

**nj**  
February 2022

# municipalities

Official Publication of the New Jersey State League of Municipalities

## Recycling & Waste

### Managing a messy situation

2022  
Legislative Guide  
Inside

Focus:

Recycling & Waste



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## New Jersey Municipalities Magazine

Volume 99 | Issue 2

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## Reach Out to Trenton and the League

Every year new elected officials arrive to town halls and to the Gold Dome in Trenton. This marks a new opportunity to forge connections and work together for the betterment of municipal operations and the day-to-day lives of residents.

With the start of the 119th Legislative Term, we hope you will take the time to meet our Legislative Team as well as your State legislators. While the League’s lobbyists work to fulfill the members’ priorities voted on at the League Conference every year ([www.njlm.org/resolutions](http://www.njlm.org/resolutions)), they can also help connect you with the committees meeting at the statehouse to examine legislation. Testimony at sessions along with consistent outreach to your representatives in office and the League can may not guarantee a win every time, but it will ensure that your voice is heard in the important legislative decision-making process.

The 2022 Legislative Guide on page 39 provides the Trenton basics and highlights and provides you with a useful reference tool throughout the year. There is also an introduction to the new class of New Jersey Senators and Assembly Representatives, more than 20 newly sworn in officials. Some may be brand new to state politics and others may simple be new to their current positions. All will be involved in negotiations and legislation that impacts municipalities.

As NJLM President William Pikolycky noted in his forward to the guide, “The

League’s work helps us ensure safe and healthy communities, maximize funding opportunities, and coordinate the delivery of needed services, regardless of partisan considerations. However, progress will grind to a halt, and may even lose ground, without the organized and cooperative participation of local officials with those in our Statehouse.”

We hope you will be our partner in Trenton this year and beyond.

Also in this issue, we focus on recycling and waste, getting tips for successful RFPs from a recycling firm based on their Exhibitor Learning Session at the League Conference. New Jersey Clean Communities will also provide advice for helping your community get ready for the ban on single-use plastics.

Other features include how life is improving this year, including an examination of New Jersey’s model Statewide Municipal Electric Vehicle Ordinance and Incentives, a look at the power of pickleball as a COVID stress reliever in Tinton Falls, and the rebirth of Carteret’s downtown and waterfront.

As you go through the winter, it’s time to start thinking about spring and the Local Government Week Celebration April 3-9. Visit [www.njlm.org/localgov](http://www.njlm.org/localgov) for downloadable logos that can be customized with your municipal logo. We look forward to celebrating with you. 🍷

*Michael Cerra*

“We hope you will be our partner in Trenton this year and beyond.”

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# An Alternative to Development

Years in the making, Wardell Park comes to life

Thomas Fallon, *Borough Administrator and CFO, Tinton Falls*,  
Robert Keady, *Senior VP and Municipal Practice Leader*, and  
Thomas Neff, *Group Manager, T&M Associates*



In 2005, an 82-acre swath of environmentally sensitive land along Wardell Road in Tinton Falls had been approved by the Borough's Planning Board for development. The proposed development would have consisted of 270 townhomes.

Today, most of the land has been preserved and a new 4.5-acre park complete with playgrounds, basketball courts, tennis courts, and pickleball courts opened this summer — much to the delight of community residents.

The land that is now Wardell Park could have ended up being developed if not for a strong desire on the part of the Tinton Falls Borough Council to preserve the tract. In 2011, the Council began investigating ways it could purchase the land. The Borough engaged T&M Associates to assist in the process from acquisition to park opening.

## Securing open space

A preliminary assessment report to identify various environmental areas of concern that required further investigation and completed surface water and soil sediment samples.

In 2013, the property owner cancelled their plans to sell the property to the developer and conveyed 73 acres to the Borough. About 46 acres were purchased by Tinton Falls. A conservation easement was established across the remaining 27 acres as a deed restriction to preserve the property as open space and prevent future development.



To offset the Borough’s land acquisition cost, grant applications were prepared for \$1.1 million in state Green Acres funds and \$250,000 in Monmouth County Open Space grants.

**Park Planning**

With the land secured, planning for a park began. The first order of business was to seek public input. Many residents wanted a place where they could exercise and play not just in the summer months, but also in the winter months after work. (This would, years later, become an even more important priority with the onset of the COVID-19 pandemic.)

But there were certain requirements for the park. Most importantly, we did not want to disturb wetlands and other critical environmental areas. We also wanted green infrastructure to be used for stormwater management, which means meeting tough stormwater quantity, water quality, and groundwater recharge requirements—even before adopting an updated stormwater control ordinance.

The project also needed to come in at under a \$1.3 million budget.

Several studies identified wetlands, transition areas, and

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## Alternative to Development



riparian buffers. An environmental due diligence report helped determine if the site had threatened or endangered species, historic resources, natural heritage sites or any other environmental constraints.

The park's improvements were set in a limited area that did not require any wetlands, transition area, or riparian buffer disturbance. The plan called for significant grading and design of the uplands area. Another benefit of not disturbing environmentally sensitive areas was avoiding the need for DEP permits, which saved the Borough time and money.

## Pickleball Power

The Borough also wanted the park to include space for the new, up-and-coming sport of pickleball into the site design. A paddle sport that combines elements of tennis, table tennis, and badminton, the sport's popularity has exploded in recent years. While many park facilities provide tennis courts that can be converted to pickleball courts, the Borough wanted dedicated courts after determining that combined courts create long-term maintenance issues and that the actual play of each sport would be diminished by using combined courts.

Instead, separate dedicated courts were designed. As a result of the COVID shutdown of many indoor facilities, outdoor pickleball quickly became even more popular than originally expected.

A new electric service for the park includes LED lighting throughout all courts, the playground, and the parking lot so play can continue into the evening hours

In the early stages of construction, layout of the courts was quickly redesigned to provide two additional pickleball courts to meet the increasing demand for this sport, providing a total of six new courts. No other park in Monmouth County has as many pickleball specific dedicated courts as Wardell Park.



The design came with an estimated price tag of \$1.285 million and a contract was awarded to Shore Top Construction, which bid \$1.15 million on the project. The Borough secured \$200,000 in municipal open space grant funds from Monmouth County for park development.

The project was completed on time and under budget. On June 30, Borough, County, and State officials gathered to cut the ribbon on the new park.

The timing couldn't have been better, due to the increased demand for local outdoor recreational spaces during the



pandemic. Now, local residents have a place to exercise, breathe fresh air, and enjoy the great outdoors. 📍

Thomas Fallon is the Borough Administrator and CFO for Tinton Falls. Robert Keady, Senior VP and Municipal Practice Leader, and Thomas Neff, Group Manager, are with T&M Associates.

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# The 30<sup>th</sup> Annual Mayors' Legislative Day

Friday, April 1, 2022

The State House Annex  
Committee Room 4  
West State Street • Trenton, NJ

Registration Fee: \$25.00

Additional details to follow.  
Contact Danielle Holland-Htut  
at [dholland@njlm.org](mailto:dholland@njlm.org).

## League Salary Report Now Available

**N**JLM is pleased to announce that the latest edition of the New Jersey Municipal Salary Report is available. The publication includes salaries for over 40 municipal positions.

Providing this data in a Microsoft Excel spreadsheet, municipalities can compare salaries for similar positions, particularly helpful when budgeting salary schedules and hiring new employees.

The guide is a digital report that includes self-reported data for 192 municipalities, as well as a look at statewide comparisons. The data was gathered from a recent survey conducted by the League, and includes salary data for 2021 and 2020.

Visit the League website to view a list of the positions and municipalities included in this report: [www.njlm.org/SalaryReport](http://www.njlm.org/SalaryReport). ↗



## NJDEP Water Quality Improvement Grant Opportunity

**T**he New Jersey Department of Environmental Protection (DEP) is inviting nonprofit organizations, local governments, community groups and state colleges and universities to apply for grant funding for eligible water quality improvement projects impacting the Delaware River watershed and the Northeast watershed region of the state.

The DEP has issued a Request For Proposal (RFP) to solicit applications for up to \$9.4 million available to eligible water quality improvement projects and watershed planning activities.

The project proposal submission deadline is February 28, 2022.

In addition, funding from the U.S. Department of Defense will target stormwater management and riparian areas of the Rancocas Creek watershed.

Stormwater runoff can carry pollutants such as nutrients from fertilizers and animal wastes as well as automotive fluids and pesticides into waterways. Excessive nutrients can cause algae blooms that impact the ecological health of waterways and diminish the public's recreational enjoyment of them.

The grants are made possible through funds provided under Section 319(h) of the federal Clean Water Act, the Department of Defense Readiness and Environmental Protection Integration Program and the state's Corporation Business Tax.

Proposals for Water Quality Restoration Grants must be submitted electronically using the DEP's System for Administering Grants Electronically (NJDEP SAGE) at <https://njdepage.intelligrants.com/>. Registered users will log on and the listing for this RFP will be under "View Available Opportunities" Water Quality Restoration 2020-2022.

To view the Request For Proposal, including requirements for proposal submissions, and for more information about New Jersey's Water Quality Restoration Grants Program, visit NJDEP-Division of Water Monitoring and Standards at <https://tinyurl.com/mspuefms>. ↗



## Send in Your News!

**NJ Municipalities offers a network of your peers in local government—do you have a story to share?** Whether it's a news item, op-ed, feature, or column, your insights drive this publication.

Right now we're looking for articles for the March (due January 15), April (due February 15), May (due March 15) and June (due April 15) issues and beyond.

If you'd like to send something in, you can get the submission guidelines from [www.njlm.org/magazine](http://www.njlm.org/magazine) or reach out to Managing Editor Amy Spiezio at [aspiezio@njlm.org](mailto:aspiezio@njlm.org)

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## Union County Municipalities Awarded Grants

The Union County Board of County Commissioners have awarded grants to 20 municipalities for improvements to recreation resources for children through the Kid's Recreation Trust Fund. In addition, 19 municipalities were awarded matching grants for planting new trees through the Greening Union County program.

Both grant programs are funded through the Union County Open Space, Recreation, and Historic Preservation Trust Fund.

The Open Space, Recreation and Historic Preservation Trust Fund was established by popular referendum in 2000. It has provided the Commissioner Board with the ability to preserve over 315 acres of land throughout the County of Union. In addition to acquisition of land, creation of parkland, and updating of recreational facilities throughout the county, the grant programs of the Trust Fund provide an avenue for municipalities to focus on their hometown recreational priorities, increase tree plantings, and stabilize and restore historic sites. 🇯🇵

## Budgeting for the Elected Official:

Everything you Need to Know to Create, Balance,  
and Approve Your Municipalities' Budget

**Saturday, March 12, 2022**

**8:30 a.m.-2:00 p.m.**

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**C**reating and approving a feasible budget is one of the most important tasks of an Elected Official. It is also one of the most complex and time consuming tasks. To aide in this endeavor, the League has created a special half day program geared towards Elected Officials to help them in understanding the Municipal Budgeting Process.

**Please join us for this informative program!**

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## Municipalities' NJDOT Grants Announced

Governor Phil Murphy and New Jersey Department of Transportation Commissioner Diane Gutierrez-Scaccetti has announced \$161.25 million in Fiscal Year 2022 Municipal Aid grants, with 541 cities and towns across the state receiving funds to advance road, bridge, safety, and quality-of-life improvements, demonstrating the Murphy Administration's Commitment to Communities.

The competitive Municipal Aid grant program attracted 625 applications from 547 different municipalities with a total of \$363 million requested. Project applications were evaluated and rated on their merits by NJDOT staff and reviewed by an independent panel of New Jersey municipal engineers. This process resulted in 546 awards to 541 municipalities, totaling \$161.25 million. The 2016 Transportation Trust Fund renewal has made it possible to continue to award \$161.25 million annually – more than double the \$78.75 million that was available before the TTF renewal. In addition, the extra funds have allowed the Department to increase the number of municipalities receiving grants from about 370 a year prior to the TTF renewal to 541 municipalities this year.

“These funds are crucial to municipalities for the completion of projects that improve quality of life and safety for New Jersey residents,” said Governor Murphy. “Under our Administration's leadership, the Transportation Trust Fund continues to bolster infrastructure statewide. I congratulate all municipalities that have received grants and look forward to them putting these dollars to use.”

“The Murphy Administration is committed to improving local communities by providing millions of dollars in aid to municipalities to make important safety, infrastructure, and quality-of-life improvements without burdening local property taxpayers,” said NJDOT Commissioner Diane Gutierrez-Scaccetti. “We are pleased to award grants to nearly every municipality in New Jersey.”

Under the Municipal Aid grant program, each county is apportioned a share of the total funding based on population and the number of local centerline miles. Municipalities compete for portions of their county's share. NJDOT provides 75 percent of the grant amount when a town awards a contract and the remaining 25 percent upon completion of the project. Of the \$161.25 million, \$10 million is allotted for municipalities qualifying for Urban Aid as defined under state law, with the amounts determined by the Department of Community Affairs.

Applications for Municipal Aid grants were submitted to NJDOT by July 1, 2021 and have been judiciously reviewed. There are seven project categories within the Municipal Aid grant program eligible for funding: Roadway Preservation, Roadway Safety, Quality of Life, Mobility, Bikeway, Pedestrian Safety, and Bridge Preservation. Past performance in connection with timely award of projects and construction close-out factors were part of the evaluation of the proposals. When evaluating applications, NJDOT also verifies if the municipality has adopted a Complete Streets policy. A Complete Streets policy establishes guidelines that require consideration be given to pedestrians and bicyclists when local transportation projects are being planned, designed, and built. 

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7. Click the **Program Name** to launch the course.
8. Upon completion of the course navigate to the **Student Center tab to print your Certificate of Completion**. Learning transcripts are automatically updated in the MEL Safety Institute's Learning Management System.

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# New Session Provides Opportunity for Legislature to Serve New Jersey



Steven Oroho, Senate Republican Leader (R-24)

January wasn't just the start of a new year. It also marked the start of a new two-year legislative session in Trenton. That's not the only big change in the State House. For the first time in quite a while, we also have new leadership at the helm of three of the four legislative caucuses.

I believe these changes present a unique opportunity for a fresh start. The Legislature should enter this new era with a resolve to reassert itself as a co-equal branch of government that is willing to drive efforts to improve the lives of the people of New Jersey.

I have the honor of leading the Senate Republican caucus in this new session. My predecessor, former Senator Tom Kean, positioned our caucus well to have an oversized impact on policy discussions—even from the minority.

Throughout the pandemic, the members of our caucus have partnered with their towns, counties, and chambers of commerce to support local governments and our small business community.

Our caucus successfully drove the discussion about ending overbearing and unnecessary mandates and limiting executive authority.

It was our diligence in reviewing and forcefully challenging the administration's various orders and directives—both in public and in private—that helped lead to the loosening of restrictions making it possible for businesses to reopen, kids to go back to school, and parents to get back to work.

We also partnered with local government to help respond to the challenges of the pandemic. We changed laws and worked with executive branch departments to help downtown business districts and local restaurants find new ways to operate and survive during this crisis.

For as much as we have accomplished, however, there's still much more for the Legislature to do to help New Jersey recover from and grow beyond the pandemic.

It is my sincere hope that our new legislative leadership—both

Republicans and Democrats—can work together to take the lead in developing reasonable policies that appeal to more than just the extreme wing of the governor's party.

Now that the gubernatorial election has passed and the associated political considerations no longer a factor, the Democratic majorities in the Legislature should seize the opportunity to stop deferring to the governor and demonstrate their independence.

**This flight from New Jersey due to growing unaffordability and a perceived lack of opportunity to build deep roots, grow a career, and save for the future is bad for our economy and harmful to our families.**

They can start by working with Republicans in the Senate and General Assembly to respond to the concerns and frustrations demonstrated by voters up and down the state in November.

First, we must limit the emergency powers of the executive branch and ensure the Legislature's role in reviewing and ap-

proving executive orders and directives. No governor should have the ability to declare a never-ending emergency or issue open-ended orders that impact the lives, jobs, education, and health of every New Jerseyan.

Next, we have to address affordability. The Legislature must reject the governor’s notion that for those concerned about taxes, New Jersey is “probably not your state.”

Based on data from the United States Census Bureau—which shows New Jersey losing more residents than most other states—it’s clear that young adults, families, and seniors are heeding the governor’s message and leaving.

This flight from New Jersey due to growing unaffordability and a perceived lack of opportunity to build deep roots, grow a career, and save for the future is bad for our economy and harmful to our families.

Many of our most talented high school graduates are heading out of state for college and never coming back. The resultant brain drain is making it harder for technology companies and those who need a steady flow of skilled workers to stay in New Jersey.

Those same businesses—which pay good salaries to hundreds of thousands of workers—have been hit with tax increase after tax increase by the administration.

With a shrinking talent pool and an increasing and unpredictable tax burden, employers have little incentive to stay in New Jersey. When they leave, they often take hundreds or thousands of high-paying jobs with them.

When those employers leave, many of our growing families are forced to leave too, either to follow their job or to find a new one.

The high cost of living in the Garden State—driven, notoriously, by property taxes—is pushing even more of our families and many of our seniors in retirement to more affordable states to the south and west.

We must acknowledge that New Jersey’s high taxes are splitting up families and denying parents, young adults, and seniors access to important support networks.

It’s clear that the progressive policies advocated by the governor and his administration have further exacerbated New Jersey’s crisis of affordability and accelerated the flight of families and businesses to more tax friendly tax environs.

If we truly care about people, the Legislature must do what the Murphy

administration has been unwilling to do for four long years—lower taxes and implement cost-saving reforms to make the state more affordable.

In doing so, Republicans and Democrats in Trenton can send a new message loud and clear to all of those who are considering leaving: “New Jersey and you are still perfect together.” 🇯🇵

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## What the Bipartisan Infrastructure Bill Means for New Jersey

**F**or New Jersey, the next five years will be transformative.

This is when our state will receive billions of federal dollars as part of the Infrastructure Investment and Jobs Act, bipartisan legislation signed into law this past November by President Biden.

It's an urgently needed investment to upgrade our state's infrastructure. According to the American Society of Civil Engineers, New Jersey barely passed its 2016 infrastructure report card, receiving a D+ grade in part due to decrepit bridges, crumbling roads, and toxic pollution. The report classified 10% of New Jersey's bridges as structurally deficient, and more than 40% needing repair in the near future. Over 40% of our roadway system was also rated as deficient and driving on these roads cost motorists \$11.8 billion annually. New Jersey also has the most Superfund sites in the nation, many of which are located near Black and Brown communities, and are linked to preventable illnesses such as asthma.

New Jersey's outdated infrastructure isn't just a statistic, it's a constant frustration experienced by those on the frontlines dealing with the issue. These are the mayors of small towns advocating for rural broadband access or of urban cities fighting against air pollution. They are the county commissioners and administrators making sure the region's highways and public transit systems run smoothly for thousands of commuters each day. And they are the policy makers collaborating with local, state, and federal officials to ensure that New Jersey families have clean water to drink, free of lead and other contaminants.

I fought hard to pass the Infrastructure Investment and Jobs Act so that New Jersey will get the vital financial support it needs to address these challenges and more. Over the next half-decade, New Jersey is guaranteed to receive over \$12 billion from the legislation, which will be used to repair and modernize our substandard roads, bridges, and transit systems. There will also be funding available to help set up electric vehicle charging stations, replace aging lead pipes and service lines, and expand and subsidize access to high-speed internet for thousands of state residents. On top of the money provided directly to New Jersey, the U.S. Environmental Protection Agency has already announced separate funding, made possible by this legislation, to remediate seven toxic Superfund sites in our state.

And that's only the tip of the iceberg. An additional \$30 billion allocated to Amtrak's Northeast Corridor along with Federal Transit Administration grant funding will support the long overdue Gateway Program, a project that I have advocated for since my first days as Senator. Critical to our region's—and nation's—economic competitiveness, Gateway will improve the reliability, capacity, and safety of train service between New Jersey and New York that is used by thousands of commuters daily.

For our state's municipalities, I recognize that this pandemic has led to devastating economic effects, with many being forced to reallocate or tighten budgets in response to the crisis. This has led to several local projects being put on hold—from flood mitigation efforts to initiatives aimed at repairing local bridges and roads. To jump start these projects again, the Infrastructure Investment and Jobs Act funds new and existing competitive grant programs that can deliver desperately needed federal funding to New Jersey communities.

As we begin this investment in our state's infrastructure, we'll also be investing in the lives of New Jerseyans. Replacing lead pipes and cleaning up hazardous waste sites will set us on the path towards environmental justice, helping to ensure that more of our state's residents have access to clean water and clean air. Modernizing our public transit system translates to less time spent commuting and more time spent with families. Repairing our highways and bridges will help New Jersey drivers save over \$700 in annual costs currently incurred while driving on broken roads.

The Infrastructure Investment and Jobs Act positions our state—and nation—to build a stronger infrastructure that allows us to compete globally while strengthening our workforce and creating good-paying jobs. It's a unique opportunity for our state to emerge out of this pandemic with a vision towards economic growth.

Now is the time to join together in common purpose, seize this opportunity, and translate this vision into a better future. I look forward to working with local leaders across our state to make sure that the next half-decade produces transformative change that will deliver historic and tangible results for New Jersey and the 9 million people who call this state home. 🇯🇵

---

Senator Cory Booker is the junior senator from New Jersey.



“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

# Cut through green tape with SolarAPP+

An online portal that streamlines permitting at the local level.





# Fighting Litter

## Local Government Plays a Key Role in New Jersey

*JoAnn Gemenden, Executive Director, New Jersey Clean Communities Council*



New Jersey is steadily marching toward May 4—the statutory deadline for stores statewide to no longer provide single-use carryout plastic bags to customers. Building toward this landmark moment, the New Jersey Clean Communities Council (NJCCC) has launched the “Bag Up NJ” awareness campaign, promoting what is regarded as the most progressive bag ban law in the country.

We are actively working in close partnership with the New Jersey Department of Environmental Protection, which is responsible for the overall implementation of the new law, as well as the New Jersey Business Action Center, which is conducting outreach to businesses and assisting them with compliance.

### Public education

As the state has elevated the role of NJCCC to serve as the public educator of this law, in which we are coordinating outreach efforts across New Jersey, many residents have asked about the mission of our statewide, non-profit organization.

It is actually an incredible story that stems back to 1986. It was a time when the state was considering a bottle tax to fund anti-litter programming. It was determined, after much lobbying, public hearings and diner booth discussion, that a bottle tax made no sense for New Jersey.

Rather, in the height of debate, it was decided to place a user fee on 15 categories of litter-generating products, from newspapers to cigarettes, from soda cans to wine bottles. Manufacturers, distributors and retailers of these products would contribute to the fund; the money would then be spread

across municipalities and counties to support their litter abatement efforts.

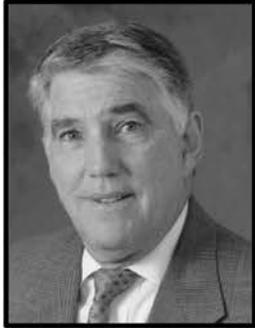
Thus, the Clean Communities program was born!

Last year, the state Department of Environmental Protection distributed \$20.7 million in Clean Communities grants to municipalities, counties, state parks, and the Council from this fund. The NJCCC receives \$375,000 annually to promote statewide anti-litter initiatives, assist towns and counties with programming, and manage the Adopt a Beach and Adopt a Highway programs. Funding for local governments is based on a combination of road mileage and housing units.

### Specific funding

Because Clean Communities funds are distributed as State Aid, and no application is required, local governments often assume they have broad discretion on how to spend the money. However, under the law, funding is very specific. Funds can be used to promote anti-litter education, support litter cleanup programs, develop and enforce litter-related ordinances, combat graffiti and up to 25% of a towns’ annual grant can be used to fund stormwater management activities.

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## In Your Town: Things To Do

Suggested program activities include:

- Conduct a town-wide clean-up
- Hire a seasonal litter crew
- Offer mini-grants to non-profits for litter-abatement projects
- Purchase trash and recycling containers for public places
- Coordinate stormwater management activities
- Provide education and outreach programs
- Hire a litter enforcement officer

eight million tons of plastic end up in the oceans annually and by 2050 the mass of plastic pollution in our oceans will exceed the mass of fish.

Prohibiting plastic carryout bags, polystyrene foam food service containers and limiting the use of plastic straws are just some of the ways in which New Jersey is trying to reduce plastic pollution. Our “BagUpNJ” and “Skip the Straw” campaigns are the first steps to big changes in our daily habits.

Change is never easy. But steps must be taken to ensure that future generations have a clean and healthy environment to live, work, and recreate in.

### Local efforts

What can local governments in New Jersey do to help? Plenty!

### Grant guidelines

Grant guidelines, located on our website, [www.njclean.org](http://www.njclean.org), have recently been expanded to include three new allowable expenses based on requests from local coordinators. New action items include promotion of New Jersey’s BagUpNJ campaign, including the purchase of reusable carryout bags and the purchase of outdoor bottle-filling and dog waste stations on public lands.

Conversely, towns should avoid spending grant dollars on cost categories that are strictly prohibited, such as beautification programs, park improvements, recycling activities or curbside collection of materials.

Towns and counties are responsible for filing an annual statistical report that outlines where and how money is spent. Yearly reports provide the quantitative data used in our annual report to the Governor and Legislature.

NJCCC leaders and volunteers take our role very seriously and continue to work extensively with local coordinators, municipal and county representatives, and elected officials to advocate the importance of a litter-free New Jersey. Litter is detrimental to our economy, our waterways, our wildlife and marine life, our environment and our health.

Scientists estimate that approximately

**SKIP THE STRAW!**

*To reduce litter, NJ Law mandates that plastic straws can only be provided upon request starting November 4, 2021.*

*Para reducir el uso de plástico, la ley en el estado de New Jersey manda que solo se les den pajitas plásticas cuando los clientes las pidan empezando el 4 de Noviembre de 2021*

**So, SKIP THE STRAW  
or bring a reusable one.**

#njcleancommunities | [njclean.org](http://njclean.org)

NEW JERSEY  
CLEAN COMMUNITIES



**BRING YOUR REUSABLE BAGS WHEN YOU SHOP!**  
**BagUpNJ.com**



**Starting this May, NJ law bans grocery stores from providing plastic and paper bags.**

**Don't wait. Start bringing reusable bags now.**

Remember that NJCCC grants can now be used to buy reusable bags, which we are determined to put in the hands of as many New Jerseyans as possible by May 4. Also, please share our campaign messages; the BagUpNJ.com website is filled with free marketing downloads that can be personalized for your town or county. Remember: #BagUpNJ

**Other suggestions:**

- **Get involved with the NJCCC.**

town in New Jersey to coordinate litter abatement programs. No town is too small!

- **Promote our BagUpNJ and Skip the Straw campaigns on your municipal or county websites.** The model website and graphics are ready and available to post.

- **Include information about the upcoming bag ban on your social media channels, as well as your newsletters.** There's plenty of information available to you, and updated regularly, at BagUpNJ.com

- **Help inform businesses that the ban bag is coming.** Celebrate local businesses that have already made the change to reusable bags.

- **Stay informed:** Sign up for our free monthly newsletter at [www.NJClean.org](http://www.NJClean.org).

Join the Bag Up NJ campaign by hosting bag giveaways in your town.

We are looking to certify new Clean Communities coordinators in every





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# Municipal Recycling & Solid Impacts



## Impacts of China Sword and the Pandemic on municipal recycling & solid waste contracts

Gary Smalley, *Municipal Services Manager, Republic Services*

*The following is a summary of the Exhibitor Learning Session “Impacts of China Sword and Pandemic on Municipal Recycling & Solid Waste Contracts” from the 106th Annual League Conference.*

The last 2 years have been challenging at best due to the COVID-19 Pandemic. Between businesses, schools, and government shutting down, it has been an unprecedented time filled with many unknowns. Certainly, the Solid Waste and Recycling industry has been affected as well!

The impacts include, but are not limited to:

- China Sword Implications
- Increased Residential Solid Waste volume due to people staying home
- Uncertainties and myths
- Increased Recycling Volume and Contamination
- Labor Shortages
- Truck production delay – steel
- Trucks - equipment
- Disposal Issues

### Struggling industry

The entire Solid Waste and Recycling Industry has struggled. Positive COVID precautions as well as a severe lack of drivers and staff has created an emergency. Basic services such as yard waste and bulk have had to be suspended. Add into this a 30% increase in solid waste (trash) due to people working from home. This increase stretched and strained overburdened resources. These increases added more disposal trips without the ability to add additional labor and equipment.

The National Labor Shortage is attributed to:

- **Fewer Drivers:** Younger workers are not entering the driver industry at a rate high enough to replace an aging driver workforce
- **Growing Gap:** Open positions vs applicants
  - CDL Job Volume +17%
  - CDL Job Seeking -55%

### China Sword

In July 2017, Chinas announced changes for acceptance criteria of imported recyclables to the World Trade Organization (WTO). As of Jan 1, 2018 China, required levels below .5% contamination levels.

Prior to 2018, acceptable contamination levels were in the range of 3% - 5%. As of today, the only material that China is accepting is cardboard (OCC) with no more than 2% contamination (includes moisture levels). This program discontinues 25 products sold into China, most notably, type 3-7 plastics as well as banning all Mixed Paper, regardless of contamination

So, circling back: in addition to seeing 30% increase in solid waste tonnages, there has been an almost equal increase in recycling tons. Again, attributed to the fact that people are working from home. Unfortunately, along with more recycling, the industry has seen an increase in contamination.

Contamination increases are due to 2 major issues:

**1) Plastic bags:** Major educational programs have highlighted this with some affect. However, the practice of residents using plastic bags to wrap and store their recycling continues. Plastic bags account for 80% of contamination!

**2) "Aspirational Recycling"** is a term that is used when people feel the need to place items in their recycling bin which they feel that is recyclable, can be recycled, and or will eventually be put to good use when it reaches the recycling facility. Aspirational recyclers place items in their recycling bin that are not accepted for recycling.

### Business model

The Recycling Collection Business Model is based on: Collection – Processing – Residual – Commodity

Processing is per ton cost based on actual facility operational costs, basically what it costs to run the MRF (Material

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## Municipal Recycling

Recovery Facility). The more contamination a MRF has increases costs because the MRF needs to get to no more than a .5% contamination percentage.

Often, the same materials need to run through the processing line 2 or 3 times to remove all the contamination. This increases processing fees and, when combined with declining commodity values, leads to increased costs/fees to the municipality!

### Where are the bidders?

As I travel throughout the state and meet with municipal officials, I often get asked the same question: “Where did all the bidders go?”

It was not uncommon not so long ago that at public bid openings for Solid Waste and Recycling Collection contracts, there would be anywhere from five to seven bidders.

Currently, it is not uncommon to see only one or two, and at times there have been NO bidders.

## Tips from the Experts

- 1) Listen to the industry. Prior to issuing bid specifications invite companies from the area to talk and discuss. There is nothing wrong with getting the opinion of the experts.
- 2) Include Automation, even if it's an option. The carts are capital intensive but the savings in solid waste disposal fees often underwrite these costs.
- 3) Get away from unlimited bulk: Bulk by appointment—nominal individual charge to the residents.
- 4) Take away the risk of recycling processing fees away for the hauler. Issue a separate bid specs ahead of the solid waste and recycling bid for processing only.
- 5) Work with your hauler during these unprecedented times. Issuing fines for “service issues” that are due to the pandemic do nothing to improve services.

There are reasons for this. Municipalities often copy and paste bid specifications from the previous bid (three or five years ago). These bid specs have not kept up with the changes that the industry has been experiencing for the last two years.

Specifically, most bid specs do not allow for enough lead time from bid opening date to the start of the contract. Often, Republic Services receives bids that only allow for two to four weeks from award to start date. Knowing that there is a national labor shortage plus a minimum of four to six months to get new trucks, this practice may assure the municipality receives only one bid, and that would be the incumbent.

The industry is screaming for relief and understanding from our community partners and very few are listening, hence the reason for one to two bidders and/or no bidders at all!

In addition to driver shortage there is even a more severe shortage of what is often referred to as “helpers.” These individuals are utilized for manual collections of solid waste and recycling. This is a very dangerous job that experiences very high Workman’s Compensation Claims due to the very physical nature of the job. 🚧

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# Electric Vehicles Advance

## New Jersey's model Statewide Municipal EV Ordinance & Incentives

*Maria Connolly, PP, AICP, Principal Planner, Local Planning Services, NJDCA;  
and Peg Hanna, Asst Director, AQ Monitoring & Mobile Sources, NJDEP*

**D**rive Green! That's easier said than done, which is why the State is rolling out a suite of strategies to pave the way for electric cars.

But why? The climate crisis is real and we must tackle it head on. A new report by the United Nations Intergovernmental Panel on Climate Change found that, "It is unequivocal that human influence has warmed the atmosphere, ocean, and land at a rate that is unprecedented in the last 2000 years." With 42% of our climate pollution coming from the transportation sector, transitioning to electric vehicles (EV) is important if we're going to reduce global warming pollutants.

The Murphy Administration took another step toward electrifying New Jersey's transportation sector on September 1, 2021, with the unveiling of a statewide municipal ordinance that makes it easier for people to drive electric by streamlining the local approval process for installing convenient and cost-effective charging infrastructure. The Model Statewide Municipal Electric Vehicle Ordinance was written by the Department of Community Affairs (DCA) with support from the Department of Environmental Protection (DEP) and Board of Public Utilities (BPU) to comply with a law Governor Phil Murphy signed in July.

The law requires that Electric Vehicle Supply/Service Equipment (EVSE or charging stations) and Make-Ready parking spaces be designated as a permitted accessory use in all zoning or use districts and establishes associated installation and parking requirements related to EVSE in New Jersey's 564 municipalities. In order to implement this, the law requires that DCA publish a Model Statewide Municipal EV Ordinance on



its website. The model ordinance is required to include the installation and parking requirements detailed in the law, as well as address installation, sightline, and setback requirements and other health- and safety-related specifications for EVSE and Make-Ready parking spaces.

The law has many unique aspects. It did not require DCA to go through the rulemaking process when initially publishing the ordinance, although DCA did seek extensive stakeholder input. The law allows the Commissioner of DCA to periodically update the EVSE and Make-Ready parking space requirements through the rulemaking process to reflect increased electric vehicle adoption levels and technological advances in the state through the rulemaking process. However, any changes to the Reasonable Standards section of the ordinance do not need to go through the rulemaking process.



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## Electric Vehicles

Additionally, the EV ordinance is mandatory; it became effective in all municipalities upon DCA publication in September 2021. Municipalities are allowed to make changes to the Reasonable Standards section of the ordinance through the normal municipal ordinance amendment process but may not change the parts of the ordinance that are required by the law such as installation and parking requirements.

### Municipal considerations

For municipalities with existing EV ordinances, the statewide ordinance will supersede those requirements. Municipalities don't technically need to adopt the ordinance in order for it to be in effect because the legislation says, "The model land use ordinance published by the Commissioner of Community Affairs shall be effective in each municipality."

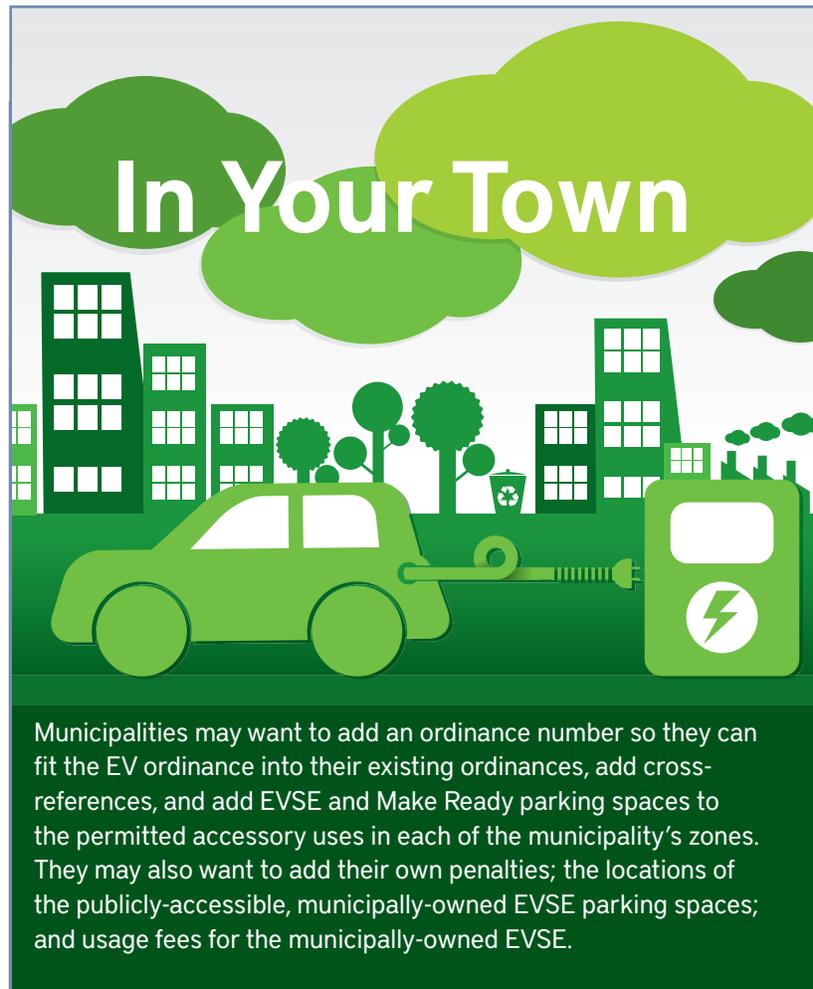
Yet another unique aspect of the bill is that it requires the Residential Site Improvement Standards (RSIS) and the Uniform Construction Code (UCC) to be consistent with the requirements set forth in the model ordinance. The RSIS and UCC must be updated if the model ordinance is updated. Both regulations must incorporate the requirements within 90 days of enactment of the law.

The EV ordinance was designed to ensure that municipalities are requiring installation of EVSE and Make-Ready parking spaces in a consistent manner and also to provide an ordinance that can be easily used by every municipality with no or minimal amendments by the municipality. The law states that municipalities may encourage additional installation of EVSE and Make-Ready parking spaces, but may not require more EVSE or Make-Ready parking spaces than what is required in the EV ordinance. In crafting the ordinance, DCA aimed to provide something that municipalities could simply take and begin to implement without having to pay additional costs for consultants to make further changes.

The most significant requirement of the ordinance's mandatory provisions is that EVSE and Make-Ready parking spaces be treated just like any other permitted accessory use, whether the EVSE or Make-Ready parking spaces are included with a site plan application for a new development or being added to an already existing building or development. This addresses inconsistencies throughout the state on how charging station installation was being handled by municipalities and their building and zoning departments. This alone will expediate the length of time it takes to get EVSE installed in the state. The EV ordinance also includes specific requirements for existing buildings and developments. For example, the application for a zoning permit for the charging station must conform with conditions of previous approvals.

The mandatory requirements in the EV ordinance include:

- All EVSE and Make-Ready parking spaces are subject to applicable local and/or Department of Community Affairs permit and inspection requirements.
- Parking spaces with EVSE and Make-Ready equipment must be included in the calculation of minimum required



Municipalities may want to add an ordinance number so they can fit the EV ordinance into their existing ordinances, add cross-references, and add EVSE and Make Ready parking spaces to the permitted accessory uses in each of the municipality's zones. They may also want to add their own penalties; the locations of the publicly-accessible, municipally-owned EVSE parking spaces; and usage fees for the municipally-owned EVSE.

parking spaces.

- Parking spaces with EVSE or Make-Ready must count as at least two parking spaces (no more than 10% reduction of total required parking spaces).
- All parking space calculations for EVSE and Make-Ready equipment must be rounded up to the next full parking space.
- As a condition of preliminary site plan approval, for each application involving a multiple dwelling with five or more units of dwelling space, which includes include a multiple dwelling that is held under a condominium or cooperative form of ownership, a mutual housing corporation, or a mixed-use development, the developer or owner, as applicable, must install:
  - Immediately: 15% of parking spaces shall be make-ready and 1/3 of those shall have EVSE installed;
  - Within 3 years: Install EVSE in an additional 1/3 of the original 15%
  - Within 6 years: Install EVSE in the final 1/3 of the original 15%.
- Overall, at least 5% of EVSE must be accessible for people with disabilities
- Applications involving a new garage or parking lot not covered above must install:

# Parking Spaces	# Make-Ready Required (can be EVSE)	# Accessible
< 50	1	
51-75	2	
76-100	3	
101-150	4	1
> 150	4%	5%

– Exempt: A retailer that provides 25 or fewer off-street parking spaces

Make-Ready parking spaces is expected to vary based on the design and use of the primary parking area. It is expected flexibility in this Section will be required to provide the most convenient and functional service to users. Standards and criteria should be considered guidelines and flexibility should be allowed when alternatives can better achieve objectives for provision of this service.”

Municipalities may deviate from the Reasonable Standards (Section F) of the model ordinance by amending the ordinance through the normal amendment process. However, this does not authorize a municipality to require site plan review for the installation of EVSE or Make-Ready parking spaces.

**For municipalities with existing EV ordinances, the statewide ordinance will supersede those requirements.**

The Reasonable Standards Section of the ordinance covers the following:

- Accessible EVSE and Make-Ready parking spaces (size, location)
- EV only parking, violations, use of time limits (public vs. private)
- Safety Issues (ID of EV spaces, lighting, setbacks, EVSE protection, mounting of EVSE, cord management system, maintenance)
- Signage (regulatory and wayfinding/directional)
- Usage Fees

An important element of the Reasonable Standards section states that “Location and layout of EVSE and

**It’s what New Jersey does today that counts the most.**

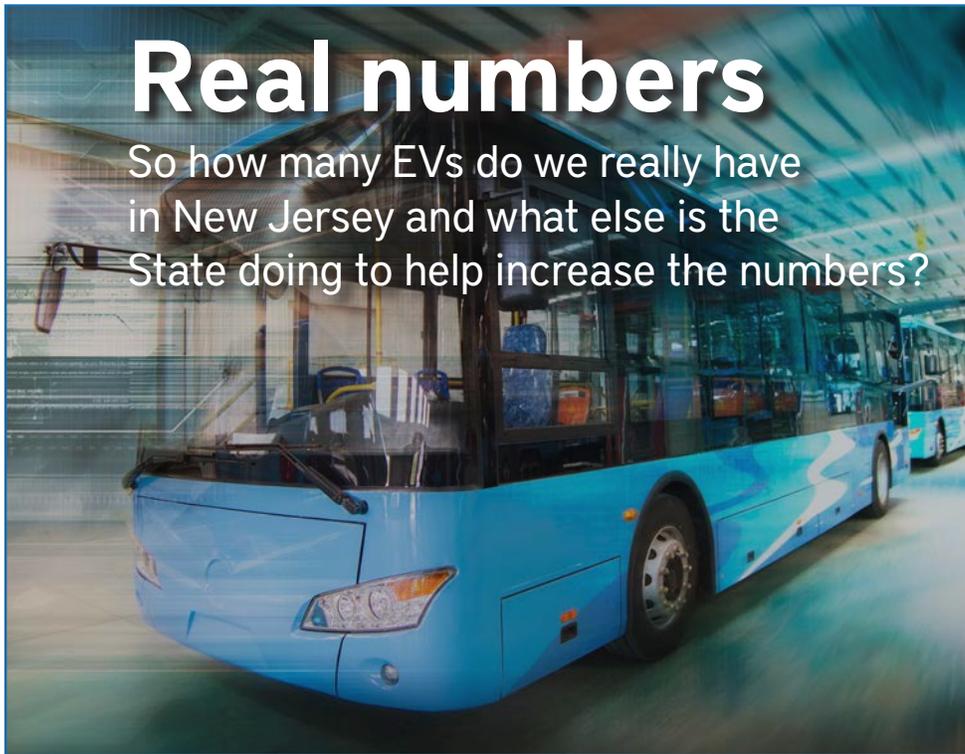
Every day, in countless ways, people are making this a great place to live, work and play. We’re excited to see what you do every day. And we’re proud to support the New Jersey State League of Municipalities.

**Contact Robin Janas**  
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# Real numbers

So how many EVs do we really have in New Jersey and what else is the State doing to help increase the numbers?

Over the last three years New Jersey has doubled its EV ownership. The state now has one of the strongest EV laws in the country, which aims to put 330,000 EVs on the road by 2025 while expanding charging infrastructure.

With more than \$10 million in infrastructure investments, New Jersey is eliminating range anxiety through our It Pay\$ to Plug In program. New Jersey already has 1,495 publicly accessible chargers at 608 locations statewide and we continue to add more, putting public charging within easy reach of most New Jerseyans.

And New Jersey provides the most generous EV purchase incentives in the country through a combination of the Charge Up New Jersey program (to relaunch soon) and a sales tax exemption. Since launching in 2020, this program has reduced the upfront cost for the purchase of 9,000 EVs.

As we continue to expand charging and financial incentives, it is equally important to communicate, collaborate, and educate. Drive Change. Drive Electric raises awareness of the growing availability of charging and shows that driving electric is practical, sustainable, and enjoyable. The recently published Green City Guides are a one-stop resource to exploring some of the most EV-friendly cities in the Northeast including Princeton, Jersey City, and Red Bank.

PlugStar, a dealer training and certification program, aims to provide a better consumer buying experience and ultimately boost the sale of EVs in New Jersey. Through this program, dealers can sign up for an EV training course and access marketing and educational materials that will boost their comfort level in selling EVs on the showroom floor and provide a better experience for consumers looking to buy a new EV.

The graphic features the NJLM logo (New Jersey State League of Municipalities) in blue and yellow. Below it, text describes a digital dataset of municipal salaries for 2021 and 2020, available on the NJLM website. A call to action 'Order your copy today!' is placed next to a dark blue button that says 'Municipal Salary Report - Published 12/2021'. The background has a blue and white geometric pattern.

 **New Jersey State League of Municipalities**

Compare salaries for over 40 municipal positions.

This digital dataset includes information in a Microsoft Excel Spreadsheet, and includes salaries for 2021 and 2020.

View the full list of positions and municipalities included in this report on the League's website.

[www.njlm.org/salaryreport](http://www.njlm.org/salaryreport)

**Order your copy today!**

**Municipal Salary Report** - Published 12/2021

DEP and DCA are currently working on a Best Management Practices (BMP) Manual to assist with the Reasonable Standards section of the ordinance. The BMP will cover topics including signage, whether to put a time limit on charging, whether to charge usage fees and the structure of the fees, and comparing networked vs. non-networked charging stations. Look for the BMP on the DEP Drive Green website and the DCA Local Planning Services website in the near future.

Because any changes to the ordinance will affect 564 municipalities, changes to the EV ordinance will have to be limited. However, it can be anticipated that changes to the ordinance will be made in the future in response to issues identified through real world implementation.

### Government electric fleets

Residential drivers alone will not be enough. We are counting on all partners

in government to embrace the switch. The Clean Fleet Electric Vehicle Incentive Program supports local and state governments as they transition their fleets to EVs. DEP’s resource guide provides a listing of information and funding to help local governments go electric.

Clean transportation must also be available for residents of low- and moderate-income communities even if they’re not looking to purchase an EV. Earlier this year, DEP awarded money to several electric ride sharing programs that will enable all residents to have access to clean transportation.

With the release of the Model Statewide EV Ordinance, financial incentives, and communication campaigns, New Jersey is paving the way for EV adoption in the state. The Model Statewide EV Ordinance will enable EV adoption among residents who can’t charge at home and will alleviate “range anxiety”

by increasing the proximity of charging infrastructure and giving residents the confidence to drive electric. We believe this ordinance is unprecedented in the country and will help propel the state to become the EV Capital of the East. 🇺🇸

@ To learn more about the Statewide EV Municipal Ordinance, visit [www.nj.gov/dca/dlps/home/modelEVordinance.shtml](http://www.nj.gov/dca/dlps/home/modelEVordinance.shtml) or email [maria.connolly@dca.nj.gov](mailto:maria.connolly@dca.nj.gov) or [peg.hanna@dep.nj.gov](mailto:peg.hanna@dep.nj.gov)

#### Resources

- 2019 NJ Energy Master Plan
- P.L. 2021, c. 171
- DEP Drive Green website: [www.drivegreen.nj.gov/index.html](http://www.drivegreen.nj.gov/index.html)
- New Jersey Partnership to Plug-In [www.nj.gov/governor/news/news/562019/20190603b.shtml](http://www.nj.gov/governor/news/news/562019/20190603b.shtml)
- EV Law (P.L. 2019, c. 362): [www.njleg.state.nj.us/2018/Bills/PL19/362\\_.PDF](http://www.njleg.state.nj.us/2018/Bills/PL19/362_.PDF)

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# Carteret's Cultural, Economic Renaissance

Ferry aims to bring young commuters to dazzling downtown, magnificent waterfront

Daniel J. Reiman, *Mayor, Carteret*



The URSB Carteret Performing Arts & Events Center celebrated its official opening in grand style on Dec. 4 with a daytime ribbon-cutting ceremony with Gov. Phil Murphy and an evening performance by borough-originated New Jersey Hall of Famers The Smithereens.

A decade in development, CPAC is a one-of-a-kind venue that can transform from a seated concert hall to an indoor sports arena, to a center for culinary arts festivals, educational programming for area youth, a convention hall, and so much more.

The 55,000-square-foot state-of-the-art theater and event venue is located in the new Carteret Arts District at the site of the former Vaudeville Era Ritz Theater. CPAC features a 1,650-seat flexible meeting and performance space, 300-seat black box theater, 5,000 square foot art gallery, and rooftop space that accommodates up to 250 people. These spaces host live performances, Broadway shows, concerts, smaller sporting events, trade shows, meetings and social events.

The venue was developed in partnership with the Carteret Business Partnership, a public/private partnership created by municipal ordinance to foster the business environment and economic development in Carteret.

The venue was partially funded through a \$2 million state grant and \$6 million Middlesex County public arts initiative. Funds also came from private donors, land sales, settlements with polluters, and donations from corporate entities, including Amazon, Crow Holdings, and United Roosevelt Savings Bank. URSB donated \$1 million for 10-year naming rights of the venue. Amazon's donation will be used for youth educational programs, including the "Master Class in the Arts" series, which will be open to Carteret Middle School and Carteret



High School students. Additional funds came from the Borough of Carteret capital account, redevelopment initiatives, and Carteret Business Partnership funds.

CPAC is a large part of the cultural renaissance within Middlesex County,

especially in Carteret, and throughout New Jersey. Carteret is quickly becoming one of the most desired locations for New Jersey residents to call home. New residential and commercial opportunities, combined with Carteret's upcoming

ferry service, this beautiful Performing Arts and Events Center, upgraded parks, stable tax rates, and tremendous diversity solidify Carteret as a great place to live, work, and raise a family.

**Arts and economics**

The arts have been proven time and time again in cities, such as Hoboken, New Brunswick, and Asbury Park, to be an invaluable economic driver, an educational resource, and a catalyst for tourism. The arts are a growing priority for Carteret with dozens of concerts, festivals, exhibits, and other events in our gorgeous parks and wonderful Blazing Start Cultural Arts Center, all of which focus on culture and heritage within Central Jersey's most diversely populated town. With the Carteret PAC as inspiration, more and more arts opportunities and cultural diversity will be coming to Carteret to enrich our economy, schools, and community.

The announcement and start of construction of the PAC has spurred more than \$100 million in private investment

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already complete or under construction and an additional \$150 million in the planning stages for Carteret's downtown.



Surrounding CPAC are several multi-use redevelopment projects that continually raise the profile of our downtown Cultural Arts and Business District as

a destination for residents and visitors. 27-29 Washington Street features mostly medical offices, a restaurant pad totaling 12,500 square feet of commercial, and 62 residential units, as well as a 455-car public parking garage utilized by residents, businesses, shoppers, and PAC patrons.

Washington Lofts at 36 Washington St. will start leasing in the spring and contains 242 residential units, two restaurant pads totaling 10,000 square feet of commercial space, one of which will also include a 350-person rooftop bar/lounge that offers views of Central Jersey to the south, the Watchung Mountains to the west and the Manhattan skyline to the northeast.

**Additional projects include:**

- **21 Washington Ave.**, a six-story mixed-use development with 155 units and 9,000 square feet of commercial space. This project will break ground in the spring of 2022.
- **Forte II** encompassing the Locust/Roosevelt redevelopment area, which includes a six-story mixed-use development of 311 residential units and 7,500 square feet of commercial space. This project will break ground in the fall of 2022.

The St. Elizabeth Church on Washington Street will be redeveloped into a Mediterranean restaurant, joining



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three other restaurants planned within the Cultural Arts and Business District. Recently opened restaurants include Santini Seafood & Steakhouse (<https://santini-seafood-and-steakhouse.business.site/>) and The Crab General ([www.thecrabgeneral.com/](http://www.thecrabgeneral.com/)).

More multi-use projects are in the planning stages, including two planned for our magnificent waterfront. In the summer, we will break ground on a Ferry Terminal that will be to Carteret what the PATH train is to Hoboken, an irresistible commuter resource. We expect the ferry to bring many new young commuters to town, and we plan to have a downtown that will dazzle them with nightlife and shopping opportunities that visitors to Carteret also will enjoy.

Our downtown Cultural Arts and Business District will bring many exciting restaurants, bars, venues, shops, boutiques, and more to Carteret. Our motto in Carteret is “The Center of It

that pass through and near town, such as the New Jersey Turnpike, the Garden State Parkway, and routes 1 and 9. The Carteret Performing Arts & Events Center, the surrounding Cultural Arts and Business District, and the forthcoming ferry added to our magnificent waterfront will make Carteret the center of even more.

### Sponsorship opportunities

The URSB Carteret Performing Arts & Events Center has additional prestigious sponsorship opportunities that position donors as a dedicated supporter of the arts within a region that boasts more than 1 million residents within 40 miles of the venue.

Naming opportunities, at various levels of sponsorship can be customized to meet any company’s budget and range from prominent venue naming that offers major branding impact, to smaller naming opportunities, including the Main Auditorium; Main Atrium;

Art Gallery / Public Space; The Comedy Club / Black Box Lounge, which includes private bars and restrooms in a “club” atmosphere, perfect for up to 250 guests; Parking Deck; Luxury Boxes; The Rooftop Lounge, which provides the perfect open-air backdrop for client appreciation events, private pre-show or post-show gatherings or special events for up to 250 guests; three main bars, one per floor; and The VIP Lounge that boasts an exclusive Members-Only area with dedicated bars and food service; as well as Name Your Seat opportunities that include an “In Memory of” Commemorative Seat Plaque. 📌

@ For more information on sponsorships available at the Carteret Performing Arts & Events Center, upcoming shows, and other details about the venue, visit [CarteretPAC.com](http://CarteretPAC.com), call 888-541-2722 or email [info@CarteretPAC.com](mailto:info@CarteretPAC.com).

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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](mailto: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!**



## 2022 Legislative Guide

## 2022 Legislative Guide

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**2022 Legislative Guide**

## 2022 Legislative Guide

## 2022 Legislative Guide

## 2022 Legislative Guide

# Your New 2022 Legislators

This year New Jersey’s Legislation added more than 20 new faces on January 11, shifting around the demographics and dynamics under the Gold Dome.

The following is a rundown of the new Senators and Assembly Representatives. Take a moment to reach out and connect with them in the months to come.

## Meet Your New State Senators

Four of the new state senators will be moving over to the Senate from their former offices in the New Jersey State Assembly. One was elected for a position for which he was filling an unexpired term, and one new Senator is newly elected to the political world.



### Vincent J. Polistina (R-District 2)

SenPolistina@njleg.org

**Public service:** Polistina served in the NJ General Assembly from 2008 to 2012

**Background:** Polistina is the owner of Polistina and Associates, an Engineering firm. He is a Rutgers University graduate. He lives in Egg Harbor Township.



### Edward Durr Jr. (R-District 3)

SenDurr@njleg.org

**Public service:** Edward Durr has previously run for office

**Background:** Durr is a truck driver who lives in Logan Township.



### Jean Stanfield (R-District 8)

SenStanfield@njleg.org

**Public service:** Jean Stanfield became an assemblywoman in January 2020. Prior to that, she was Burlington County Sheriff for six terms. Stanfield joined the sheriff’s department in 1996 as an undersheriff and also briefly served as an assistant prosecutor in the Burlington County Prosecutor’s Office.

**Background:** A resident of Westampton, Stanfield earned a law degree from Rutgers University.



### Andrew Zwicker (D-District 16)

SenZwicker@njleg.org

**Public service:** Member of the New Jersey General Assembly representing the 16th Legislative District since January 2016.

**Background:** Zwicker is the head of the Science Education Department of the Princeton Plasma Physics Laboratory. He earned his B.A. in physics from Bard College in 1986, and his M.A. and Ph.D., both also in physics, from Johns Hopkins University. Zwicker resides in the Kingston area of South Brunswick Township.



### Jon Bramnick (R-District 21)

SenBramnick@njleg.org

**Public service:** Assemblyman Bramnick served on the Plainfield City Council member from 1984-1991. As an Assemblyman, Bramnick represented the 21st district from 2003 until he was sworn into the Senate. He was the Assembly Minority for three terms.

**Background:** A partner in the law firm of Bramnick, Rodriguez, Grabas & Woodruff, based in Scotch Plains, he is a certified civil trial attorney and a frequent lecturer for both the New Jersey Institute for Continuing Legal Education and the American Association for Justice. Bramnick was an assistant professor of business law at Rider University and an adjunct professor of business law at Rutgers University. Assemblyman Bramnick holds a B.A. in political science from Syracuse University, and a J.D. from Hofstra University's School of Law. He resides in Westfield.



### Gordon Johnson (D-District 37)

SenJohnson@njleg.org

**Public service:** First elected to represent the 37th Legislative District in the New Jersey General Assembly in 2001. Speaker Pro Tempore 2018-present. He was Sheriff of Bergen County from 2001 to 2002. He was Undersheriff of Bergen County from 1999 to 2001 and 2002 to 2005. He was a police officer/sergeant with the Englewood Police Department from 1974 to 1999.

**Background:** Currently an independent consultant, Johnson earned his B.S. in social science from St. Thomas Aquinas College and his M.A. in administration and supervision from Seton Hall University. Johnson served in United States Army Reserve attaining the rank of Major. He resides in Englewood.

# Meet Your New Assembly Members

This year there are more than a dozen new New Jersey State Assembly members to meet. The following is a rundown of their basic information. We recommend that you get to know your new representatives.

The New Jersey State Assembly welcomes 17 new members this year. The following is basic information on each for your reference.



## Don Guardian (R-District 2)

AsmGuardian@njleg.org

**Public service:** Former mayor, Atlantic City. Former business administrator Toms River. Former member of League Legislative Committee. Former Atlantic City Special Improvement District (SID) for the Casino Reinvestment Development Authority.

**Background:** Guardian previously served as the Executive Assistant to the President of the Claridge Casino Hotel and was an executive with the Boy Scouts of America. Guardian. He is a graduate of Upsala College and lives in Atlantic City.



## Claire Swift (R-District 2)

AswSwift@njleg.org

**Public service:** Deputy Attorney General for the State of New Jersey (2014).

**Background:** Swift is managing partner at her family-owned private practice in Northfield, Swift Law Firm, LLC. She graduated from University of Pennsylvania and Widener University Law School and lives in Margate.



## Bethanne McCarthy-Patrick (R-District 3)

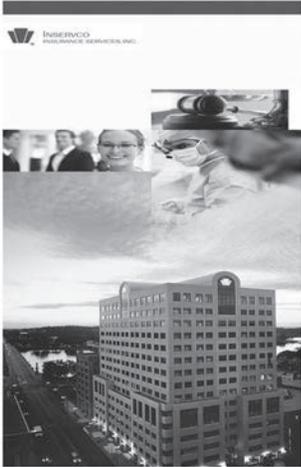
AswMcCarthy@njleg.org

**Public service:** Mannington Township Board of Education. McCarthy-Patrick recently retired as a Firefighter/EMT after 27 years of service. She is a Life Member of the Pennsville Fire & Rescue.

**Background:** McCarthy-Patrick is a small business owner operating in the restaurant business. She is also a past member of the Salem County Chamber of Commerce Board of Directors. She lives in Mannington Township.

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### **Beth Sawyer (R-District 3)**

AswSawyer@njleg.org

**Public service:** Former volunteer for Woolwich Township's Joint Land Use Committee

**Background:** Small business owner with over 26 years of experience focused on residential, commercial, land, and mixed-use real estate. A graduate of Penn State University, she lives in Woolwich Township.



### **Michael Turrissi (R-District 8)**

AsmTurrissi@njleg.org

**Public service:** Councilman in the Town of Hammonton

**Background:** Michael Turrissi is owner of Coraluzzo and Turrissi Trucking, an interstate bulk fuel carrier. He is a graduate of Rutgers University in Camden. Turrissi resides in Hammonton.



### **Brandon Umba (R-District 8)**

AsmUmba@njleg.org

**Public service:** Business administrator with the Township of Manchester and township administrator with multiple townships. Volunteer firefighter, local Zoning Board Member.

**Background:** Formerly an account executive with Anderson Jackson Metts Insurance Agency, Brandon Umba graduated from The Catholic University of America. He lives in Lumberton.



### **Kim Eulner (R-District 11)**

AswEulner@njleg.org

**Public service:** Kim Eulner is currently serving her second term as Shrewsbury Borough Councilwoman. She previously served as Council President in 2020 and is currently the Chair for the Open Space Committee and is the council appointee to the Shade Tree, Community Garden and Environmental

**Background:** Eulner is a client success manager at a local data company and is also a licensed real estate agent. She previously worked on Wall Street focusing on Commission Management. She is a graduate of Washington College in Maryland and is a lifelong resident of Shrewsbury.



### **Marilyn Piperno (R-District 11)**

AswPiperno@njleg.org

**Public service:** Played an active role in the Colts Neck Parent Teacher Organization

**Background:** Marilyn Piperno is currently a certified National Academy of Sports Medicine Nutrition Coach and Fitness Professional and was previously in publishing. She helped create St. Mary's Parish 'Make a Tray' food drive that provides packaged and prepared foods to Lunch Break in Red Bank, the Center in Asbury Park, and Ronald McDonald House in Long Branch, and has coached youth sports. Marilyn is a graduate of Pace University and lives in Colts Neck.



### Vicky Flynn (R-District 13)

AswFlynn@njleg.org

**Public service:** Flynn was elected to the board of education of the Holmdel Township Public Schools in 2016 and in 2018 became president of the board. She also served on the Nutley board of Education from 2011 to 2013 and was elected vice president in 2013.

**Background:** Flynn is a lawyer in private practice who graduated from Seton Hall University and Rutgers College. She lives in Holmdel.



### Sadaf Jaffer (D-District 16)

AswJaffer@njleg.org

**Public service:** Dr. Sadaf Jaffer recently completed two terms as mayor of Montgomery Township. Jaffer currently serves as Chair of the Inclusion and Equity Committee of Montgomery Township

**Background:** Jaffer is a Postdoctoral Research Associate in South Asian Studies at Princeton University where she teaches courses on South Asian, Islamic, and Asian American Studies. She is on the Board of Trustees for the New Jersey Council for the Humanities and was one of the founding members of Inspiring South Asian American Women (ISAAW). She is on the Board of Directors for The New Agenda. Jaffer earned her BA from Georgetown University and her PhD from Harvard.



### Reginald Atkins (D-District 20)

AsmAtkins@njleg

**Public service:** Reginald Atkins is a former Mayor of Roselle, he was elected Councilman in 2015. Prior to that, he was on the Board of Education for 8 years.

**Background:** Atkins is a local business man and as Bishop, he is the Presiding Prelate of Zion International Fellowship of Christian Churches. He is a graduate of the North Eastern Bible College, Evangel Bible Institute, and Trinity Bible College and Seminary of New Jersey, and has a Doctoral Degree from Saint Thomas Christian College in Jacksonville, Fl. He is a Roselle resident.



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### **Michele Matsikoudis (R-District 21)**

AswMatsikoudis@njleg.org

**Public service:** Michele Matsikoudis is a sitting Councilwoman in New Providence and an executive board member for the Mountain Valley Emergency Communications Center (MVECC). She is liaison for the New Providence Diversity Committee and the Sustainability team. Former member of New Providence Board of Health and the Economic Development Committee. Additionally, she was a board member of the New Providence Education Foundation

**Background:** Currently in real estate, Matsikoudis was previously Vice President in the Municipal Bond Department at Morgan Stanley for 15 years and Director of Business Development with Worth, Ltd. Active on many boards supporting education, veterans, front line workers, and women's leadership, she lives in New Providence.



### **Christian Barranco (R-District 26)**

AsmBarranco@njleg.org

**Public Service:** Chris sharpened his political experience by serving on the Pompton Lakes Borough Council (2017-2019) and as a member of the Pompton Lakes Republican County Committee (2014-2019). In 2013, Chris won the nomination of the Passaic County Regular Republican Committee for Freeholder.

**Background:** In 2013, Barranco founded and directed the New Jersey Rough Riders Society PAC. In 2019 he founded "Square Deal for NJ", a social-media site. A member of IBEW local 102 for 17 years, he is an expert in Electrical Power Generation, Transmission and Distribution and has worked as a Project Manager and Superintendent. He is an Executive Board Member of the Northern New Jersey Council of the Boy Scouts of America. Barranco is a resident of the Township of Jefferson.



### **William Sampson (D-District 31)**

AsmSampson@njleg.org

**Public service:** Sampson is vice president of the Hudson County chapter of the Asa Philip Randolph Institute.

**Background:** William Sampson is a crane operator at Global Container Terminals and member of the International Longshoreman's Association Local 1588. Attended Clark Atlanta University, and New Jersey City University. He lives in Bayonne.



### **Shama Haider (D-District 37)**

AswHaider@njleg.org

**Public Service:** Borough Council member elected in 2001 and 2015.

**Background:** Shama Haider has been active in community efforts including the Bergen County Commission on the Status of Women. She was formerly the Development Director of Arts Horizons and the secretary to the First Lady of Pakistan, Nusrat Bhutto. She has a BS in biology and lives in Tenafly.



### **Ellen Park (D- District 37)**

AswPark@njleg.org

**Public service:** Park is a former Englewood Cliffs Borough Councilwoman.

**Background:** Ellen Park is an attorney. She graduated from New York University and lives in Englewood Cliffs Borough. 🇺🇸

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## Where Have All the CFOs Gone? Part 2

Last month, Joe Monzo discussed some of the why's when it comes to the dearth of qualified Certified Municipal Finance Officers (CMFO). This month he discusses strategies for filling positions.

As the public official responsible for filling a Chief Financial Officer (CFO) vacancy, be aware that your search may only yield one or two qualified applicants.

Before you place an ad for the CFO vacancy you should familiarize yourself with the statutes governing the position. The law includes provisions concerning appointment, term, tenure, and termination that you should understand before the hiring process has begun. These statutes are NJSA 40A:9-140.1 through 15.

So how can you tell if the candidates for your advertised vacancy are worth consideration?

- **License:** The first of the criteria is whether they are a licensed CMFO. They do not have to be when you hire them, but it is obviously a plus. (We will talk about the non-certified folks later.)
- **Audit Response:** Review the finding and recommendations of the audit reports of the candidate's previous employers. (This will only be helpful if they are the CFO.) The findings and recommendations are found on the last pages of the audit.
  - Do the audit comments indicate a lack of financial internal controls?
  - Are there repeat comments that have not been addressed? The CFO is required to submit a corrective action to plan to correct all negative findings.
  - Has the financial condition of the town declined over the years? This may not be the fault of the CFO, but it may indicate that they are not providing adequate advice.
- **Decision Making:** The interview should test not only the technical knowledge of the candidate but the ability of the candidate to manage situations and understand how a financial decision has consequences, and to know what those might be. It is almost like a game of chess. We have all seen decisions that were made that have had dire consequences for years to come. A truly great CFO will know the "down the road" consequences.
- **Debt Management:** A good track record of debt management will indicate that the candidate understands the complexities of that aspect of the position.

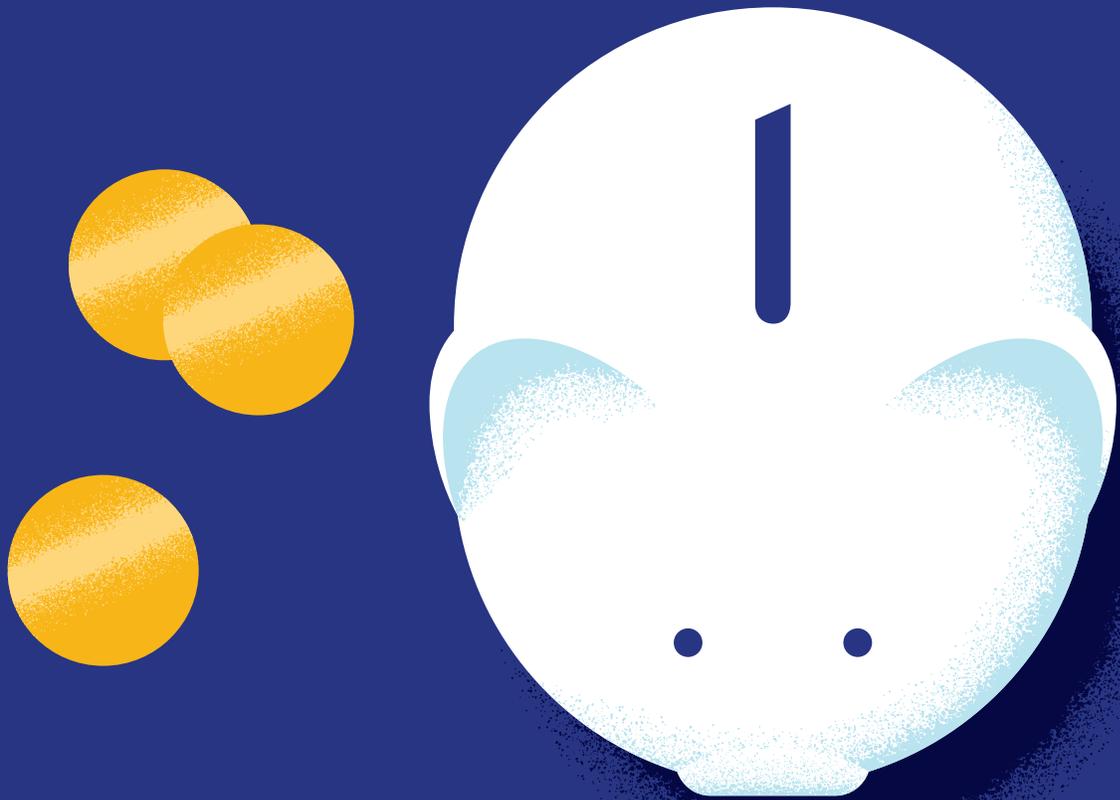
- **Part-Time Positions:** During the interview determine if the candidate has any part-time positions and whether they wish to continue them. This is a time management issue for both you and the candidate and salary consideration for the candidate. You will want your CFO to be dedicated to your town, but if they are already managing multiple towns then they may have the necessary time management skills to continue in the same manner.

- **Interview Team:** You may want to invite your auditor to be part of the interview team.

### Alternatives to licensed CMFOs

What are your options if you cannot find a licensed CMFO to fill your vacancy?

- You are permitted to hire a non-certified person and appoint them as the temporary CFO for one year, and then up to two one-year terms with the Division of Local Government Services' (DLGS) approval (N.J.S.A. 40A:9-140.13(f)). This may buy you time if you have someone that is in the CMFO track and you have confidence will they become a good CFO for your town. That individual should be already taking CMFO courses or have some accounting experience and then plan to start them immediately. The one-year extension from DLGS will require showing evidence of moving toward certification.
  - You could enter into a shared service agreement. Under this scenario your town would pay the town providing the CFO service based on a negotiated fee. This is especially helpful if you are looking a part-time CFO. Under that scenario, the providing town's CFO would become your CFO, but not have the ability to accrue tenure.
  - You could take advantage of a 2015 amendment that allows you to appoint a private entity to perform the CFO duties. However, you must first make a good faith effort to hire a CFO through the normal processes. Then you must make a formal application to DLGS, that must be approved by the Director before you can take advantage of this statute. The term shall not exceed two years. The private entity must have a licensed CMFO on staff to oversee the work performed. (See N.J.S.A. 40A:9-140.10(b).)
- All this due diligence may not yield a candidate that you are satisfied with. I tell people all the time that the perfect CFO for Town X, may not be the perfect CFO for Town Y. Town size, complexity of issues, location, political environment, staffing are all components that influence that. 📌



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## Civil Service Working Test Period Extensions, Social Media & OPRA

 **As mayor, are my social media messages subject to disclosure under OPRA?**

 This is a very common question and the best answer anyone can give is, it depends. There are essentially three different types of social media accounts and the circumstances of each determine whether or not their content is a government record subject to disclosure under the Open Public Records Act (OPRA).

The first form of social media account is the one that you create and run for your own personal purpose. This account would include pictures of your family and friends and you would be selective in those you allow to have access to view your account. In most circumstances, this account would not be considered a government record subject to disclosure under OPRA as it is not run in your official capacity as a government official but for the purposes of your private life.

The second form of social media account is one that is run by your campaign. This account would include your own views on topics as a candidate and you would have control over the content you posted or shared. This account would not be used for official government business, whether you are involved with an initial campaign for office or a reelection effort. In most instances, because this account is used for campaign purposes and not official government business, the account activities would not be subject to disclosure under OPRA.

The third type of account is one that is run under the auspices of the office of mayor, or any other government office for that matter. Some characteristics of these types of accounts would be that they stay with the office, regardless of the holder. These accounts would also clearly show that they are being run in the capacity as mayor or other government office. These types of accounts would, indeed, be considered government records, thus making their activity subject to disclosure under OPRA.

Unfortunately, these three types of accounts are never really as clearly defined as they should be. In many circumstances, one's personal account morphs into what appears to be a one run under the office of mayor. Best practice would dictate that any government officials keep strict adherence to the separation of their accounts.

Once accounts begin to meld together or the line between personal and official begin to blur together, you could be subjected to OPRA disclosure the information in social media

accounts that you had always considered private. Courts in New Jersey reviewing this question have relied on a fact-sensitive, ad-hoc approach to reviewing whether or not the social media is indeed a government record.

 **We are a civil service municipality and have an employee on a working test period. We feel the employee has not been exposed to enough working experience during the test period to make an informed enough decision whether or not to retain them. Can the working test period be extended?**

 Unfortunately, the Civil Service Act does not provide municipal employers with the ability to grant an extension to the working test period.

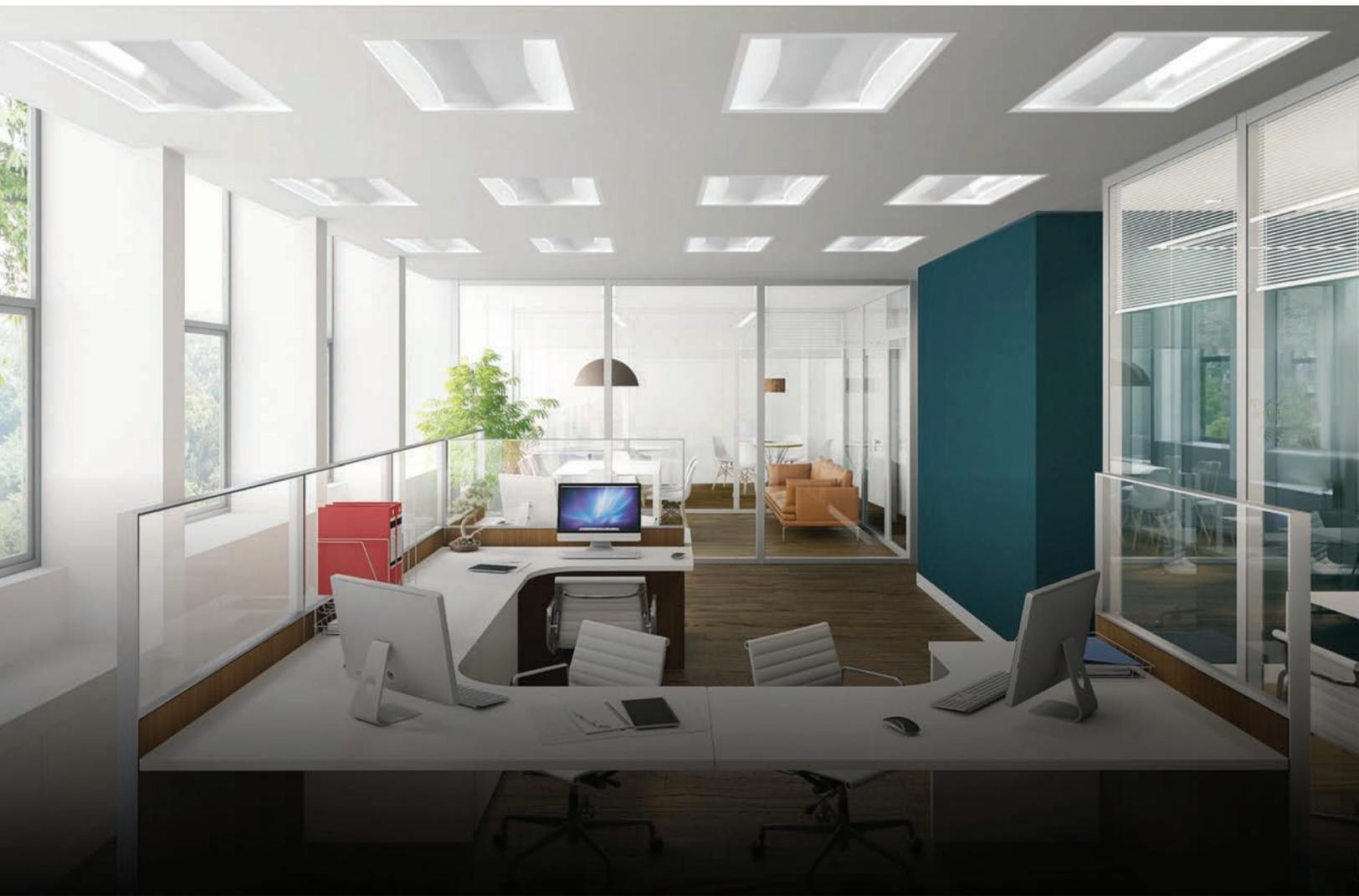
The Civil Service Act provides a civil service municipality with a working test period following regular appointment of three months. The working test period for entry-level law enforcement, correction officers, and firefighter titles is 12 months.

State appointing authorities are provided with a four-month working test period which can be extended to six months at the discretion of the Civil Service Commission. No similar extension of the working test period is permitted for municipal appointing authorities.

The purpose of the working test period is to permit a civil service employer to determine whether an employee satisfactorily performs the duties of a title. A working test period is part of the examination process that will be served in the title to which the certification was issued and appointment made.

At one time, the Civil Service Commission created a pilot program which allowed for an extended working test period of 12 months. Despite holding up to a court challenge, the pilot program was limited to only one year and expired.

Without a similar pilot program or legislative change to the Civil Service Act, the working test period for municipalities cannot be extended. 



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## “You talking to me?” Communications

**T**his classic movie phrase speaks “You talking to me” hits on the issue of communications. Over the years, I’ve heard so many times both employees and governing bodies make this comment, “Nobody tells me anything!” Or “They never tell me anything.”

I’ve learned the hard way that when we as administrators fail to keep both employees and governing body members informed, trouble is not far behind. We simply must constantly communicate with both the Mayor, Council, and employees. I recognize that some don’t read or retain what we communicate, but that frustration must be set aside and do it anyway.

For employees, bulletin boards are useful and required in every workplace of all employers in the United States. For your governing body, I suggest of method of weekly reporting to that you have important issues of the work week are given, in writing, to the Mayor and Council.

### Employee Bulletin Boards

Every workplace (building) must have a designated employee bulletin board. Most of us have it—but I’ve seen places that don’t have it in all work locations. Assuming you do, periodically you should inspect the board. They can become a cluttered mess with items that are placed there by others. For me, one of my frustration releases was to go to these locations and tear down the outdated and useless crap (yes, I said that out loud). I found it very cathartic.

There are some items that are required to be posted on every board. Federal law requires posters on several issues:

- **Equal Employment Opportunity.** Both the EEOC and the Office of Federal Contract Compliance Programs (OFCCP) publish a version of “Equal Employment Opportunity is the Law” Either version is acceptable.

The EEOC version is available online at:  
[www.eeoc.gov/employers/poster.cfm](http://www.eeoc.gov/employers/poster.cfm)

The OFCCP version is at:  
[www.dol.gov/ofccp/regs/compliance/posters/ofccpost.htm](http://www.dol.gov/ofccp/regs/compliance/posters/ofccpost.htm).

- **Minimum Wage and Overtime.** Every employer subject to the Fair Labor Standards Act’s minimum wage provisions

must post the Department of Labor’s “Employee Rights Under the Fair Labor Standards Act” poster.

It’s available online at:  
[www.dol.gov/whd/regs/compliance/posters/minwage.pdf](http://www.dol.gov/whd/regs/compliance/posters/minwage.pdf).

- **FMLA.** All employers covered by the FMLA must post Form WHD1420, “Employee Rights and Responsibilities Under the Family and Medical Leave Act.”

The latest version is available online at:  
[www.dol.gov/whd/regs/compliance/posters/fmlaen.pdf](http://www.dol.gov/whd/regs/compliance/posters/fmlaen.pdf).  
Employers with at least 50 employees are covered by the FMLA.

For New Jersey’s required postings, and there are plenty; simply go to [www.nj.gov/labor/wageandhour/tools-resources/forms-publications/employer-poster-packet/](http://www.nj.gov/labor/wageandhour/tools-resources/forms-publications/employer-poster-packet/)

Far too many times I have seen bulletin boards in some hideaway place. If you want to really do it right, write a policy stating the location and (most importantly) what and who can post items to the employee bulletin board.

Ensure that the board is clearly marked as an employee bulletin board. Some local governments have made use of their email and web site capabilities to provide an electronic bulletin board. This is a very good option and use it if you can. However, keep in mind that you still need to have physical bulletin boards.

### Employee email and website

Most if not all municipalities in New Jersey have email systems. You can make use of these systems to create an employee group and use that group to communicate all the personnel issues that you publish during a given year.

Some towns have opted to have secure web pages for employees to log into to get information. This is ideal as you can posting those locations all those requirements needed to keep employees and formed. At a minimum, the personnel manual, information about holidays for the year, and information about health insurance all can be posted on these sites.

I think it's important that you post all the labor agreements. You'd be surprised how many employees don't have a copy of their union contract. Frankly, I don't believe it's the administration's responsibility to provide the contract to employees, but having it posted eliminates the whole discussion.

## Governing Bodies

For the most part, governing bodies are fairly informed; especially if your Council meets multiple times during a month. Still, keeping your governing body informed of highlights during the week is something that I have found to be very beneficial. It is worth your time to write up a brief summary of major events during that week.

Some administrators try to get department heads to do a weekly report. If you

can that's great! However, if time and staffing does not allow, at a minimum, you should give a one-, or two-page summary of the week's activities.

Administrators know the major events that happen within all departments, so why wait for a department head to submit the report? Keeping your governing body in the loop, will save you time, energy, and effort when trying to cover major issues during a Council meeting.

In a weekly report you can provide

progressive background information for them. Moreover, I have found that elected officials truly appreciate the effort and information provided in a simple report.

I hope you find this information useful. Please remember as a part of the NJ League of Municipalities Labor Advisory Services, I am available via email at: [Matt@njcs.us](mailto:Matt@njcs.us) or by phone at 973-259-6177 should you wish to discuss labor issues. 📞

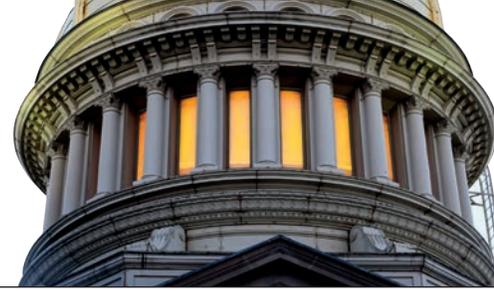


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- NJMMA's membership currently represents over 250 full-time professional managers statewide.
- Members are responsible for many of the essential services that are delivered daily to more than four million New Jersey residents.
- The Association's 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](mailto:zalkind@docs.rutgers.edu).

# Gold Dome



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

## Preparing for Possible Remedies to Overcome School Segregation

Litigation that aims to address the ongoing problem of New Jersey's segregated school system is currently working its way through the courts. The final ruling, expected early next year, could transform local school governance and financing dramatically, and dominate the political agenda for years.

That New Jersey's 550+ school districts are too segregated is hardly debated. One academic study concluded that New Jersey has the sixth most segregated school system in the country for Black students and the seventh most segregated for Latino students.

The state has "about 275,000 Black and Latino children who attend schools that are more than 90% non-white," explained former state Supreme Court Justice Gary Stein, a prominent supporter of the lawsuit against the state. "It's unbelievable."

Further, continued segregation adversely affects educational outcomes, Stein said. "Social science has shown that all children do better when they attend schools that are diverse, including white students."

### Historical mix

The historical mix of factors that led to so many students attending largely segregated schools include the abundance of municipalities, the social distribution of poverty, and personal choices made by millions of families. Factors also include the vestiges of the now-illegal uses of exclusionary zoning, restricted housing covenants, and block busting practices.

When it comes to public school segregation, New Jersey continues to be affected by the legacy of all that came before.

Since 1947, the state's constitution has explicitly prohibited segregation in public schools. Subsequent court rulings have applied this prohibition to de facto segregation. That is, situations resulting from facts on the ground, not imposed by law.

Therefore, the status of the current school system might not have been intended, but it is, nonetheless, unconstitutional, argue the coalition of groups who filed the lawsuit, *Latino Action Network v. New Jersey*.

After several initial months of unsuccessful settlement negotiations, the lawsuit has moved forward. The crux of the

fight continues to be all about the remedy.

If history is any guide, the courts may kick this issue back to decision makers in Trenton.

In the original *Southern Burlington County NAACP v. Mt. Laurel affordable housing* case in 1975, the state Supreme Court determined that "exclusionary zoning" was unconstitutional, but deferred to the politicians to resolve how that ruling would be enforced. When there was little movement on the matter, the plaintiffs sued again and the 1983 *Mt. Laurel* decision saw the court take a very active role in local land use management.

In the 1973 case, *Robinson v. Cabill*, the state Supreme Court determined that the overreliance on property taxes to fund public schools was unconstitutional. It was left to Trenton lawmakers to figure out what to do about it. It was only after legislative inaction (and the invitation of Gov. Brendan Byrne) that the court stepped in again to shut down the entire school system and force a resolution; a resolution that has continued to bring in judicial involvement through the numerous *Abbott v. Burke* school funding decisions.

### Avenues for resolution

So, one shouldn't be surprised if the courts end up determining that the current segregation within the school system is unconstitutional, and then leaves it up to the governor and the legislature to figure out what to do.

Of course, failure to do anything, as it has in the aforementioned classes, may bring about significant judicial involvement.

There are three potential avenues that are most likely to be considered for addressing the school desegregation issue:

**Enhance inter-district choices.** Currently, 122 school districts voluntarily elect to be a "choice district" and thereby allow students from other districts to apply and, via lottery, attend their schools.

Inter-district choice programs have been hampered by state-imposed caps and limited funding. However, to address the concerns of the lawsuit, this program could be expanded significantly with additional funding as well.

Another way to enhance inter-district choices for students is

to create new magnet schools that draw from a region, and not just one community. However, this idea has its share of critics who argue that while the new school might have a diverse population, it would, in theory, draw from existing schools that are already considered segregated and would remain that way afterwards.

**Regionalization.** Another way to limit the current segregation of New Jersey schools is to expand the size of districts into regional, or even county-based, areas. This adjustment would allow for grouping age groups together that ensure diversity, much in the way a regional high school does today. Advocates of moving in this direction argue also that regionalization will allow for a reduction of property taxes as duplicative administrative costs are eliminated.

Unfortunately, the most prominent proponent of school regionalization, former Senate President Steve Sweeney, is no longer in the legislature. It is unclear who will take up the cause in his stead.

**Eliminate the home district requirement.** With a few exceptions, New Jersey law requires students to attend schools in their home municipality, thereby, some say, reinforcing the demographic segregation already in place.

A third option that may be considered to remedy school segregation is to remove this requirement. In effect, this would allow every student to enter a lottery to attend any school in the state. Administratively, municipal school districts would presumably continue to prioritize students living within their borders.

By eliminating the law that limits the mobility of a student, the rigidity that maintains segregation seen in current school populations is no longer applicable.

As “clean” as this amendment might seem, it would require a major rethinking of how New Jersey funds schools—an ongoing, contentious subject—so that shifts in student populations, and especially the state’s contribution to transportation costs, can be considered. Furthermore, the changing nature of

COVID-19 has already placed significant challenges on school districts trying to manage their student attendance. Given the current uncertainty facing school boards and other education officials, some question if the political will to further adjust school populations can be found in the near future.

Very few elected officials want to handle the political hot potato of the school desegregation question. No matter what is done, someone will be angry, something successful politicians tend to want to avoid.

But that’s where New Jersey may well end up: Facing a limited ruling from the courts that requires the state to “do something,” but leaving it to the political process to figure out what that means.

Dealing with the unconstitutionality of the de facto school desegregation is likely to confront the governor and the legislature in the next year. Trenton will need to rise to the challenge, or face, once again, the prospect of significant judicial involvement in local governance. 

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# Local Governing



## Auction for Action

Those looking for a luxury car at an affordable price point got lucky last month. The Borough of Closter auctioned off a 2015 Maserati Quattroporte for the holidays. The online auction was open to the public and ended on January 4.

The final result was 76 bids with a winning final bid of \$36,100. All of the proceeds from this auction are going right back into improving the Borough of Closter—100% of the proceeds from this auction go back to Closter for road maintenance, setting up local events for residents, community programs, public safety initiatives, and more.

The Maserati, which was confiscated in a criminal investigation had 63,150 miles on it, ran well, and was in good shape. It features a white exterior, black interior, 4-door sedan body style, 3.0L V6 DOHC 24V engine, and 8-speed automatic transmission. The vehicle had a transferable title and was drivable off the lot.

Municipalities all over the state conduct auctions to sell surplus vehicles and property in accordance with P.L. 1964, c. 81 (C. 39:10A-1 et seq.). When personal property comes into the possession of the police department or force of a municipality, by finding and recovery, by a member of the police force acting in the line of duty, and if the owner or his whereabouts is unknown and cannot be ascertained, or if said owner shall refuse to receive such property, then the said property shall not be disposed of for six months, except in cases of motor vehicles, which shall be disposed and the funds going into the general municipal treasury. Please review the legal details with your attorney before acting.

Closter took the auction to the next step by publicizing a very glamorous items for sale. Next time an eye-catching item goes up for auction, put in some promotional efforts with local press and social media and it's SOLD! 🍀

# NJLM Supporters

The New Jersey State League of Municipalities would like to thank its supporters, who value their partnership with the 565 municipalities of New Jersey. For information about the League's sponsorship program, please contact Michael F. Cerra at 609-695-3481, Ext. 112, or [mcerra@njlm.org](mailto:mcerra@njlm.org).

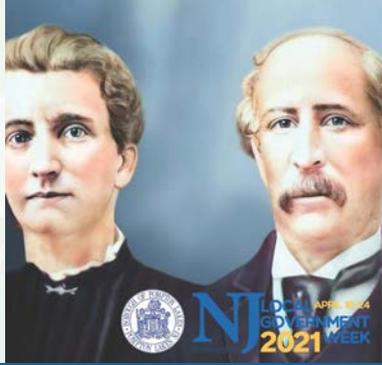


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NJ LOCAL GOVERNMENT WEEK EVENT



**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@scotchplainsnj.com](mailto:tstrowe@scotchplainsnj.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](http://www.njlm.org/njlocalgovt).

#njlocalgovt



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