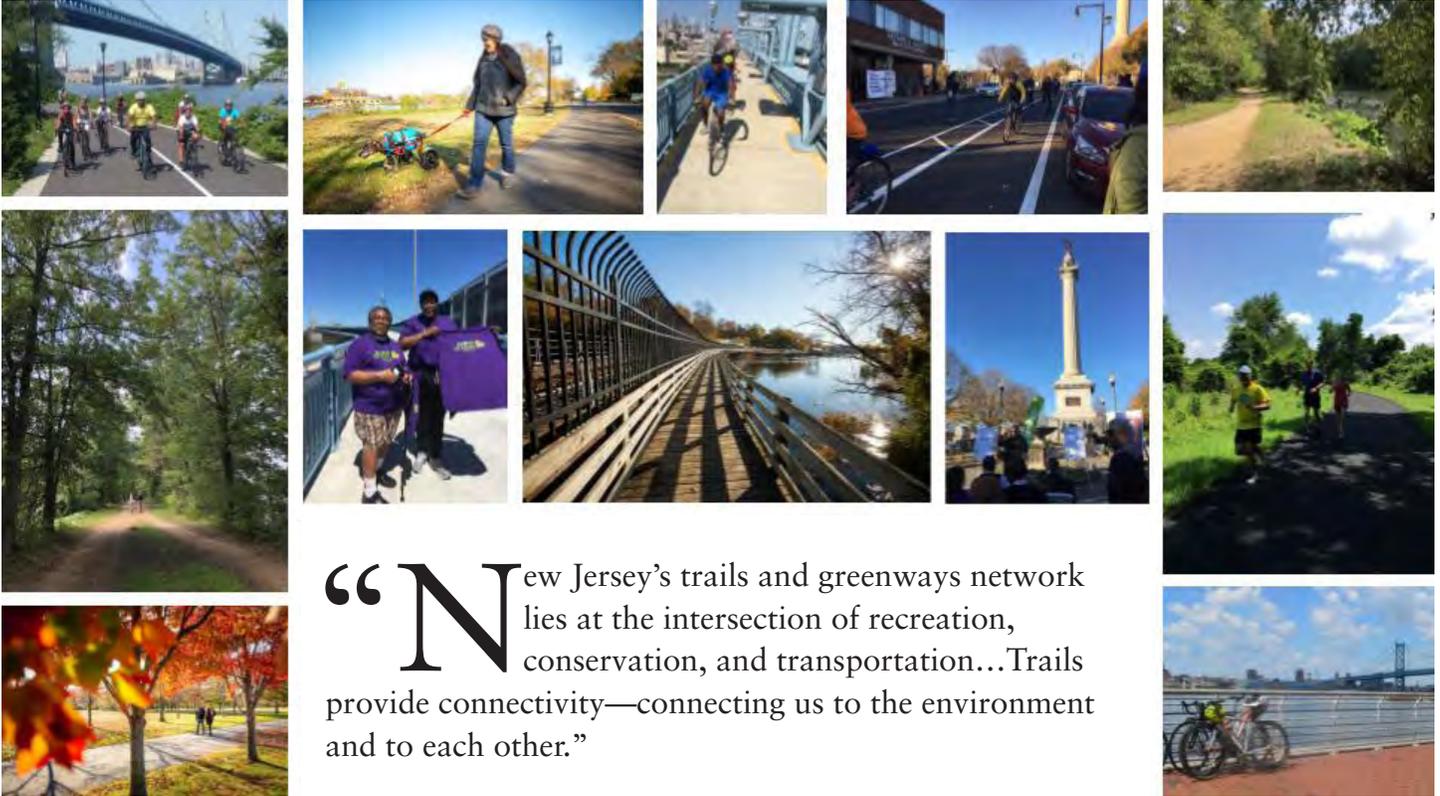
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“**N**ew Jersey’s trails and greenways network lies at the intersection of recreation, conservation, and transportation...Trails provide connectivity—connecting us to the environment and to each other.”

New Jersey Department of Environment Protection (NJDEP) Commissioner Shawn LaTourette outlined the benefits of trails in his opening remarks at New Jersey’s first-ever Trails & Greenways Summit, which occurred this fall. New Jersey Department of Transportation (NJDOT) Commissioner Diane Gutierrez-Scaccetti echoed his sentiments and stressed the environmental significance of using trails as transportation networks, saying: “Trails and greenways serve important transportation needs and help to build more equitable transportation networks by expanding travel options, reducing greenhouse gas emissions, and providing alternative links between people and where they want to go.”

The Inaugural New Jersey Trails & Greenways Summit, co-sponsored by the Department of Transportation and the Department of Environmental Protection, was hosted over the course of two days (September 22 and 23). The Summit covered topics like how towns can plan, design, and fund trail projects, how professionals and volunteers can map them, and how trails can play an important role in the environmental justice work of our state.

More than 530 people attended this free, online summit, showing the increased popularity and demand for trails in

New Jersey. Luckily, if you missed the event, all summit sessions were recorded and are publicly available online at the NJ Trails Action Network YouTube Channel.

Why should your town care about trails?

Trail use has been booming in the past several years, especially during the pandemic. Research from the Rails-to-Trails Conservancy showed that there was a 79% increase in trail use in 2020 when compared to the previous year; with certain local networks—like the Circuit Trails in the Greater Philadelphia area—experiencing up to a 200% increase. The benefits of this kind of infrastructure, as echoed in both Commissioners’ remarks, are multi-faceted.

Here are a few reasons to consider investing in trails for your community.

Tourism & Economic Development According to the NJ Department of Travel and Tourism, outdoor recreation accounted for \$3.4 billion in spending by New Jersey visitors in 2020. Nationally, the outdoor recreation economy generates \$887 billion in consumer spending and 7.6 million jobs annually; and trails are the basis of this industry. They are a magnet for visitors looking to explore.

Local leaders, like Metuchen Mayor Jonathan Busch can attest to that. During the NJ Trails and Greenways Summit, he noted that, “Without even advertising [the Middlesex Greenway], we’ve got hundreds, if not thousands, of people who on weekend days come to Metuchen just for the entrance to the greenway....It’s created quite an effect and what it’s doing is encouraging people to come to our town and hang out while they’re there!”

This means opportunities for local businesses to see customers grabbing a bite to eat or a cup of coffee before (or after) hitting the trail. Trails can also contribute to a community’s identity and local history with pathways such as the Delaware River Heritage Trail or the Morris Canal Greenway telling the stories of our past. You can learn more about these benefits in the Transforming Towns Through Trails session recorded during the Summit.

Public Health & Equity Not only do trails serve to attract visitors, but they provide opportunities for residents to

stay healthy by walking, bicycling, and connecting with others in the community. Trails are a recreational asset that make residents happier and healthier. Research shows that walking in nature lowers cortisol levels, the body’s main stress hormone, and that access to green spaces can reduce the effects of other health conditions such as obesity, depression, and heart-related illnesses.

This is especially crucial for environmental justice communities that suffer disproportionate health risks such as asthma and hypertension, and have less access to parks and open space. Trails are an opportunity to create green spaces from previously disturbed land such as rail corridors and waterfront industrial sites, which may be more prevalent in urban areas. Creating trails that are designed and programmed inclusively with robust public participation is crucial to success.

Learn more about how to best plan trails for your community in the Summit’s Building Trails for Everyone: Inclusive Planning session recording.

Transportation & Environment

Transportation accounts for approximately 40% of our state’s greenhouse gas (GHG) emissions. Nearly 63% of trips in New Jersey are three miles or less, which is a reasonable distance to bike. Encouraging residents of your town to get around via active transportation is crucial to meeting our climate goals and ensuring that we have cleaner air to breathe. Doing so is easier when there are high-quality trails and greenways incorporated into a larger transportation network.

Trails allow residents to safely get around and are a crucial component of the Complete Streets network in our state. Robust networks of trails that link communities together provide the best opportunities to advance active transportation goals. Trails can provide a vital link to transit stations, providing first-and-last mile travel options, eliminating car trips and the need for large parking lots. Check out the Trails, Transit, & Complete Streets session recording if you want to learn more! ↗

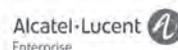
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NJ Brownfields Assistance Center @ NJIT

Free assistance to NJ municipalities

Colette Santasieri, PhD, Executive Director, NJ Brownfields Assistance Center @NJIT

Got Brownfields? There aren't many municipalities in New Jersey that don't have these former commercial and industrial properties that are either contaminated or perceived to be contaminated. NJ's municipalities now have a free resource to help them overcome the challenges brownfields pose to our communities. The NJ Brownfields Assistance Center @ NJIT is the first-of-its-kind center that solely focuses on and serves New Jersey.

So why does New Jersey need a brownfield assistance center? Our state was a prominent leader in the industrialization of the United States. Our cities and small towns alike contributed to our industrial productivity. When New Jersey experienced an economic shift and urban exodus beginning in the mid-1950s, industries, factories, warehouses, mills, and rail yards that were once part of our state's economic and historic fabric either moved out of state or became obsolete. Abandoned industrial sites, as well as soil, water, and building material contamination, remained.

These sites, otherwise known as brownfields, are a byproduct of our industrial legacy. Additionally, the closed gas stations, dry cleaners, old banks, and other vacant commercial properties that are contaminated or perceived to be contaminated are also considered brownfields. The expansion, redevelopment, or reuse of these properties has been hindered by the presence or potential presence of contaminants.

A state of opportunities

New Jersey has always been a state with immense opportunities, and while these industrial legacy and commercial sites



NJ Brownfields Assistance Center @ NJIT

@NJIT

New Jersey Institute of Technology



Leaders of the NJ Brownfields Assistance Center @ NJIT, from left to right: Sean Vroom, Colette Santasieri, Melissa Dulinski.

plague our communities, the redevelopment of brownfields are unique opportunities. Managing brownfields can catalyze economic development, generate jobs, and increase property values; to improve environmental conditions and help communities be more resilient to the negative impacts of climate change; and to create more socially equitable communities by developing community needed land uses such as schools, health care facilities, food stores, affordable housing, and retail and commercial uses.

Unfortunately, most local governments do not have the in-house knowledge or expertise to advance these sites through the assessment, cleanup, and redevelopment processes. Many communities have either no, or limited resources, including funding. These challenges are compounded by weak real estate markets being experienced in many of our communities. The process of assessing, cleaning up, and redeveloping a brown-field site can be complicated. That is why the New Jersey Institute of Technology



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NJ Brownfields Assistance Center

created the NJ Brownfields Assistance Center @ NJIT—to help communities overcome their brownfield hurdles, advancing these properties towards the redevelopment finish line.

Free technical assistance and guidance

The NJ Brownfields Assistance Center @ NJIT’s team of planners, engineers, environmental scientists, and social scientists brings tools, strategies, resources, partnerships, subject matter experts, and education to brownfields-challenged communities to help transform these sites into community assets. We educate communities about brownfield issues; we engage communities in creating a vision for redevelopment; and we provide free technical assistance and guidance to any NJ county and municipal government, as well as non-profit organizations. We partner with state agencies and the private sector to help advance the practice, build community capacity, and guide communities as they navigate the redevelopment process.

A key factor in launching the NJ Brownfields Assistance Center @ NJIT

was a grant from the New Jersey Economic Development Authority (EDA). “Returning contaminated sites to productive use is an essential component of Governor Murphy’s commitment to building stronger, more vibrant communities across New Jersey,”

The process of assessing, cleaning up, and redeveloping a brownfield site can be complicated.

EDA Chief Executive Officer Tim Sullivan said. “NJIT has an impressive history of helping communities successfully take on transformative redevelopment projects. We are excited to work with them and our partners at the municipal level to make New Jersey a

safer, healthier place to live and work.”

Helping municipalities

Since launching the NJ Brownfields Assistance Center @ NJIT in February of 2020, we have engaged with almost 100 municipalities and leaders of all 21 counties. We have had over 700 participants our brownfield learning labs, webinars, and virtual workshops, and received CIANJ’s Environmental Leadership Award.

The free technical assistance provided by the NJ Brownfields Assistance Center @ NJIT varies and is tailored to the particular needs of the local government or nonprofits requesting assistance. Examples of recent technical assistance provided includes giving ‘plain language’ explanations of technical environmental investigation reports to local government officials; helping municipalities identify planning goals and priorities and then developing strategies for aligning brownfields sites with those goals; and creating a list of funding sources that can be tapped into for a property’s clean up and redevelopment.

A key activity of the NJ Brownfields

Brownfield Blueprint Learning Labs

One of the first actions performed by the NJ Brownfields Assistance Center @ NJIT was to collaborate with several county planning departments to conduct virtual Brownfield Blueprint Learning Labs. These Learning Labs were especially created to reach NJ’s public sector during a time when the state was under a ‘stay at home’ order. Since in person events were not possible in most of 2020 and early 2021, we quickly pivoted and created a virtual and interactive learning lab for county and municipal officials and staff. According to Walter Lane, Somerset County’s Director of Planning, “The NJ Brownfields Assistance Center @ NJIT serves as an excellent resource for our State’s counties and municipalities. After participating in the Brownfields Learning Lab for Somerset County, several of our municipalities contacted the Center @ NJIT and have benefitted from the technical assistance they received.”

In addition to the Learning Labs, the Center also hosted several webinars on a variety of topics including: brownfields basics, brownfields and opportunity zones, funding for brownfields redevelopment, Environmental Justice, and the importance of partners, stakeholders, and community engagement for brownfields redevelopment. The NJ Brownfields Assistance Center hosts a resource center (www.njit.edu/njbrownfields) that contains a variety of redevelopment success stories, videos, infographics, funding information, and recordings of the aforementioned webinars. Notable resources include a series of infographics that explain the NJ regulatory process a contaminated (or potentially contaminated) property must navigate to be rendered ‘clean’ for redevelopment; and guidance on how counties and municipalities can create their own brownfields inventory.

Assistance Center @ NJIT involves partnering with the private sector, and aligning their expertise with community needs. We recently created an Affiliate Membership program for the private sector to partner in the Center's growth and success, and to share their expertise and success stories with NJ's counties and municipalities.

If you are wondering how to navigate the NJ regulatory process, we'll explain it. If you are wondering where to get funding to identify contamination and

clean up contaminated properties, we'll show you. If you are wondering how to engage your community in developing a vision for the redevelopment of a contaminated property, we'll help you. If you are wondering how to market your brownfield sites, we'll provide you with strategies. If your community has so many brownfield properties you just don't know which ones to focus on, we'll evaluate and prioritize them for you. If you are wondering how to transform former industrial and commercial

sites into new community assets, we'll show you how. If you are wondering how to start the brownfields redevelopment process, we'll develop a step-by-step roadmap. 📍

@ Got brownfields? Got questions?

For more information about the NJ Brownfields Assistance Center @ NJIT, contact Colette Santasieri, PhD, Executive Director at santasieri@njit.edu.

Visit: www.njit.edu/njbrownfields; follow us on Twitter @njbrownfields!



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

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

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

Destination West Orange

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Robert D. Parisi, Mayor, West Orange



Catch the Energy in West Orange! The Watchung Mountain ridges and Manhattan skyline are backdrops for our Essex County enclave, where 48,000 people live within the 12.5 square miles that make up this historic suburb, also home to five-star golf courses, 12 beautiful public parks, an outdoor amphitheater, a dine-in multi-screen movie theater, a state-of-the-art public recreation center, a waterfront recreation complex, a zoo, and a skating arena.

With restrictions from the pandemic lifting, our amazing community has come back to life with continued growth and prosperity always on the horizon. As I look around and see all that West Orange now offers our residents and business owners, I'm also looking ahead toward the opportunity that the future of West Orange, with new residential development and business opportunities, will bring to new visitors, community members and entrepreneurs.

If you're looking for a one-stop destination for a family getaway, a honeymoon or daytrip, we truly have something for everyone. For information on any of these attractions, visit www.WestOrange.org.

Downtown West Orange

Downtown West Orange's Main Street Corridor features four vibrant commercial districts in four neighborhoods: Eagle Rock, Tory Corner, St. Marks, and the Valley. While strolling the districts visitors receive a warm welcome from the mom-and-pop shops here, there are designer stores, boutiques, bakeries, salons, professional services, and plenty of dining options. Call 973-325-4109 for more information.

Essex County Codey Arena

The Essex County Codey Arena offers a state-of-the-art ice skating and hockey arena. The arena is as part of the South

Mountain Recreation Complex. The ice-skating arena is open to the public for skating, group skating lessons, private ice-skating lessons, and birthday parties. For more information, call 973-731-3828, extension 0.

Luna Stage

Luna Stage is a hub for entertainment and culture in the region, producing vibrant plays about local and global experiences. Luna Stage has contributed to the development of over 100 new works, with world premieres having gone on to be produced in New York and across the country, earning the theatre a reputation for artistic excellence.

Oskar Schindler Performing Arts Center (OSPAC)

OSPAC is a beautiful, five-acre outdoor theater located on the first mountain at the Crystal Lake Park Facility and features live performances. The facility features an open-air amphitheater where guests can bring lawn chairs to listen to music and outdoor theater productions.

Rock Spring Golf Club

Rock Spring Golf Club at West Orange, with its New York City skyline views, is one of only two public golf courses in the United States designed by legendary architect Seth Raynor.



Rock Spring's 6,600-yard par-71 course sits on a rolling, tree-lined site and features truly unique and creative green complexes. After 18 holes, players can grab lunch or dinner at the beautiful Club House overlooking Cable Lake. For more information, call 973-731-6464.

South Mountain Reservation Complex

The South Mountain Reservation, the largest parkland in Essex County covering 2,110 acres, is a beautiful nature reserve. The park stretches across neighboring towns, extending between the ridges of the Watchung Mountains. It is home to the Washington Rock Lookout Historic Site and boasts 10 picnic areas, 19 miles of hiking and walking trails, 27 miles of carriage roads for jogging, horseback riding, and cross-country skiing, a fishing pond, waterfalls, paddle boats, Regatta Playground and more.

Thomas Edison National Historical Park

Thomas Edison hails from West Orange, and visitors are encouraged to explore how Edison's inventions helped shape modern America at the park, where Edison's home and laboratory are beautifully preserved. The laboratory complex comprises the industrial facility built by Edison in 1887 to research and develop his inventions that changed our world forever. Tickets and Admission information. For more information call 973-736-0550, extension 11.

Turtleback Zoo & Tree-Top Adventure Course

The popular Turtleback Zoo features

1,400 animals. Exhibits include an African Adventure, Sea Turtle Rehabilitation Center, Sea Lion Sound, Wolf Woods, Tropical Currents Aquarium, American Alligator, Great Plains, Reptile House, River Otters, Black Bear Exhibit, Big Cat Country, a Touch Tank and Behind the Scenes Tours, a Zoo Train, Savanna Café, Pony Rides, Mini Golf Safari, Carousel, and McLoone's Boat-house Restaurant add to the variety of family fun options. Next door is the Tree-Top Adventure Course, a world-class aerial obstacle course. Adult Courses (approx. 35 ft. in height) offer 30 unique challenge elements with an average run time of 1 to 1.5 hours. For more information, call 973-731-5800.

Wedding Capital of New Jersey

With nine popular five-star, iconic catering facilities, as well as several catering companies and wedding-related retailers, West Orange has established its place at the Wedding Capital of New Jersey. The ideal destination for weddings of all shapes and sizes. Couples are invited to discover their dream wedding venue, whether it's a scenic golf club, upscale hotel, rustic farm, or historic manor.

West Orange is easily accessible via

car, bus, train, or jitney. Community Coach runs express buses to the Port Authority Bus Terminal on weekday mornings and evening rush hours. West Orange also operates free jitney lines to South Orange, Orange, and Mountain stations New Jersey Transit's Midtown Direct Line. There are morning jitney rides from the Gregory, Hutton Park, St. Cloud, Mt. Pleasant, BelAir, Eagle Ridge, Essex Green Villas, and Valley neighborhoods and from South Orange and Orange train stations in the evening.

Four municipal parking lots and on street parking provide quick access to most downtown businesses.

Four hotels offer luxurious, yet affordable lodging: Residence Inn—West Orange, Courtyard Marriott, The Wilshire Grand Hotel, and Cambria Hotel of West Orange.

Variety, convenience, and friendly smiles are all components that make the West Orange community the place to visit and keep coming back. I'd like to thank our residents, business owners and visitors for all that they've done to keep West Orange safe over the recent months—it has been a challenging time for all of us, and I am grateful for those who supported our efforts to protect everyone and keep our business and residential communities thriving. 🇯🇵

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Supreme Court Review for Local Governments 2020-21

Lisa Soronen, *State and Local Legal Center, Washington, D.C.*



The State and Local Legal Center (SLLC) files Supreme Court amicus curiae briefs on behalf of the Big Seven national organizations representing state and local governments. The SLLC filed an amicus brief in all of the cases discussed below.

The U.S. Supreme Court's 2020-21 term produced a bumper crop of local government cases. Chicago, Philadelphia, Baltimore, San Antonio, and San Francisco were all named parties in SCOTUS cases. Unfortunately, victories for local governments were few and far between. This article covers four of the most important cases for local governments decided this term. The cases involve a wide range of constitutional issues from Fourth Amendment seizures to First Amendment Free Exercise of religion to Fifth Amendment takings.

Torres v. Madrid

In a 5-3 decision in *Torres v. Madrid* the Supreme Court held that a person may be “seized” by a police officer per the Fourth Amendment even if the person gets away.

In this case, police officers intended to execute a warrant in an apartment complex. Though they didn't think she was the target of the warrant, they approached Roxanne Torres in the parking lot. Torres got in a car. According to Torres, she was experiencing methamphetamine withdrawal and didn't notice



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TOM MERCHEL

*MEL Chairperson
and Manager/CFO,
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the officers until one tried to open her car door. Though the officers wore tactical vests with police identification, Torres claimed she only saw the officers had guns. She thought she was being carjacked and drove away.

She claimed the officers weren't in the path of the vehicle, but they fired 13 shots, hitting her twice. Torres drove to a nearby parking lot, asked a bystander to report the attempted carjacking, stole another car, and drove 75 miles to a hospital.

Torres sued the police officers claiming their use of force was excessive in violation of the Fourth Amendment's prohibition against "unreasonable searches and seizures."

The officers argued, and the lower court agreed, that Torres couldn't bring an excessive force claim because she was never "seized" per the Fourth Amendment since she got away.

The Supreme Court, in an opinion written by Chief Justice Roberts disagreed. Relying on common law, the Court held that "application of physical force to the body of a person with intent to restrain is a seizure, even if the force does not succeed in subduing the person."

Caniglia v. Strom

In a four-page opinion the Supreme Court held unanimously in *Caniglia v. Strom* that police community caretaking duties don't justify warrantless searches and seizures in the home. During an argument with his wife, Edward Caniglia put a handgun on their dining room table and asked his wife to "shoot [him] now and get it over with." After spending the night at a hotel Caniglia's wife couldn't reach him by phone and asked police to do a welfare check.

Caniglia agreed to go to the hospital for a psychiatric evaluation after officers allegedly promised not to confiscate his firearms. The officers went into his home and seized his guns regardless.

Caniglia sued the officers for money damages claiming that he and his guns were unconstitutionally seized without a warrant in violation of the Fourth Amendment. In *Cady v. Dombrowski* (1973), the Court held that a warrantless

search of an impounded vehicle for an unsecured firearm didn't violate the Fourth Amendment. According to the Court in that case "police officers who patrol the 'public highways' are often called to discharge noncriminal 'community caretaking functions,' such as responding to disabled vehicles or investigating accidents."

The First Circuit ruled in favor of the police officers in *Caniglia* extending Cady's "community caretaking exception" to the warrant requirement beyond the automobile and to the home.

The U.S. Supreme Court's 2020-21 term produced a bumper crop of local government cases. Chicago, Philadelphia, Baltimore, San Antonio, and San Francisco were all named parties in SCOTUS cases.

Justice Thomas, writing for the Court, rejected the First Circuit's extension of Cady. Justice Thomas noted the Cady opinion repeatedly stressed the "constitutional difference" between an impounded vehicle and a home.

Justice Kavanaugh, in a concurring opinion, offered a view helpful to local governments: "the Court's exigency precedents, as I read them, permit warrantless entries when police officers have an objectively reasonable basis to believe that there is a current, ongoing crisis for which it is reasonable to act now."

Fulton v. Philadelphia

The Supreme Court held unanimously in *Fulton v. Philadelphia* that the City of Philadelphia violated the First Amendment when it refused to contract with Catholic Social Service (CSS) to certify foster care families because CSS

refuses to work with same-sex couples.

When the city discovered that CSS wouldn't certify same-sex couples to become foster parents because of its religious beliefs the city refused to continue contracting with CSS. The city noted CSS violated the non-discrimination clause in its foster care contract. CSS sued the city claiming its refusal to work with CSS violated the Free Exercise and Free Speech Clauses of the First Amendment.

Chief Justice Roberts, writing for the Court, concluded that the city violated CSS's free exercise of religion rights. He noted that in *Employment Division, Department of Human Resources of Oregon v. Smith* (1990), the Court held that "laws incidentally burdening religion are ordinarily not subject to strict scrutiny under the Free Exercise Clause so long as they are neutral and generally applicable." But, the Court held, *Smith* didn't apply in this case because the city's non-discrimination clause allowed for exceptions, meaning it wasn't generally applicable. Because *Smith* didn't apply, the city's refusal to contract with CSS had to be evaluated under strict scrutiny.

The city cited three interests in ensuring non-discrimination when certifying foster families: maximizing the number of foster parents, protecting the city from liability, and ensuring equal treatment of prospective foster parents and foster children.

According to the Court: "Maximizing the number of foster families and minimizing liability are important goals, but the City fails to show that granting CSS an exception will put those goals at risk. If anything, including CSS in the program seems likely to increase, not reduce, the number of available foster parents. As for liability, the City offers only speculation that it might be sued over CSS's certification practices."

As for equal treatment of prospective foster parents and foster children, Chief Justice Roberts wrote: "We do not doubt that this interest is a weighty one, for [o]ur society has come to the recognition that gay persons and gay couples cannot be treated as social outcasts or

as inferior in dignity and worth.’ On the facts of this case, however, this interest cannot justify denying CSS an exception for its religious exercise. The creation of a system of exceptions under the contract undermines the City’s contention that its nondiscrimination policies can brook no departures.”

Cedar Point Nursery v. Hassid

In *Cedar Point Nursery v. Hassid* the Supreme Court held 6-3 that a California regulation allowing union organizers access to agriculture employers’ property to solicit support for unionization up to three hours a day, 120 days a year is a per se physical taking under the Fifth and Fourteenth Amendments.

The Fifth Amendment Taking Clause, applicable to the states through the Fourteenth Amendment, states: “[N]or shall private property be taken for public use, without just compensation.”

In this case agriculture employers argued California’s union access regulation “effected an unconstitutional per se physical taking . . . by appropriating

without compensation an easement for union organizers to enter their property.” The Supreme Court agreed.

According to Chief Justice Roberts, writing for the majority, “[w]hen the government physically acquires private property for a public use, the Takings Clause imposes a clear and categorical obligation to provide the owner with just compensation.” But when the government “instead imposes regulations that restrict an owner’s ability to use his own property” the restrictions don’t require “just compensation” unless they go “too far.”

The Court held the access regulation “appropriates a right to invade the growers’ property” and therefore constitutes a per se physical taking rather than a regulatory taking. “Rather than restraining the growers’ use of their own property, the regulation appropriates for the enjoyment of third parties the owners’ right to exclude.”

Local government officials routinely go onto private property temporarily to

do police work and conduct inspections, among many other reasons. Importantly, the Court stated that “government searches that are consistent with the Fourth Amendment and state law cannot be said to take any property right from landowners” and “government health and safety inspection regimes will generally not constitute takings.”

Conclusion

Many of the Supreme Court decisions this term were narrow. Caniglia, Fulton, and even Cedar Point Nursery are examples of that trend. So, while all three of these cases were losses for local governments (as was Torres), they could have been worse. While Caniglia and Fulton were unanimous, they were probably two of the narrowest decisions of the term. Local governments could not have expected to have won either of those cases. ❧

@ For an expanded Supreme Court Review for Local Governments, please visit www.njlm.org/magazine.

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Gold Dome



Ben Dworkin, Ph.D., Director, Rowan University Institute for Public Policy & Citizenship (RIPPAC)

COVID-19's Economic Disconnect High unemployment along with strong demand for workers is challenging state officials

The fall was supposed to see businesses opening up, schools teaching in person, and millions of Americans re-engaging with employers and customers after a difficult time isolating in their homes.

With vaccinations readily available, the K-shaped recovery—as some economists described it, where, basically, those who could do their work on a laptop found employment and those who didn't stayed unemployed—was supposed to flatten out and return to a more traditional state of affairs.

Alas, the road to recovery has been much more challenging than expected.

One of the biggest quandaries is a “disconnect” in the labor market. New Jersey's unemployment rate is over seven percent, one of the highest in the nation, while at the same time, countless employers are struggling to bring on enough workers. “Now Hiring!” signs proliferate the landscape. Yet, the state has thousands of workers seeking employment.

This disconnect is happening across the country and cuts across all sectors of the economy.

Any delay in resolving it has huge negative effects on municipalities, as local economies rely on having the right match of job openings and workers to fill them.

This is major public policy challenge for state officials. The reasons behind the economic disconnect are multi-faceted, involving both individual family-level decisions as well as meta-trends.

Economists will certainly need to look at what's happening to identify and measure the influence of suspected reasons, but many observers see the following to be among the biggest and most identifiable factors:

Career reckonings. COVID-19 made people re-think what was important to them and that has led to what is being called the Great Resignation.

For those who have worked their entire lives, the pandemic was the “alarm bell” that made them say, “You know, I've had enough.” For younger people, many of whom were working in pretty meager jobs for meager pay, it was a moment to re-think their choices—“Is this really what I want to do?”—and they just left too.

This past August, the number of American workers who quit their job was greater than ever recorded previously. In just the food services and hospitality industries alone, nearly 1-in-14 employees left their job that month.

Savings cushion. The amount of personal savings accrued during the pandemic also is affecting the workforce economy. From 2015 – 2019, the nation's personal savings rate hovered around 7%. In September 2020, it was 13.6%. As of July 2021, it was 10.1%, which is still nearly 40% more than pre-COVID-19 numbers.

Extended unemployment benefits only partially explain this. Those benefits expired in early September, and yet a great number of people in New Jersey are still seeking work while employers are desperate to hire.

Spending and saving habits certainly changed when people were home. Limited commuting and delayed vacations, for example, kept money in people's pockets. The federal government provided several waves of direct financial support, especially for those who had children. And the state placed moratoria on paying rent and utility bills.

Thus, workers have—many for the first time—enough money to be choosy about their job search.

Child care. A third reason for the disconnect is child care. Few recognized how much schools are relied upon to take care of children while parents work. Teachers are, in effect, front-line workers in a pandemic and probably should have been treated as such.

Today, unfortunately, even with schools back in person, there is little stability for many parents to return to in-person work.

One sniffle or headache, and an unvaccinated child is sent home with “COVID symptoms” and required to get a COVID test, often taking a few days to get results. So long as the child is home, an adult has to be home too, rather than at work. Actual exposure to COVID requires even more time away from school and the workplace.

Even as younger children start vaccinating, the ripple effects of just one case are staggering.

Fear. A fourth likely reason for this disconnect is that people are afraid. They are scared of getting COVID, and worry about making their children or elderly parents sick. They are afraid of

hostile customers unwilling to accommodate whatever rules on mask wearing, social distancing, and vaccination might be in place. And, for a still sizable chunk of the workforce, they are afraid of the vaccine, and would rather be unemployed than get it.

What can be done?

The economic predicament is a complex one. The question for those working in Trenton is, what can be done? A few of the leading proposed responses include:

Eliminate the support. Some argue that the disconnect will go away as the generous government subsidies disappear. Once people see the need for new income, they will return to work. If not, employers will adapt, perhaps by embracing new automation. New Jersey's growing warehouse fulfillment sector, in particular, is likely to see this change.

Make work more attractive. President Joe Biden's administration's approach to the problem is to make work more attractive by investing in child care, strengthening unions, and encouraging the private sector to increase wages, perks, benefits, and flexibility. Of course, their ability to accomplish all of these things in the current hyper-partisan environment is questionable.

Upgrade worker skills. Governor Phil Murphy's administration has placed its focus on building careers by retraining the workforce. Their mislabeled "Return & Earn" initiative is less about the \$500 worker incentive than the \$10,000 offered to small

businesses to upgrade the skills of employees. Unfortunately, this is a long-range policy—retraining takes time—and the economy's demand for action is present today.

Defeat COVID-19 soundly. Perhaps the single best policy response to the economic disconnect we face currently is—to put it bluntly—crush COVID-19. For proponents of this view, New Jersey will not have the economy it deserves with 30% to 40% of the adult population unvaccinated.

Thus, either someone comes up with a "miracle cure" or government and the private sector will start to demand that more workers get vaccinated. The federal government has adopted this position and, increasingly, so are many forward-facing businesses, including hospitals and large corporations. Indeed, the prohibitive costs of testing unvaccinated employees every week is motivating some companies to consider a stricter policy.

A changed NJ economy

In so many ways, COVID-19 has changed the state's economy. Today, New Jersey's top leaders face the challenge of reconciling high unemployment and high employment demand. If consensus can be reached on why it's happening, then Trenton can move on to finding the right response.

Throughout history, incredible innovations have emerged out of tragic circumstances, taking society to new heights. Hopefully, this will be one of those moments. 🇺🇸

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Labor Negotiations

Matthew U. Watkins, *Consultant, NJLM*

You Have How Much Time on the Books? Unused Accumulated Leave

As we approach the end of another pandemic year, many of you are faced with the issue of an inordinate amount of unused sick or vacation time for your employees. Most of us are familiar with the state law that only allows for the prior year allocation, plus the new year's carryover. Many public employees have accumulated time due to the pandemic. I hope to address some of the issues with unused sick time.

End of the Year Review

In December, we should all be looking at how much accumulated leave is on the books for each employee. This should be an annual review. You should have an individual listing of their vacation, sick, personal, and comp time accumulation. Each individual employee should sign off accepting and acknowledging their accumulated time. I typically did this within the first few weeks of the beginning of the year. In December you should be accumulating that information and be ready for sign off in January.

Review of Accumulated Leave Policy

In December, you should refresh your memory on each labor contract, so you know the exact provisions of the accumulated leave for those employees in a unit. Unorganized employees should follow your policy and procedure. If you don't have a policy, now is the time to write one, or have an ordinance adopted. Absent a labor contract or personnel policy, you should look to state statute NJSA c.40A:9-10.2 to 10.5. Further, and for these years of emergency, NJAC 4A:6-3 reads, "In local service, vacation leave not taken in a given year because of duties directly related to a state of emergency declared by the Governor may accumulate at the discretion of the appointing authority until, pursuant to a plan established by the employee's appointing authority... the leave is used or the employee is compensated for that leave."

The management of employee accumulated leave has a tremendous financial importance. As we all know, accumulated leave is a part of our budget and specifically called out and the

User-Friendly Budget document or the municipal audit, as a footnote to the financial statements.

According to LFN 2002-1, every year each town is required to calculate the full value of all the time that would be due and payable to all employees at the end of the year. This calculation is done by the CFO or HR department. The value of that calculation can be located in the User-Friendly Budget. As calculated, it assumes the liability to the town if you had to pay all the eligible employees their maximum payout for all accumulated time. Of course, this is an abstract number since that liability would never really materialize.

Unless you have a specific—and properly adopted—policy that allows for a “use it or lose it,” you cannot take earned leave away from any public employee.

End of the Year Comp Time

I take this moment to strongly recommend any employee who has unused comp time be paid out before the end of the year. Comp time is overtime earned but not paid. Allowing an employee to accumulate this gives them an advantage since the payout rate continues to increase based on salary increase is typically given in the new year. Unless your labor contract states otherwise, you do not need to allow an employee to accumulate comp time. This is a budgetary decision, however, at some point, you must pay for it. Make sure that the amount of comp time that is accumulated on the books is at time and a half. When calculating the payout of comp time, do not increase the hourly rate by 1.5 times. I've seen that mistake happen often. The employee could end up getting pay at triple time.

Managing Accumulated Time

In those circumstances where the employee has more than two years of accumulated leave; you need to address this issue with each individual employee.

If you have satisfied the requirements of any labor agreement, and you still wish to have an employee drawdown on their accumulated leave, you are within the law to require them to use the leave in a certain manner. For this, you should establish a written procedure. Once written, make sure that you send it to the appropriate unions and any unrepresented employees so they are aware of the procedure. Failure to communicate a policy jeopardizes the enforcement.

Do not make the mistake of telling an employee to “use it or lose it.” Unless you have a specific—and properly adopted—policy that allows for a “use it or lose it,” you cannot take earned leave away from any public employee.

The law does allow for you to structure use of accumulated leave. For example, you can direct the employee to use five days within the first quarter of the new year. You are allowed to even structure exact days that they must take off. When you notify your employee, make sure it is done in writing. Include in the written notice that failure of the employee to use their time as you structured, will be considered insubordination. Do not be unreasonable. Lastly, make sure you do this in conjunction with the employee’s supervisor. However, if you

require an employee to use their time, be careful not to put yourself into a bind by losing an employee at a time when you need them most. For example, you need your DPW workers during the snowy season.

Unused Sick Leave Payout

I want to mention the issue of paying out current employees who don’t use sick time. Also known as sick leave buy back. We may have heard or read the State Comptrollers Investigative Report that was issued March 2, 2012 (https://www.nj.gov/comptroller/news/docs/palisades_park_final_report.pdf). This report indicates that employees hired after May 21, 2020 are only entitled to sick leave payout at retirement of no more than \$15,000. Many towns have policies that provide for end of the year sick leave buy back. This is unsettled law. You should carefully be guided by your labor attorney on how you manage this provision.

I hope this is helpful. As a part of the NJ League’s Labor Advisory Services, I am available to discuss this issue with you. You can reach me at matt@njcs.us to set up a time to talk. 🇺🇸

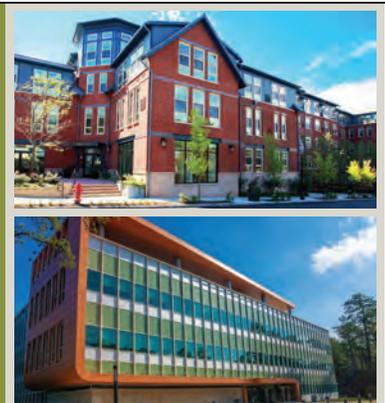
Matthew U. Watkins is a retired municipal manager, and former PERC Commissioner and Director of DLGS. He is now President of NJ Community Solutions, LLC

@ To speak with him about the NLJM Labor Advisory Service, email Matt@njcs.us

McManimon, Scotland & Baumann, LLC

CELEBRATING 50 YEARS OF SERVICE TO OUR CLIENTS

McManimon, Scotland & Baumann, LLC is celebrating the 50th Anniversary of its founding and its service of clients throughout New Jersey. Founded as Kraft & Hughes, the firm has evolved during its 50-year journey from being the first bond counsel firm in New Jersey, to today’s full service, multi-disciplinary public/private law firm. Our foundation is built upon outstanding professionals coming together to bring the best they have to offer, without exception or hesitation, in service of one another and our clients. We are thankful for the opportunity over the last half-century to serve our clients and we look forward to continuing in service for many years to come.



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20 Years of the Council on Local Mandates

What is the Council on Local Mandates?

 The Council on Local Mandates is a bipartisan body, independent of the Executive, Legislative, and Judicial branches of State government. The Council was created pursuant to the “State Mandate, State Pay” amendment to the New Jersey Constitution, approved by voters in November 1995, and through an enabling statute that became effective in May 1996. Some have called the Council on Local Mandates the State’s fourth branch of government because of the power it has in shaping state policy.

The Council is made up of nine members, with four members appointed by the Governor, two of whom are to be from a list supplied by the Chair of the opposing political party. The Senate President, Senate Minority Leader, Speaker of the Assembly, and Assembly Minority Leader each appoint one member, and the Chief Justice of the NJ Supreme Court also appoints one member. Members appointed by the Governor have a term of four years, while the member appointed by the Chief Justice has a term of five years. All other appointed members serve a two-year term.

The Council has exclusive authority to rule whether state law, rule, or regulation imposes an unconstitutional “unfunded mandate” on local governments or school boards. Rulings of the Council are final, and are not subject to judicial review. Laws, rules, or regulations found by the Council to be an unfunded mandate cease to be mandatory in effect and expires.

What is an unconstitutional unfunded mandate?

 Generally speaking, an unfunded mandate is a State law, rule, or regulation effective after specific dates in 1996, which requires a county, municipality, or school board to expend funds but does not provide the funds to offset the additional expenditures, forcing local government entities to rely on property taxes to pay for

the new mandate.

Not every law that requires a local government to expend funds is an unfunded mandate. In fact, there are six exemptions specifically outlined within the State Constitution. These exemptions are laws, rules, or regulations:

- (1) Which are required to comply with federal laws or rules or to meet eligibility standards for federal entitlements;
- (2) Which are imposed on both government and non-government entities in the same or substantially similar circumstances;
- (3) Which repeal, revise, or ease an existing requirement or mandate or which reapportion the costs of activities between boards of education, counties, and municipalities;
- (4) Which stem from failure to comply with previously enacted laws or rules or regulations issued pursuant to a law;
- (5) Which implement the provisions of the New Jersey Constitution; and
- (6) Laws which are enacted after a public hearing, held after public notice that unfunded mandates will be considered, for which a fiscal analysis is available at the time of the public hearing and which, in addition to complying with all other constitutional requirements for the enactment of laws, are passed by a $\frac{3}{4}$ affirmative vote of the members of each House of the Legislature.

Some examples of what the Council has found to be an unfunded mandate include: a statute that required public schools to conduct periodic tests for the presence of radon gas; a directive from the State Department of Transportation that would have required counties and municipalities take on the function of deer carcass removal from county and municipal roads; provisions of the 2009 Appropriations Act that would have required rural municipalities to begin making payment for State Police patrol services; and most recently, a statute requiring local election officials to provide voters with mail-in ballot ballots for all future elections.

The examples were all struck down by the council as unfunded mandates because the underlying statute, regulation, or policy required direct expenditures by the local governing body and failed to provide a source for the funding other than local property taxes. 



“Solar power just makes sense... It’s also why we designed SolarAPP+... we’re using that to cut the red tape that often delays the solar permitting process. So in some parts of the country, customers have to wait weeks for approvals before they can get their solar installations online...”



- Secretary Granholm



“The seamless solar permitting process by SolarAPP+ improves the effectiveness of local government staff. But more importantly, this efficiency translates into better services for residents, area business, and local industries”



- Clarence Anthony,
CEO, National League of Cities



“(In Tucson) the permitting process was taking four weeks. Now with SolarAPP+ we we give a permit the same day. We just approved about 450 installations in the last 60 days alone that we have been using SolarAPP+ in the city of Tucson and because time is money. For the city of Tucson we can charge less for the permit. So what that means is that it becomes less expensive for the installation and we make solar much more available to communities... to low income communities in our city.”



- Tucson Mayor
Regina Romero



“We were the first to adopt SolarAPP+ and issue a permit through SolarAPP+ and just issued our 30th permit through SolarAPP+. With all the building we’ve done, there have been no issues.”



- Pleasant Hill Mayor
Sue Noak

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Legislative Update

Lori Buckelew, *NJLM Assistant Executive Director and Director of Government Affairs*;
Andrew LaFevre & Paul A. Penna, *Legislative Analysts*;
Frank Marshall Esq., *NJLM Associate General Counsel*



A-4010 Requires entities performing certain construction services on public contracts to carry errors and omissions insurance

Status: Introduced and referred to Assembly State and Local Government Committee.

This legislation would require construction services contracts or agreements awarded under the Local Public Contracts Law, Public School Contracts Law, the State College Contracts Law to require errors and omissions insurance. A copy of the insurance policy must be included with the contract or agreement. The declarations page of the insurance policy would be required to be posted on the official website of the government entity.

The legislation further defines “construction services” as civil design, mechanical engineering, electrical engineering, plumbing design, and structural engineering.

The League opposes the bill as local government entities currently can require errors and omissions insurance as part of the contract based on the work being performed. Instead, this one-size-fits-all blanket requirement will drive up costs in awarding contracts.–LB



S-3024/A-4821 Prohibits tax collector from selling tax lien of less than \$100

Status: S-3024 is introduced and referred to Senate Committee and Urban Affairs Committee; A-4821 introduced and referred to Assembly State and Local Government Committee.

Under current law when a tax on real property or municipal fee, together with interest, penalties, charges, and costs of advertising, is less than \$100 the tax collector has the discretion to include that property at part of the tax sale. S-3024/A-4821 would remove that discretion and prohibit such property be included in the tax sale.

The League opposes the legislation since it removes local discretion. It is important that local discretion remains to address circumstances as warranted. Tax collectors needs to maintain the current discretion. On one hand the discretion helps controls the cost of the tax sale, which may outweigh the value of the tax sale. But on the other hand if there are numerous properties under the \$100 value in the aggregate, it can add up to significant loss to the municipality.–LB



A-4701 Permits notices of revisions or addenda to advertisements or bid documents to be provided via email

Status: Introduced and referred to Assembly State and Local Government Committee.

Amending the Local Public Contracts Law, this legislation would permit local contracting units to provide notices of revisions or addenda to advertisements or bid documents to any person who has submitted a bid or received a bid package by electronic mail with confirmation delivery. Currently such notices can only be given by certified mail or certified fax transmission or by delivery service that provides certification of delivery.

This common-sense legislation permits local contracting units to use proven modern-day form of communication.



A-5148 Authorizes local governments to impose convenience fees for accepting electronic payments

Status: Introduced and referred to Assembly State and Local Government Committee.

The New Jersey Supreme Court affirmed the Appellate Division New Jersey *Land Title Association v. Rone*, 458 N.J. Super. 120 (2019) decision ruling that the “Government Electronic Payment Acceptance Act” does not authorize the imposition of a convenience fee for accepting electronic payments. In this decision the court ruled that while a local government unit cannot charge a convenience fee, they may still be permitted to charge a service fee.

It is important to make the distinction that a service fee is the cost incurred by the local government unit for processing an electronic payment, while a convenience fee is a charge to offset the cost of administering an electronic payment system. A-5148 would authorize local governments to assess and collect a convenience fee of up to \$3 for accepting an electronic payment.

The League supports the legislation as it assists in recouping the cost for administering an electronic payment system which would otherwise be passed along to all taxpayers regardless of their chosen form of payment.–LB

Thank you for all you do to make
our state a desirable place to live.

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2022 Show Off Your City CONTEST

Share your hometown pride! Please send in your photos of your tourist attractions, downtown areas, economic development initiatives, parks, city halls, community groups and new projects for the annual Show Off Your City contest.

SUBMISSION DEADLINE: FEBRUARY 3

- Entries will be posted on the League's Facebook page, website, and some will be featured in the April issue of NJ Municipalities magazine, and possibly other issues. A winner will be chosen and awarded a free League publication of their choice as well as a place of pride on the cover of the April issue.
- Photos should be high resolution JPEG files, at least 1 MB in size. Please provide photo credit if necessary. They can be sent to aspiezio@njlm.org or mail on CD or flash drive to 222 West State Street, Trenton, NJ 08608

ENTRY DETAILS: Unfortunately, stock photos and images that are too low resolution will not be considered. By submitting a photo, you are agreeing that you own the rights to the photo and that NJLM has permission to use the photo in NJ Municipalities, on NJLM's social media and website, and on other printed materials.

A winner will be announced with the publication of the April issue. Please include your Facebook profile name and we will tag your photo on Facebook!



Annual Report

2021



Michael Cerra,
Executive Director,
New Jersey State
League of Municipalities

This report intends, on annual basis, to both look back at the year behind us and to look forward to what lies ahead. We did that in 2019 with no possible knowledge or appreciation for what 2020 would entail as COVID-19 had yet to reach our shores. And last year, we hoped the worst was behind us and that 2021 would allow a return to normalcy.

But it turns out that 2021 had its own unique challenges, as the promise and success of vaccines provided hope that a finish line was in site, but the emergence of a new variant provide new challenges and a spike in cases. Fortunately, New Jersey is a highly vaccinated state and the spike here was significantly less than elsewhere.

However, the Garden State was not spared, and the public health challenges we have had no choice but to face appear prepared to linger into 2022. Yet in so many other ways, 2021 was a success based on how local officials rallied to another set of challenges, how our elected representatives responded with an unprecedented infusion of recovery funding, and how our citizens continued to show resilience and faith even as our collective fatigue mounts.

The theme of the League's 2021 Conference asked us each to create a legacy. We've learned from 2020 and 2021—now let's prepare for what may lay ahead and let's move towards our continued objective to find our common goal of helping New Jersey's municipalities through these challenging times.

Through this all, the League has continued to advocate on your behalf in Trenton and Washington to secure much-needed fiscal security.

Legislative

The League's Legislative team, Lori Buckelew Assistant Director and Director of Government Affairs; Legislative Analysts Andrew LaFevre and Paul Penna; Frank Marshall, League Associate General Counsel; Legislative Administrator Ciara Bradley; and Shirley Cade, Legislative & Administrative Support, continue to advocate on behalf of municipalities during the COVID recovery.



League Legislative Committee meetings continue virtually. The General Assembly also continues to meet virtually while the State Senate is holding in-person hearings for which the League's Legislative team registers to testify in advance. We are only allowed in the hearing room if testifying, but we have consistently followed proceedings digitally and actively followed up with legislators utilizing many means of communications.

NJLM's Legislative team focused on COVID and non-COVID issues of importance to local governments, serving as an active voice for local officials on topics including:

Cannabis Implementation: In February, Gov. Murphy signed legislation legalizing personal use of cannabis for those over the age of 21 and decriminalizing marijuana and hashish possession. While the League did not take a position on legalization, we worked with the Legislators and the Administration to ensure municipalities had the ability to govern cannabis in their respective municipalities. The League continues to ensure municipalities will have a say in the cannabis marketplace during the regulatory process by working with the Cannabis Regulatory Commission.

20 and Out: In April Governor Murphy signed legislation (P.L. 2021, 52) that permits a Police and Fire Retirement System (PFRS) employee who is enrolled before or after the bill's April 19, 2021 to retire, regardless of age, upon attaining 20 or more years of service credit and would allow that employee to receive a retirement allowance equal to 50% of the member's final compensation. The League was joined by the New Jersey Association of Counties in opposing this legislation. Through our collective efforts the legislation was amended to have this enhanced benefit only apply to police and firefighters currently enrolled in the Police and Fire Retirement System and the benefit will expire in two years.

Land Use Appeals: COVID-19 put municipal land use boards in a unique situation. When in-person meetings were cancelled or postponed, land use boards remained subject to the strict timeframes for review of applications, as laid out in the Municipal Land Use Law. Failure to review applications or provide hearings would result in unwanted consequences, including the deemed approval of applications. Despite the best efforts of the land use boards to ensure procedural and substantive due process rights were preserved some may see this as an opportunity to falsely challenge the actions of the board. These challenges could lead to costly and mostly frivolous litigation. In September, Governor Murphy signed P.L. 2021, c. 230, which would eliminate many of the possible claims that could be brought based on frivolous assertions, while maintaining a legitimate objector's rights to challenge the actions of a land use board. The League strongly supported the quick passage of this legislation and would like to thank Assemblyman Greenwald as the sponsor of this bill for his leadership on this important issue.

After Election Day, we entered into the end of the 219th legislative session and the end of the Governor's four-year term.

This time between Election Day and the beginning of the new legislative session when state legislators will begin new terms is known as the "lame duck" period. We anticipate movement on the following:

Responsible Collective Negotiations Act: S-3810/A-5862 would substantially expand the power and influence of public sector labor unions in collective bargaining negotiations with county and municipal governments across the state. The legislation would eliminate a long-established precedent in public sector labor negotiations by creating permissive issues of negotiations that would broaden the category to include all collective bargaining units, eliminate the category's temporary nature, and subject previously non-negotiable items to binding arbitration. Local governing bodies negotiate with property taxpayer dollars and the public's vested interest in limiting the scope of labor negotiations. The League joins the New Jersey Association of Counties in strongly opposing S-3810/A-5862 as it will not only infringe upon the ability of public sector management to manage but it will drive up costs borne by local government and, ultimately, our taxpayers.

Small Cell Wireless and 5G: The League opposes A-1116/S-2674 (known as "5G" or "Small Cell Bill") because it provides broadband telecommunications providers with favorable and discounted access to public rights-of-way without requiring these cost savings be passed on to customers, or requiring broadband infrastructure buildout necessary to help bridge the digital divide. Further, committee amendments to A-1116/S-2674 expand the scope of the legislation beyond the legislation's original intention, further limiting safeguards for local communities. Municipal governments actively manage public rights of way to protect residents' safety, preserve the character of their community, and maintain the availability of the public rights of way for current and future uses. As trustees for this limited public asset it is important that municipal governments are empowered to act as effective stewards. Provisions within A-1116/S-2674 would dilute the ability of local governments to manage and protect the public right of way, providing a benefit to the private shareholders of broadband telecommunications providers. The League is engaged on this legislation and continues to work with stakeholders in the hopes of drafting legislation that will ensure equitable deployment and access to broadband internet while protecting the public rights of way.

Open Public Records Act & Open Public Meetings Act: We do anticipate a push to advance legislation regarding the Open Public Records Act (OPRA) and the Open Public Meetings Act (OPMA). While some provisions of S-379, which makes various changes to OPMA, and S-380, which makes certain access changes to OPRA have changed, the League must continue to oppose both pieces of legislation. The Legislation continues to require that governing bodies make a determination if a subcommittee meeting is open to the public, and that regardless if the subcommittee is open to the public

they must prepare quarterly reports; prevailing attorney fees continue to be mandated in the OPRA legislation and the OPMA legislation changes prevailing attorney fees from permissive to mandatory; and both bills continue to exempt the Legislature from many requirements of the OPMA and all of the requirements of the OPRA.

Payment in Lieu of Taxes (PILOTs): The League will also engage on any legislation that will require municipalities to share Payment in Lieu of Taxes (PILOTs) payments with school districts. PILOTs are the single most powerful tool available to municipalities to encourage businesses and developers to make improvements to property or to locate a project in a distressed or blighted area. Municipalities, not the school district or other government entities, have the responsibility to develop commercial, residential, and industrial ratable base of the municipality to maintain and expand the financial viability of the municipality and provide the financial support for the other governmental entities as well. Municipalities are responsible for the billing and collecting the real estate taxes not only for the municipality but also for the county, the school district, fire districts and other similar entities within the municipality. Regardless of the real estate taxes collected the county, school district, fire district and other similar entities are guaranteed 100% of the levy regardless of the collection. Any shortfall is borne by the municipality. In addition, municipalities are responsible for defending tax appeals and paying out any judgments. The League has requested that any discussions on the reallocation of PILOT payments be delayed until there is a broader discussion regarding the entire property tax collection process. Municipalities, not counties and school districts, expend the energy and resources to spur economic development for the benefit of the entire community. These efforts encourage new tax rateables while also promoting job growth in areas in need of redevelopment.

In the past, legislation has moved very quickly during lame duck, with newly introduced legislation moving to full floor vote within weeks. We urge you to keep an eye on the League's Town Crier blog post, daily updates, and legislative alerts to stay abreast on the legislation moving quickly. We will continue to be your advocate in Trenton, but we ask that you join us by contacting your legislative representatives and echoing our collective municipal voice at local district offices.



Washington

To say it has been an eventful and busy year in Washington would be an understatement. All municipalities received direct federal funding for the first time ever. The ongoing pandemic

and recovery, the new federal administration, and a new Congress meant that the League's federal priorities have been at the forefront while decisions are being made that affect our state. The League has worked closely with our partners at the National League of Cities (NLC) and members of the state's Congressional delegation to ensure municipal priorities are represented.

League Associate General Counsel Frank Marshall carefully monitors U.S. Supreme Court cases on issues ranging from billboard siting requirements conflicting with First Amendment protections to matters involving the use of eminent domain. And, at the federal regulatory level, he has monitored and commented on proposals ranging from the copper and lead rules, to FCC proposals that would hinder municipal authority over the siting of telecommunication equipment.

In early February, President Kovach and League staff members joined leaders and staff from more than 30 other state municipal leagues for a day of virtual meetings with the offices of our respective U.S. Senators and Representatives. This event was organized by NLC with a sharp focus on local aid in the American Rescue Plan; funding for pandemic relief; infrastructure needs and funding; Clean Water State Revolving Fund reauthorization; and National Flood Insurance Program reauthorization.

American Rescue Plan: On March 11, President Joe Biden signed H.R. 1319, the "American Rescue Plan Act of 2021," which provides \$1.9 trillion for additional relief to address the continued impact of the COVID-19 pandemic on the economy, public health, State and local governments, individuals, and businesses. Included in this legislation is the \$65.1 State and Local Fiscal Recovery Funds, for every state, county, and municipality in the country. These funds can be utilized for aspects of the COVID-19 response, mitigation, and prevention activities; alleviate the negative economic impacts of the pandemic; replace lost revenue; improve broadband access; and improve water/sewer infrastructure. New Jersey municipalities were allocated \$1.7 billion over two years to utilize these funds. Municipalities are utilizing these funds to replace lost revenue, improve ventilation in public buildings, upgrade sewer lines, and provide premium pay for municipal workers.

In addition to the allocation under the SLFRF, the American Rescue Plan Act provided funding for a myriad of problems that directly and indirectly affect municipalities, including nutrition, mental health, vaccines, testing, child care, energy assistance, emergency rental assistance, and housing counseling. It's also funding assistance for people experiencing homelessness, emergency housing vouchers, mortgage and utility assistance, public transportation, information technology and cyber security, FEMA grants, restaurant funding, shuttered venue grants, expanded Paycheck Protection Program, economic development assistance, rail funding, unemployment insurance extension direct payments to families, and expansion of the Earned Income Tax Credit.

Infrastructure Investment and Jobs Act & Build Back Better Agenda:

As of this writing, there is much that remains incomplete as Congress is debating major legislative priorities. The Senate amended and passed the House passed Infrastructure Investment and Jobs Act (IIJA) and returned it to the House for their consideration. The \$1.2 trillion, 5-year plan includes \$550 billion in new infrastructure spending. Passage of this bill would include funding for the Gateway Project to build new rail tunnels under the Hudson River, expand mass transit; repair roads and bridges; and replace and repair water and sewer infrastructure.

The House has not passed the amended IIJA and first wants agreement with the Senate on a framework to pass the Biden Administration’s Build Back Better agenda that includes funding for child care, makes permanent child tax credits, expands access to community colleges, lowers prescription drug costs, lowers housing costs, and increases workforce training. This act would be considered using the budget reconciliation process and needs 51 votes in the Senate to proceed.

Several members of the New Jersey delegation have indicated they will not support the Build Back Better Agenda if the State and Local Tax (SALT) deduction cap is excluded from this legislation. We thank them for their advocacy on behalf of New Jersey’s taxpayers.

Over the course of the year, League staff have kept in regular contact with New Jersey’s Congressional delegation, and League board members have participated in tele-town halls and other events with New Jersey’s delegation.

Legal

The League has been busy advocating for municipalities in the courts this past year. Our legal department, led by Counsel William Kearns, Deputy Counsel Trishka Cecil Waterbury, and Associate General Counsel Frank Marshall, participated in various amicus interventions in 2021 before both the New Jersey Appellate Division and Supreme Court. The legal matters at issue were diverse but once again matters related to OPRA in some way or another saw the most action.

The League participates in these cases because they have statewide impact and municipal interests are well served by our involvement.

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

a strong resource to help them in this task.

Outside of the court context, our legal department continues to create useful resource material. This includes various publications offered by the League, contributing to the League magazine with articles on particular areas of interest, and writing blog posts to outline new laws and regulations.

With the legalization and regulation of adult use cannabis earlier this year, the League’s legal department worked tirelessly to provide timely information to our members. Through virtual legislative briefings, FAQs, and model ordinances, our legal department ensured our members were kept up-to-date on the evolving cannabis landscape.

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

The League’s legal department also works on legislative and regulatory advocacy, working closely with members of the League’s legislative staff to provide analysis on legislative affairs. The League’s Associate General Counsel frequently represents the League and municipal interests as a stakeholder on a variety of issues before the State’s regulatory bodies and legislative committees.



Labor Relations

The League’s Labor Relations Advisory Service is conducted by the League’s Labor Relations Counsels, Angelo Genova and Joseph Hannon of the firm Genova Burns LLC. And now the League has bolstered its Labor Relations offerings by the retention of former municipal manager and former Director of the Division of Local Government Services Matthew U. Watkins.

Joseph Hannon is available to respond to a broad range of public employer labor and employment law questions as a telephone or email service of the League. As part of the Labor Relations Advisory Service, Genova Burns provides expert attorney presentations at several League seminars throughout the year and during the Annual Conference. He also authors the Labor Relations column in NJ Municipalities magazine.

Likewise, Matt Watkins is now available to provide assistance and insight into negotiation skills and strategies and trends. He will provide Labor Negotiations columns to NJ Municipalities magazine, but will also be able to speak with labor attorneys and others to provide guidance on these trends and negotiating with your local bargaining units.



Executive Director Report 2021

Matthew U. Watkins, who brings his experience as a municipal manager to the Labor Negotiations column. Managing Editor Amy Spiezio and Creative Director Dawn Becan continued to fine-tune the magazine's design with timely appeal.

Throughout the pandemic, the magazine has shared information and strategies from around the state and well as ongoing federal information regarding the Census and other useful topics.

Fueled by insightful editorial and advertising contributions from League members from all regions of New Jersey and their operational partners, as well as state commissioners and other experts, the magazine is:

- Provider of a wide range of stories to managers and policy-makers including, special focus sections on topics ranging from water infrastructure to COVID recovery.
- Designed for easy navigation and visual interest.
- Environmentally and socially responsible in its operations, printing on industry-leading, environmentally responsible papers that use 10% post-consumer waste and FSC chain of custody certification.
- Created with print and digital readers in mind, with a growing publication archive in an electronic format based on the League's website.



Training and In-Service Programs

Without in-person events through much of 2020 and 2021, NJLM pivoted strategically to offer programs that broaden, deepen, and increase knowledge and skills of municipal personnel in various professions while collaborating with our Affiliate Groups. For the second year in a row, the One Day Mini Conference was transitioned to three-day online conference with 12 different educational sessions offered. Many of our traditional in-person events were also transitioned to online webinars that our members could still attend and earn credit in the midst of a pandemic.

Approved continuing education programs serve as a cost-effective way for municipal professionals to maintain their respective state licenses. The League works cohesively with numerous accreditation bodies representing 20 government licenses, including Continuing Legal Education for New Jersey and Pennsylvania Attorneys, Municipal Licensees, Tax Assessors, Recycling Coordinators, Planning and Zoning Board Secretaries, Zoning Officials, Land Use Administrators, and Professional Engineers and Land Surveyors.

In addition to the Annual Conference, the League offered many professional development seminars and webinars, educating more than 2,000 attendees in 2020/2021.

Highlights included:

- Orientation for Newly Elected, Re-elected, and Experienced Officials
- Budgeting for the Elected Official: Everything you Need to Know to Create, Balance, and Approve Your Municipalities' Budget
- Best Practices for a Diverse Municipal Workplace
- The Online Mini Conference
- Returning to Work After COVID-19 Webinar
- Cannabis in The Workplace
- Recent GRC Decisions and Q & A with the GRC
- Cannabis and Land Use Law

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

Creating Your Legacy

NJLM Conference • 106th Annual
November 16-18 • Atlantic City
#njleague



Annual Conference

The NJLM Annual Conference remains the largest municipal conference in the country and a critical mainstay in the portfolio of services provided by the League. As the 106th returned to Atlantic City, the resource was the same, but it looked different this year as we put healthy and wellness in the forefront of our planning.

Like just about every event in the second half of 2020, last year the League Conference pivoted to a virtual one. It was not easy to recreate 100 years of in-person events in a five-day event, in particular thanks to the efforts of Continuing Education/Special Programs Manager Danielle Holland-Htut, Finance and Administration Director Marie Kizer, Conference Business Development Director Kristin Lawrence, and Communications, Marketing, and Technology Director Taran Samhammer.

That Conference was a challenge, but the return to the in-person conference here in 2021 was a larger one. As part of our preparation for the Annual Conference, the League implemented policies and procedures to create a healthy and safe environment for all attendees. In doing so, we monitored guidance from the CDC and the State Department of Health while communicating with the Murphy Administration regarding appropriate safety measures to best assure a successful event.

To that end, the League implemented measures for the in-person 2021 NJLM Annual Conference:

- Masks were required for all Conference participants upon entry to the Atlantic City Convention Center and for League-sponsored events held at the Sheraton Hotel.

- Proof of full vaccination or a negative COVID test was required for all Conference participants during Conference hours.
- The registration area, exhibit hall floor plan, meeting rooms, session schedule, and all aspects of the Conference were designed with safety in mind

Just a few short months ago, we all hoped to be in a better place come November; but the emergence of the Delta variant forced us to implement these important safeguards to best protect the health and safety of all League Conference participants. The decision to implement these protocols was not done lightly. The League is certainly cognizant of and respects the deep-rooted feelings regarding this issue, but these steps were taken so that we could offer the safest possible environment for all of our attendees and supporters, just as local governments have been doing so for their residents since March 2020.

The Conference featured over 125 sessions on a wide range of issues of interest, including:

- Issues related to COVID, public health and economic recovery.
- Small cell technology 5G.
- Affordable housing.
- Economic development, planning, management, and initiatives coming from State government.
- A keynote address by Governor Phil Murphy.



NJLM Foundation

The New Jersey League of Municipalities' Educational Foundation is an informational resource for local government that offers timely research and a proactive approach to resolving the complex issues affecting New Jersey's diverse communities. It brings together municipal officials, academics, government officials, business leaders and other stakeholders to share their visions and hopes for the future of public policy, and their solutions to the compelling challenges facing the state.

Responding to the unique demands of this time, Walmart provided a grant of \$100,000 to the League Foundation. Its wish was to help address educational connectivity issues. In an effort to reach this objective the foundation requested joint proposals from municipalities and school districts. The initiative's intent was to bring these two vital divisions of government together in the hope of forming a more powerful solution to this widespread issue.

Walmart has been a supporter of the League Foundation and has provided funding that supports the small grants program

from Sustainable Jersey. This new grant was a demonstration of its continued commitment to the State of New Jersey and its local governments.

The foundation requested proposals to address internet connectivity challenges related to virtual/distance learning. These included:

- Remote learning from school buildings with connectivity issues
- Limited internet access among students and faculty in particular school locations
- Shortage of necessary devices to access web-based services
- Priority was given to applicants who have a definable need and who demonstrate a partnership between the school districts and municipal officials

After careful review, the NJLM Foundation has awarded first round grants to:

- The Cumberland Regional School District, Upper Deerfield Township School District, and Upper Deerfield Township
- The City of East Orange and the East Orange Public Schools
- Farmingdale Borough and Farmingdale School District
- The City of Jersey City and the Jersey City Public School District
- Morris Township and the Morris School District
- Town of Newton and Newton Public Schools
- Oxford Township and the Oxford Township School District
- South Toms Rivers Borough and the Toms Rivers Regional Schools
- City of Wildwood, NJ and Wildwood Public Schools
- Winfield Township and the Winfield Township School District

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Executive Director Report 2021

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Membership and Finance

The League is completing its 106th year of service to the municipalities of New Jersey. Our membership currently includes 564 municipalities in the State of New Jersey. The League's fiscal year runs from July 1 to June 30. The budget under which the League currently operates is set forth on this page.

2020-2021 Adopted Budget

INCOME

Appropriation of Prior Cash Balance.....	—
Membership Dues.....	\$657,039
Magazine.....	\$294,776
Annual Conference.....	\$406,040
Interest.....	\$23,088
Publications.....	\$28,713
Seminars.....	\$125,380
Misc. Receipts.....	\$6,008
Internet Advertising.....	\$239,396
Sub-Leases Base Rent.....	\$104,824
Sub-Leases Expense Rent.....	\$69,979 S
Sub-Leases Parking Space Rental.....	\$24,388
Corporate Supporters.....	\$60,999
Grant Station Subscription.....	\$95
Employee Medical Contributions.....	\$72,707

Total Revenue..... \$2,113,432

EXPENSES

Salaries.....	\$1,352,750
Social Security and Medicare.....	\$99,442
Pension Employer Portion.....	\$201,859
Disability Insurance.....	\$1,239
Medical Benefits.....	\$426,066
Workers Compensation Insurance.....	\$4,026
Unemployment Compensation Insurance.....	—
Automobile.....	\$8,359
Magazine.....	\$182,969
Office Expense.....	\$24,343
Legislative.....	\$8,669
Conference.....	\$257,906
Meetings/Training.....	\$8,604
Postage.....	\$15,794
Equipment Payments.....	\$13,195
Maintenance on Equipment.....	\$2,676
Printing.....	\$10,180
Books, Subscriptions.....	\$4,572
Grant Station Subscription Expense.....	\$47
Seminars.....	\$9,717
Telephone.....	\$15,397
Audit.....	\$8,600
Legal.....	\$38,060
Insurance and Bond Premium.....	\$38,928
National League of Cities.....	\$35,486
Temporary Help.....	—
Technology.....	\$47,476
Internet Web Maintenance.....	\$4,318
Photocopying.....	\$331
Scholarships.....	\$3,000
222 Base Rent.....	\$391,167 222
Expense Rent.....	\$201,809
Commission Leasing,	
Online Ordinance Shared Services.....	\$2,100
Tuition Reimbursement.....	\$4,434

Total Expenses..... \$3,423,519



NJ LOCAL GOVERNMENT WEEK EVENT



**Business Roundtable
Discussion with Council
& Town Officials**

Answering Questions Facing Local Businesses
and Our Community

**APRIL 20, 2021 | 8:30 - 10 A.M.
STAGEHOUSE TAVERN**

Join Mayor Losardo, members of the Town Council, as well as directors from the Department of Public Works, Inspections, Public Safety, Downtown Redevelopment and the Manager's Office for a discussion on Township issues

RSVP to Tom Strowe at tstrowe@scotchplainnj.com



CELEBRATE NJ LOCAL GOVERNMENT WEEK



NJLM New Jersey State League of Municipalities

Honorable Mention

2021 Show Off Your City Contest
Borough of Mountainside

OPEN MONDAY-SATURDAY



NJLM invites you to join municipalities around the Garden State April 3-9, to engage citizens while celebrating the work of local government.

SHOWCASE the hard work of local governments and value residents receive by highlighting programs and services

COORDINATE community service and volunteering events with local organizations to cross-promote NJ Local Government Week.

SHOW-OFF your citizens' view of the community with photography showcases and contests that can serve as a feeder program for your entries to the League's Show Off Your Municipality photo contest!

Publicity tips and strategies as well as links to a sample press release and resolution and a downloadable NJ Local Government Week logo are available at www.njlm.org/njlocalgovt.

#njlocalgovt



Brought to you by



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nj Business Directory



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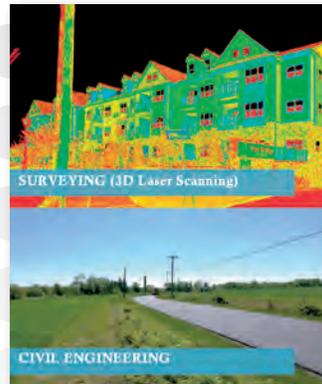
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In celebration of its 50th year, and the building's 150th, the Historical Society is taking a glance backwards through the exhibitions they have presented and the objects they have collected to create a panoramic overview of Old Harrison Township's heritage—The Signs of Our Time.

The topics explored are wide-ranging and have resulted in new acquisitions and a remarkably rich local history collection. Signs of our Time draws on those resources to tell the story of Old Harrison.

Come out and take a look through history on Saturdays and Sundays from 1:00 to 4:00 pm through December 11 at 62-64 South Main Street, Mullica Hill.

Interested in preserving history in your hometown? A good place to start is with the New Jersey Historic Preservation Office, part of the NJ Department of Environmental Protection. They provide information about Local Historic Preservation Ordinances, Historic Preservation Commissions and a Certified Local Government (CLG) Program offering municipalities the opportunity to participate more directly in state and federal historic preservation programs.

To participate, municipalities must have a historic preservation ordinance and a historic preservation commission that conforms to Municipal Land Use Law as well as the NJ Certified Local Government Guidelines from the National Park Service. Once you're a CLG community, you're eligible for particular grants for preservation activities. 

 For more information, visit www.nj.gov/dep/hpo/.

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