

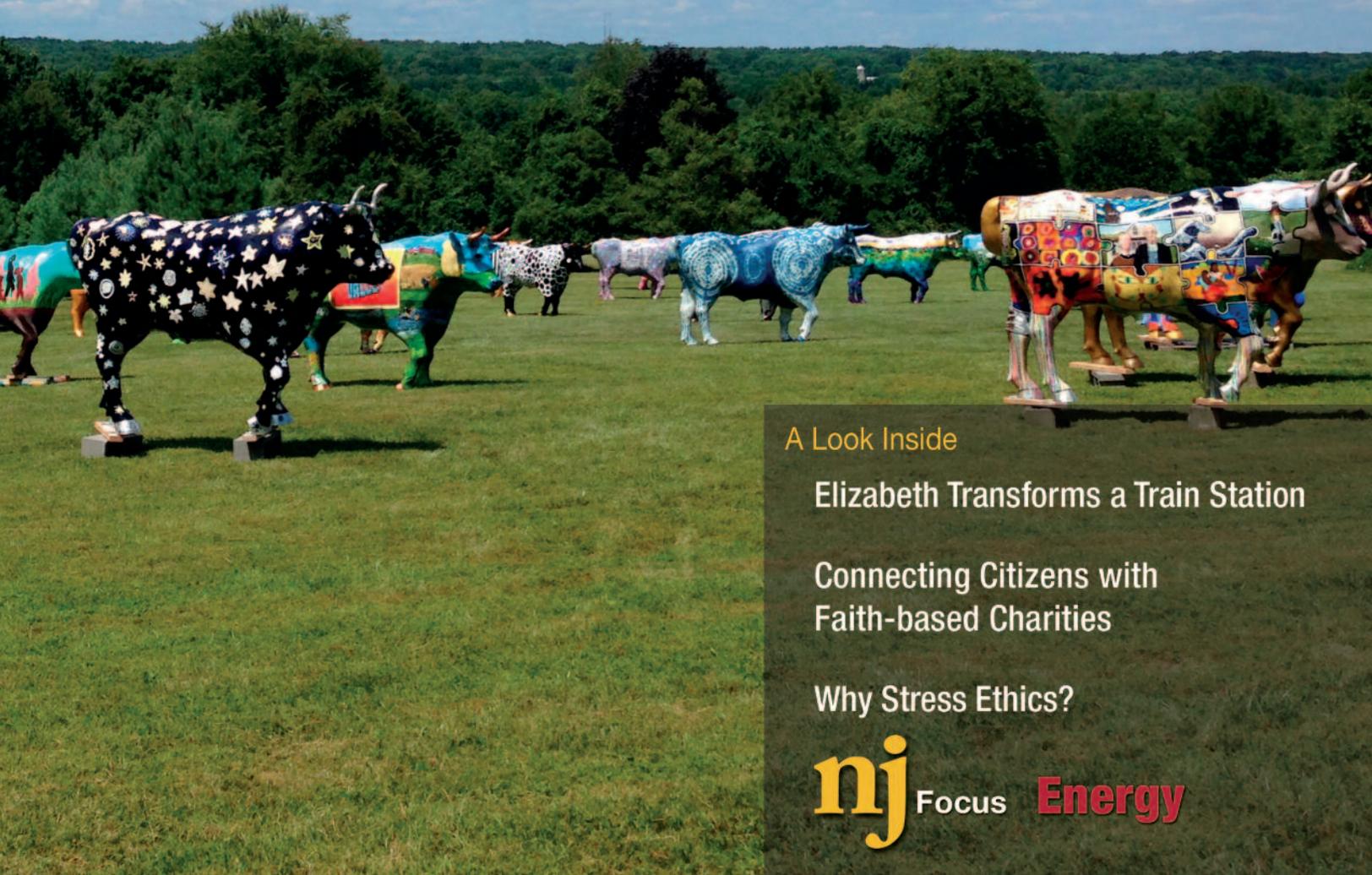
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Official Publication of the New Jersey State League of Municipalities

April 2015

## 'The Stampede' Comes to Hopewell Valley



A Look Inside

Elizabeth Transforms a Train Station

Connecting Citizens with  
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Why Stress Ethics?

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## FEATURES

### 30 Adventures in the Land of Ox

A hugely successful art exhibit raises money and community spirit  
Vanessa Sandom, Committee Member, Hopewell Township

### 34 Pension & Health Benefit Reform

NJLM responds to the State Pension and Health Benefit Report by forming five subcommittees to consider the recommendations and various alternatives

Brian C. Wahler, NJLM President, Mayor, Piscataway

### 36 Transforming a Train Station

A private/public partnership is creating a rail destination in Elizabeth  
J. Christian Bollwage, Mayor, Elizabeth

### 42 Connecting Faith-based Charities with Citizens in Need

Stephanie C. Murray, Mayor, & Gerard P. Scharfenberger, Ph.D., Committeeman, Middletown

### 44 Coffee with a Cop

Informal meetings create strong bonds between community members and police in Roselle

Jamel C. Holley, former Mayor, Roselle; Assemblyman, District 20

### 48 Card Benefits, Charities and Small Businesses

Shoppers in Robbinsville get 2 percent back to share with the charity of their choice

Dave Fried, Mayor, Robbinsville Township

### 50 Creating an Informative Calendar

Buena Vista's Annual Calendar and Municipal Guide informs residents of more than the important dates

Chuck Chiarello, Mayor, Buena Vista Township

## nj Focus Energy

### 12 How to Lead Your Communities to Clean Energy

Municipalities are helping to make energy upgrades available  
Mark Warner, Director of Energy, Sustainable Jersey

### 16 Breathing New Energy into the Community

Striking the right balance on a project to turn a contaminated former landfill into a solar farm

John G. Ducey, Mayor, Brick Township

### 18 New Jersey's Energy Resilience Bank

The Christie Administration opens the first program of its kind in the nation to focus on preventing power outages and promoting energy resiliency

Richard Mroz, President, New Jersey Board of Public Utilities & Michelle Brown, CEO, Economic Development Authority

### 20 Purchasing Green Power without Paying More

The benefits of working through the New Jersey Sustainable Energy Joint Meeting to buy energy

Mark Sokolich, Mayor, Borough of Fort Lee

### 24 Utilities Are Not Exempt from All Local Control

Red Bank prevailed at the Appellate Division in its effort to prevent the installation of utility structures in its downtown business district

Daniel J. O'Hern, Jr., Esq., Byrnes O'Hern & Heugle LLC

# contents

Volume 92 | Issue 4, April 2015



## 54 A Location for Local News

By working with TAPinto.net New Providence has saved money and improved communications

Al Morgan, Mayor, New Providence

## 58 Five Steps to a Healthier Town

This year's Healthy Towns and the latest Healthy Towns to Watch share the keys to their success

Janan Dave, Coordinator of the Mayors Wellness Campaign, New Jersey Health Care Quality Institute

## 64 Why Stress Ethics?

Anyone who plans to serve in government for the long-term should not be afraid to emphasize the importance of ethics

Edward T. Rogan, 2014 Winner of the Pane Award; Edward Rogan & Associates LLC

## 66 Surviving the Foreclosure Crisis

While there are several actions the state could take to ease the foreclosure crisis, local officials have access to an array of helpful tools

Staci Berger, President and CEO, Housing and Community Development Network of New Jersey

## 70 Buying Up Flood Prone Land

Instead of contributing small matching grants to the occasional flood buyout project, Morris County helps municipalities by providing stable funding

Jennifer N. McCulloch, Flood Mitigation Program Coordinator, Morris County Flood Mitigation Program

## 74 Locomotive and Caboose

New Jersey's economy continues to trail that of the country as a whole

James W. Hughes, Dean and Joseph J. Seneca, Professor, Edward J. Bloustein School of Planning and Public Policy, Rutgers University



## DEPARTMENTS

### 5 From 222 West State

Bill Dressel

### 6 NJ NOW

Taran B. Samhammer & Kyra Z. Duran

### 28 Member Op Ed

Joseph Accardi, former Mayor, Roselle Park

### 40 Centennial Celebration

Suzanne M. Walters, Chair, NJLM 100th Anniversary Committee

### 46 Washington

Cory Booker, US Senator

### 52 Gold Dome

Ben Dworkin

### 60 Legislative Update

Lori Buckelew, Michael F. Cerra, Jon R. Moran & Edward Purcell, Esq.

### 68 Legal

Edward Purcell, Esq.

### 76 Labor Relations

Joseph M. Hannon, Esq.

### 78 Business Card Directory

### 80 NJLM Events & Supporters



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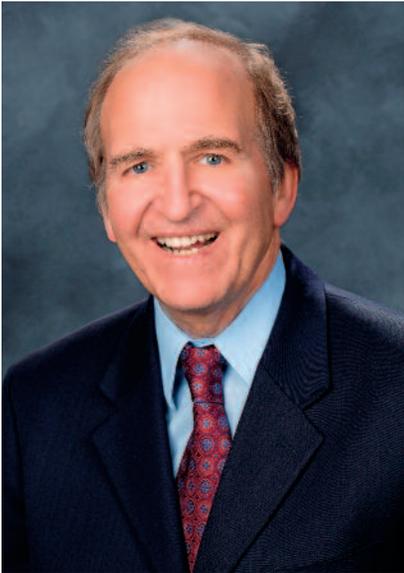
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## Transportation Trust Fund Action Cannot Wait

In his budget address to the state Legislature back in February, the Governor had a lot to say about the state's public employee pension and health benefits funding crisis. Sadly, he had little to say about anything else. One item that received short shrift in the Governor's speech was the urgent need to breathe new life into the Transportation Trust Fund.

The Budget in Brief booklet, prepared and distributed by the Treasury Department, simply states "The Governor's budget supports the state's ongoing Transportation Capital Program. The fiscal 2016 Program includes Transportation Trust Fund projects (inclusive of local highway projects) and Port Authority of New York and New Jersey-funded projects." No specifics are provided.

And at a press briefing on the day of the speech, State Treasurer Andrew Sidamon-Eristoff is reported to have stated that the state would be able to issue about \$600 million in debt that could be used to fund road, bridge, and rail projects; but no revenue has been collected and budgeted for the purpose.

That amount is well below the \$1 billion the state currently commits annually to

transportation projects. And it is woefully inadequate to address the estimated need for annual investments of \$2 billion that would begin to assure New Jersey residents and business the first-class transportation infrastructure needed to support a first-world economy.

In a recent report, the American Society of Civil Engineers noted that 651 of the 6,554 bridges in New Jersey (9.9 percent) are considered structurally deficient and 1,717 (26.2 percent) are considered functionally obsolete. That report also estimated that driving on roads in need of repair costs New Jersey motorists \$3.476 billion a year in extra vehicle repairs and operating costs—\$601 per motorist—and that 66 percent of New Jersey's roads are in poor or mediocre condition.

Local officials know that investments in these assets must be made. Failure to do so can compromise our safety, our economy and the security of our neighborhoods.

We have called on state policy makers to take decisive action now on this crucial priority. We cannot continue kicking the can ever further down the road. Given the urgent need for road repairs, the can can't last much longer. ♣

“ Given the urgent need for road repairs, we cannot continue kicking the can down the road. ”

*Bill Dressel*

## League Members Celebrate Read Across America Day

Mayors and other elected and appointed officials throughout New Jersey donned red-and-white stovepipe hats and joined the nationwide celebration of reading held on Monday, March 2. For the 15th year running, the New Jersey Education Association (NJEA) and the New Jersey State League of Municipalities joined forces to promote reading and literacy through Read Across America-NJ.

March 2 is the day after what would have been the 111th birthday of prolific children's book author Theodor Seuss Geisel, known and loved worldwide as Dr. Seuss.

Nationwide, educators and community leaders visited schools to read to children to show how books can build a brighter tomorrow. Schools around the country also held reading fairs, assemblies, and other literacy-related events.

NJEA and NJLM encouraged community leaders to join local schools in their celebrations.

"When children see adults taking the time to read to them, it provides the inspiration that our children need to develop a life-long love of reading," said NJEA President Wendell Steinhauer. "Participating in Read Across America is a terrific way to let the kid in all of us rediscover the joys and adventures that books can bring."



Newark Mayor Ras Baraka reads to schoolchildren on March 2.



## Animal Shelter in Extreme Weather

Over the course of this bitterly cold winter the American Humane Society has been involved in multiple situations where animals have been kept outside in frigid weather. Again and again, these incidents have underscored the inadequacy of New Jersey's anti-cruelty laws, which allow for subjective (and sometimes disturbing) interpretation of "proper shelter" by animal cruelty enforcement agencies. Here are just a few examples:

- two dogs found living in a rabbit hutch;
- a dog passing away outdoors in a wire cage with a tarpaulin over it; and
- the death of a dog who was housed outdoors in a plastic dog carrier.

While there has been appropriate outrage on social media about the need for better state laws, we believe the most immediate way to address this problem is at the local level. Consider creating an ordinance that targets extreme weather issues such as tethering, sheltering and temperature restrictions.

To receive a copy of one such ordinance, recently introduced by Plainfield Councilwoman Bridget Rivers, email [associatedhumane@aol.com](mailto:associatedhumane@aol.com).

## Rahway Boasts a Full Event Calendar

Rahway has several spring and summer events planned to highlight its downtown including a food tasting, antique car show and wellness challenge. In April, the “15th Annual Rahway Taste of Spring” will attract premier eateries and gourmet catering vendors from the Rahway metro area and throughout the state of New Jersey. The culinary competition, held at the Rahway Recreation Center, treats over 1,000 attendees to food, wine and beer tasting stations and live entertainment. Over 60 fine food establishments will compete in more than a dozen categories.

In May, the city will host “Hot Rods and Harleys,” an event that is expected to attract over 10,000 visitors. The event showcases antique cars and hot rods, custom motorcycles, street vendors and assorted food vendors.

Mayor Samson D. Steinman will also host multiple events as part of his “Live Well Rahway” challenge, encouraging health and wellness for city residents. Residents are asked to take the Mayor’s Challenge online at [cityofrahway.com/livewell](http://cityofrahway.com/livewell). Past Live Well events included free Zumba classes at the city train plaza, yoga in the park, health related TED talks and discussions, and the Mayor’s Road Race. The city also hosts the Mayor’s Summer Concert Series, an outdoor event in June. ♣



## Tapping into Resident Attitudes

Last June, Oradell conducted a “Resident Attitude Survey” to gain a better understanding of the perceptions and needs of residents. Survey questions were directed at obtaining opinions on community issues and recent controversial topics. The Borough Council hopes that they can ensure that their Master Plan reflects the actual wants of the residents based on the responses received.

The Council will also use the feedback to make decisions at Council meetings. The survey was available on the borough’s website and publicized at council meetings and in the borough’s newsletter. ♣

## New Trails will Follow the Rails

Summit’s Environmental Commission, in partnership with the Summit Conservancy, Union County and the Overlook Hospital Neighborhoods Initiative, are working together to renovate an abandoned railway line. The abandoned line would be renovated into a trail system along the Passaic River connecting Summit with Chatham, New Providence and Berkeley Heights. Possibilities for the area include creating a park, walking path and other recreational areas, such as a small summer stock theater. Efforts are underway to create a committee to look for possible grants to help with funding. ♣



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## New Jersey High School Drug Prevention Music Competition

The votes have been counted! The Partnership for a Drug-Free New Jersey (PDFNJ) announced today that Brigid Harrington, of Ocean County, is this year's New Jersey Shout Down Drugs (NJSDD) "Online Voting People's Choice Finalist." The high school freshman received the highest vote count from the 99,282 total votes cast, more than double the votes cast in 2014, shattering all records from previous years.

The NJSDD music competition is designed to allow high school teens throughout New Jersey to tap their musical and literary talents to create original songs that instill drug prevention messages among their peers and the New Jersey community. Harrington, a student from Ocean County Vocational Technical School (Performing Arts Academy), will advance to the finals and perform her original prevention song, entitled "#IDontDoDrugs," at the 11th Annual Prevention Concert, at the New Jersey Performing Arts Center (NJPAC), on April 17. She will compete with the other finalists, for one of three music contracts, valued at \$5,000, \$2,000 and \$3,000.

This is the fifth year that the public had the opportunity to vote for a People's Choice Finalist from all of the entries submitted, representing a wide range of artist styles and genres from around the state.



"In only a two-week period, nearly 100,000 votes were cast, which is just astonishing," said Angelo M. Valente, Executive Director of the Partnership for a Drug-Free New Jersey. "More importantly, young people from across the country—hailing from 49 states, and the District of Columbia—and six of the seven continents around the globe, were inspired by substance abuse prevention messages created by New Jersey high school students."

New Jersey Broadcasters Association (NJBA), this year's title sponsor, will air the concert on its member stations throughout New Jersey. Other sponsors include Greater Media and Comcast/NBCUniversal, which has been supporting the program since 2006. 📺

@ Tickets for the Prevention Concert are free, but reservations must be made. Reservations will be accepted beginning March 9, 2015, by visiting [ShoutDownDrugs.com](http://ShoutDownDrugs.com) or by calling 973-467-2100, ext. 19.



## Borough Honors its Longtime Clerk

Last April, Tuckerton dedicated a newly-planted weeping cherry tree to its former Borough Clerk Grace DiElmo. The tree was planted on the grounds of the borough's new municipal complex during its Arbor Day celebration. The tree recognizes DiElmo for 38 years of service as Borough Clerk. 🌳



## Money to Help Fight Hunger in New Jersey

A Community Food Pantry Fund Check-Off is available for New Jersey taxpayers who would like an opportunity to assist those in need in the Garden State through a fund that pays for food purchases at the state's food banks. Contributions to the Community Food Pantry Fund can be made while filling out the 2014 New Jersey income tax forms this year.

Since the Community Food Pantry Fund check-off was created in 2010, more than \$86,000 has been distributed to Community Foodbank of New Jersey, Hillside; Food Bank of South Jersey, Pennsauken; FoodBank of Monmouth and Ocean Counties, Neptune; Southern Regional Food Distribution Center, Vineland; Mercer Street Friends Food Bank, Ewing; and NORWESCAP, Phillipsburg. The money was used to purchase healthy foods to distribute to the hungry through food pantries, soup kitchens and homeless shelters.

"There is a growing need for emergency food in New Jersey and this fund directly helps the people who need it most," said Secretary Fisher. "Using the Community Food Pantry Fund check-off is an easy, simple way to become involved and help fellow New Jerseyans."

The check-off was first available on the 2010 tax year forms. It allows taxpayers to either contribute a portion of their tax refund or make a donation. Money collected for the fund administered by the Department of Agriculture must be used exclusively for food purchases. Those wishing to contribute should enter the code "09" on Line 64 to designate this check-off item on their NJ-1040 income tax form. ♣

## Quality of Life Rebounds

Young adults and middle income earners lead the rise



In its regular tracking of residents' satisfaction with life in New Jersey, the Monmouth University Poll finds the Garden State Quality of Life Index has bounced back from the four-year low registered last fall. The index currently stands at +23, which is up from +18 in September and more in line with readings taken a year ago.

Half of the overall index score comes from residents' overall rating of the state as a place to live. Currently, more than 6-in-10 New Jerseyans say the state is either an excellent (15 percent) or good (48 percent) place to call home, while 25 percent rate it as only fair and 11 percent as poor. This 63 percent positive rating is a very slight uptick from the 61 percent positive rating recorded in September.

Local evaluations, which make up the other half of the index score, have also increased by a few points. Specifically, positive evaluations of one's hometown as a place to live have increased to 72 percent from 69 percent in September. Perceptions of personal safety have also increased. Currently, 62 percent of Garden State residents say they feel very safe in their own neighborhood at night, which is up from 58 percent who said the same in September.

Positive evaluations of local public schools stand at 61 percent, which is basically the same as the 60 percent positive rating recorded in September. Evaluations of local environmental quality have remained steady at 72 percent positive.

"After taking a precipitous dip in the fall, the Garden State Quality of Life Index is back on par with where it stood for most of the past two years," said Patrick Murray, director of the Monmouth University Polling Institute. "The uptick is particularly noteworthy in the center of the state and the more rural counties because these regions drove the lower numbers we saw last September."

The Garden State Quality of Life Index score increased most significantly among young adults age 18 to 34—from +12 in September to +26 in the current poll—and among middle income residents earning between \$50,000 and \$100,000—from +15 in September to +30 in the current poll. Regionally, the index score bounced back in the two areas where it had dropped the most last fall. The index score has increased from +12 to +24 among Route 1 Corridor residents and from +4 to +19 in the Garden Core counties. The only region of the state that experienced a significant decrease in quality of life perceptions was the Delaware Valley, where residents registered a +11 index score, down from +18 in September and +25 in April of last year. ♣

## Conference Focuses on Local Food System



**T**he New Brunswick Community Food Alliance (NBCFA) held a conference about healthy eating and food access on January 10 at Lord Stirling Community School. The goal of the conference was to educate local residents about the activities of the NBCFA and how they can get involved.

The keynote speaker was Lisanne Finston, Executive Director of Gould Farms and former executive director of Elijah's Promise. Finston is a long-time food activist and expert in building community partnerships. Local organizations showcased their individual efforts to improve the local food system.

The conference was free and open to the public.

The event was the Alliance's fifth community forum aimed at both educating local residents and sharing concerns and ideas about improving access to healthy, affordable food.

**The goal of the conference was to educate local residents about the activities of the NBCFA and how they can get involved.**

The Rev. Lisanne Finston is a notable food activist and founding member of the New Brunswick Community Food Alliance. Lisanne's work and ministry have focused on using food a tool for healing and hope. In her 20-year tenure as the Executive Director of Elijah's Promise, Lisanne led the organization's growth to include a culinary arts training program called "Promise Culinary School" which prepares and places hundreds of students at jobs in the food service industry; Promise Catering in 1998, which now provides hundreds of healthy meals every day to children in New Brunswick and to the elderly and homebound through New Brunswick's Meals on Wheels program. In 2009, she worked with "Who Is My

Neighbor?" in Highland Park to create "A Better World Cafe," based on a model pioneered by Denise Cerreta of "One World Everybody Eats." The cafe has been successful in bringing delicious, sustainable food to the area while giving all people an equal opportunity to enjoy it.

Currently, as director of Gould Farm in the Berkshires in western Massachusetts, Lisanne is part of a caring community that promotes recovery for people managing mental illness and addictions through meaningful work, community living and clinical care.

The NBCFA is an organization of local residents, students, community leaders, and local government to build a sustainable and just food system in New Brunswick. Anyone can join, but it is governed by a voting council composed of representatives of various sectors of the local food system. Since its inception last April, the NBCFA has been instrumental in raising awareness about how the Farm Bill will affect local policies and is actively working on identifying economic opportunities involving food, increasing resources for urban gardens in the city, and promoting healthy eating habits. ♣

## De-Stigmatizing Mental Illness

**H**o-Ho-Kus adopted a resolution last June to make the borough a "Stigma-free Zone." Stigma-free Zones are an attempt to create an environment where residents feel unhindered in identifying themselves as having a mental illness, and can seek treatment without fear of being stigmatized.

Each Mayor in Bergen County received a Tool Kit from the Bergen County Department of Health Services Division of Mental Health that explains the importance of fostering acceptance of those with mental illnesses and the steps for how to create a "Stigma-free Zone."

The intent of Ho-Ho-Kus' zone is to raise awareness and decrease the stigma associated with mental illness. Bergen County is encouraging other municipalities to create this designation. ♣

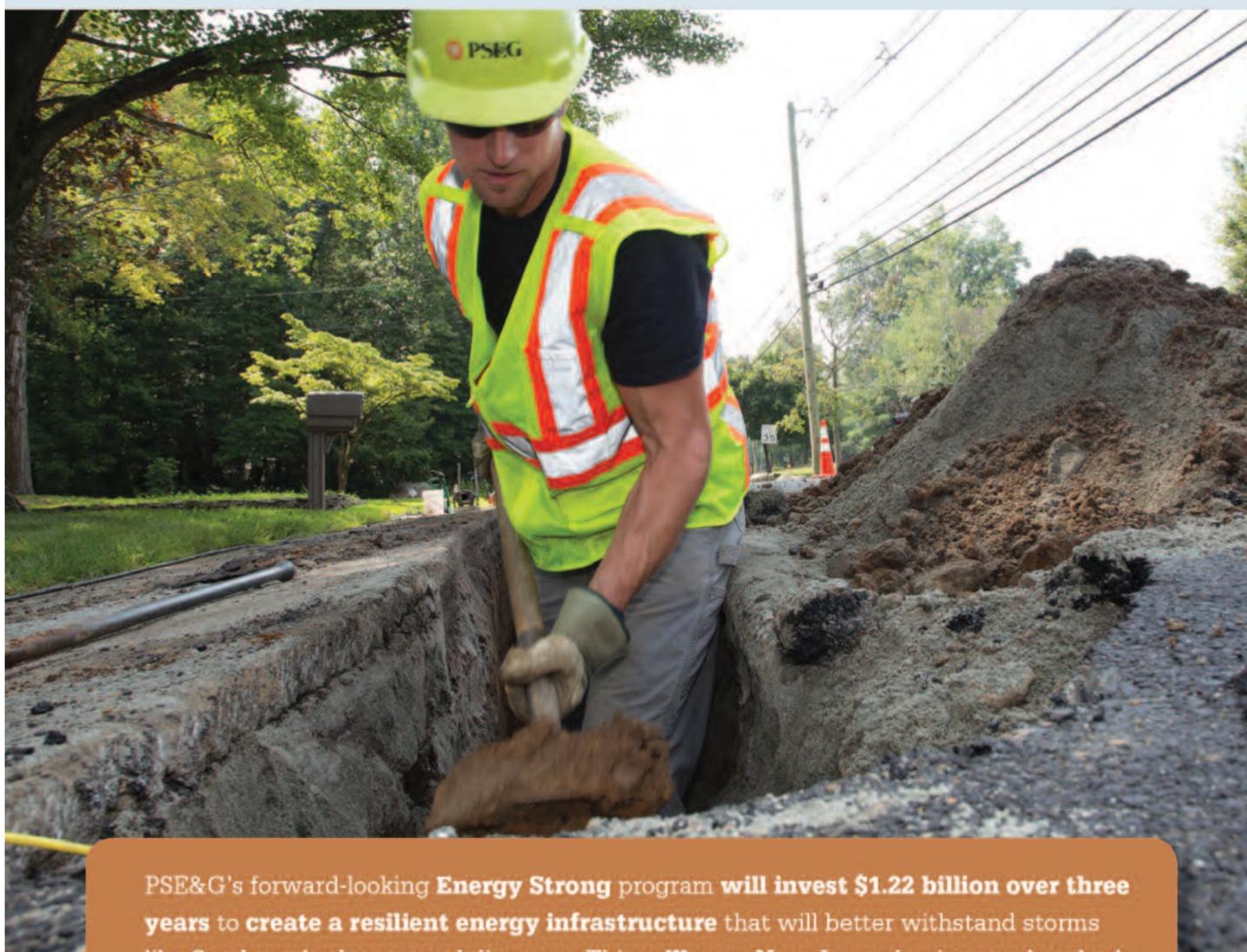
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# How to Lead Your Community to Clean Energy

Municipalities are helping to make energy upgrades available

By Mark Warner, Director of Energy,  
Sustainable Jersey

**Sustainable Jersey empowers progress** Many New Jersey municipalities are national energy leaders, and Sustainable Jersey is providing guidance and support to help. With more than 420 municipalities voluntarily participating in the program, community residents and government officials in Sustainable Jersey towns are showing that cost savings and environmental responsibility go hand-in-hand and result in thriving communities. A record 92 municipalities achieved Sustainable Jersey certification in 2014, which is the largest number of municipalities to be certified in an annual cycle since the program began in 2009.

Energy is a key element of this portfolio and represents about a third of the Sustainable Jersey program. In the last four years of the program, 462 energy projects were approved for certification. As a result, these municipalities are acting as a catalyst to grow the sustainable energy economy in New Jersey, lower energy costs, create jobs, and reduce the state's greenhouse gas footprint.

New Jersey's transition to a sustainable energy supply will ensure a strong energy foundation for future generations.

**The New Jersey Clean Energy Program** New Jersey benefits from a statewide program that provides incentives for clean energy projects, especially for upgrading building efficiency. The New Jersey Clean Energy Program is one of the largest and most successful in the country, and provides the foundation upon which most of the energy efficiency upgrades in the state are developed. These incentives can be used to upgrade municipal buildings, or for a wide variety of energy projects for residential, commercial, and industrial customers.

Sustainable Jersey includes 12 certification actions that help municipalities make the most of these incentives, and supports overall energy planning and building efficiency upgrades. For municipal buildings, these actions include energy tracking, audits and transition plans, as well as implementing efficiency measures. Municipalities can also get certification points for promotion and community outreach for the state's Home Performance with EnergySTAR and Direct Install programs.

**Princeton's efforts** Princeton is an example of a town that is working to bring the New Jersey Clean Energy Program to its residents efficiently. Princeton set a target of getting at least 100 local residents to complete home energy audits, with the goal of then stimulating home efficiency upgrades. The town procured audit services in bulk, at a reduced rate, and then promoted its use to residents. More than 150 residents have completed comprehensive energy audits under the program, with about 32 of those homes eventually performing the suggested upgrades to their residences.

**W**hile most Americans support the use of clean, sustainable sources of energy, they don't know what they can personally do or where to start. Municipalities across the country are taking the lead in helping their communities become more energy efficient, make use of renewable energy sources, and benefit from many advanced new energy solutions. Municipalities are upgrading their own operations, and are offering programs that make these same solutions available to the broader community.

## Clean Energy

Princeton's involvement resulted in significant consumer participation, lower costs, and improved convenience and consumer protection. As a result, residents are saving money on their energy bills, New Jersey's overall energy consumption will go down, and greenhouse gas emis-

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Municipalities are playing a large role in helping to facilitate electric vehicle adoption by implementing two new Sustainable Jersey actions: Make Your Town Electric Vehicle (EV) Friendly and Public Charging Stations. Pictured, left to right, are South Orange Village Trustee Howard Levison; Assemblyman John F. McKeon; Assemblywoman Mila M. Jasey; Sustainable Jersey Co-Director Donna Drewes; South Orange Village President Alex Torpey; and South Orange Village Trustee Walter Clarke.

sions for the state are reduced. The homeowners who eventually performed upgrades to their homes have collectively received close to \$100,000 in cash-back rebates and other incentives through the New Jersey Clean Energy Program and on average will reduce their annual energy consumption by around 25 percent.

### **Increasing the use of renewable energy**

Sustainable Jersey includes certification actions that help towns make use of renewable energy—both for their own operations and for the community at large. Renewable energy is clean, emits little or no greenhouse gas pollutants, and provides long term cost stability in an era where energy costs are increasingly volatile and unpredictable. Renewable energy also creates local jobs, and reduces dependency on vulnerable international fuel supplies. Many Sustainable Jersey municipalities have built solar generation systems to generate renewable energy on their own site. A growing trend, however, is for municipalities to serve as facilitators and aggregators that make renewable energy more accessible and cost effective for the entire town.

A new Sustainable Jersey action guides towns that want to implement government energy aggregation programs for their community that include renewable energy content. With the creation of a renewable-government energy aggregation program (R-GEA), municipalities

make renewable energy available to consumers in their community at a lower cost through simplified purchasing arrangements.

Meanwhile, other towns are exploring programs that make it easier for residents or businesses to install solar energy systems on their own properties. Sustainable Jersey certified towns of Maplewood and South Orange teamed up to implement a new program that facilitated “group discounts” for residential solar system installations. As a result of this program, about 350 residents in the two towns signed up for solar site assessments. These programs represent examples of best practice for developing a more sustainable supply of energy in New Jersey, and Sustainable Jersey provides a framework for sharing those experiences across many towns.

### **Emerging technologies**

Energy efficient buildings and renewable energy use are the foundation of New Jersey's future energy supply, and a core set of Sustainable Jersey energy actions are already in place to help towns lead implementation of those solutions. Meanwhile, fresh opportunities are emerging as advanced new technologies become available and Sustainable Jersey is evolving to stay at the cutting edge. Electric vehicles are a good example, and an area where municipalities can play a strong role in supporting consumer adoption.



More than 420 municipalities voluntarily participate in Sustainable Jersey.

Sustainable Jersey includes certification actions that help towns make use of renewable energy—both for their own operations and for the community at large.

Transportation represents about a third of the overall energy usage, and more than 40 percent of New Jersey’s greenhouse gas footprint. Consumers now have the option to buy electric vehicles that take advantage of New Jersey’s relatively clean electricity supply, thereby displacing gas consumption and associated emissions. Municipalities are playing a large role in helping to facilitate electric vehicle adoption by implementing two new Sustainable Jersey actions: Make Your Town Electric Vehicle (EV) Friendly and Public Charging Stations.

New Jersey municipalities are facilitating and encouraging more sustainable energy use in their communities while leveraging town-wide participation to improve convenience and lower costs for all. Collaboration and residential engagement are important factors that will help build momentum for the expanding clean energy economy. Sustainable

Jersey is focused on providing municipalities with the foundation needed to increase this momentum and help towns benefit from shared experience and proven best practices. Increasing municipal participation will accelerate New Jersey’s transition to a sustainable energy supply and ensure a strong energy foundation for future generations. ♻️



## The Power of Collaboration

**January 29...Edison Township:** a devastating fire strikes the DPW Garage destroying its entire fleet of heavy duty trucks...and a major snow storm is on its way the following day.

The leadership of the Central New Jersey Joint Insurance Fund (JIF) swung into action.

JIF Commissioner Bill Northgrave called the day of the fire for help securing trucks. Edison Public Works Director Jeff Roderman personally managed the effort onsite. JIF Chair Bob Landolfi and Risk Manager Jay McManus scoured the area and Woodbridge loaned salt trucks from its fleet to help its fellow JIF member. JIF Executive Director Joe Hrubash engaged the MEL network in the search. QualLynx Adjuster Chris Roselli located heavy trucks in Pennsylvania — at a time when every resource in New Jersey was committed to the coming storm.

In emergency session the JIF advanced \$1.5 million to Edison for truck rental and rapid replacement. And MEL excess insurer Zurich American approved a \$1.5 million advance so that repairs could begin immediately.

The trucks arrived just in time to plow Edison’s streets and avert a major community disaster.

**The power of collaboration:** communities working together for the common good.






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# Breathing New Energy into the Community

Striking the right balance on a project to turn a contaminated former landfill into a solar farm

By John G. Ducey,  
Mayor, Brick Township

**W**hen I had the good fortune of being elected to the Brick Township Council in 2011, the municipal government was far along on one of the largest projects in the town's history—the redevelopment of a decades-old contaminated landfill into a solar field.

The landfill, locally known in Brick as French's Landfill, was purchased by the township in 1973. For decades prior to that, the landfill accepted all manners of materials. Sadly, some of what was accepted was apparently hazardous material. The township eventually closed the landfill, but the damage was done and the site was placed on the US Environmental Protection Agency National Priorities List as a Superfund Site.

Over the ensuing decades, the township spent millions monitoring the landfill and eventually a contamination plume was identified. The township had to work with residents in affected areas to identify and close private wells and install auxiliary water meters as a replacement for their contaminated ground water irrigation systems and other non-potable purposes.

In 2010, the township developed a plan for the adaptive reuse of this brown-field by planning for the remediated landfill to be reused as a solar farm. This redevelopment project created a sustainable solution that improved the quality of life in the community by redeveloping a hazardous brownfield that was a cost to the taxpayers for over 40 years into a possible revenue generator. The project aimed to stop further contamination of groundwater from the landfill and increased the green infrastructure capacity in the township, reducing our carbon footprint.

While I understood the necessity of closing the landfill in accordance with a mandate from the EPA and support the use of renewable energy whenever possible and economically feasible, I, as well as my newly elected colleagues, had concerns about the partnership that was created for the redevelopment

of the site and the management of the solar field.

This is a situation that newly elected officials often find themselves in—having questions and concerns about a project that has been worked on for years, has been approved and has had substantial taxpayer money spent on it. You cannot just put the brakes on it. When I became Mayor in 2014, we chose to look at all aspects of the project to determine if and where we could improve it for our taxpayers.

[The project] provides a welcome degree of budget stability for the township.

That is exactly what we are doing. The township is partnering with EMEX, LLC of Trenton and ConEdison Solutions of Valhalla, NY to address many of the concerns that we had under the prior plan.

**Energy Management Agreement** As a result, Brick Township is now implementing a first-of-its-kind energy management agreement that will provide roughly 7.5 million kilowatt-hours annually of renewable energy from a solar array to lower its overall energy costs. In addition, the township will receive a credit for all energy produced by the solar array equal to the real-time value of energy in the PJM Wholesale Market.

One of the key components in this agreement is that it provides a welcome degree of budget stability for the township. The creation of a reliable and predictable revenue source is vitally important in today's world of tax levy caps and unstable revenues. The arrangement includes an energy supply contract with ConEdison Solutions, another aspect of municipal energy policy that has been enabled through forward-looking New Jersey State legislation.

The innovative deal structure means that the township will pay a fixed price

for its current energy consumption. The contract also ensures transparency into the cost structure of the project, a crucial aspect that we feel was missing from the previous agreement. The agreement between the township and ConEdison Solutions initially runs for a three-year period, with mutual options to extend if all parties are satisfied.

Again, when I took office, the gears were already in motion on the Brick Landfill Solar Project. Instead of bringing the project to a halt, we looked for a better, more transparent and more financially stable solution. The unique deal structure that arose from our efforts is a result of our commitment to finding a better way to do business for our taxpayers. ♣

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# New Jersey's Energy Resilience Bank

The Christie Administration opens the first program of its kind in the nation to focus on preventing power outages and promoting energy resiliency

By Richard Mroz, President, New Jersey Board of Public Utilities & Michelle Brown, CEO, Economic Development Authority

The New Jersey Energy Resilience Bank (ERB), the first of its kind in the nation to focus on resilience, is open for business in New Jersey after being awarded \$200 million in federal disaster recovery funds. It is now accepting applications from water and wastewater treatment plants serving the state.

The ERB will be used to support the development of distributed generation technologies—like combined heat and power (CHP), micro grids, fuel cells and solar cells with storage—at critical facilities throughout New Jersey. The Bank is part of Governor Christie's efforts to minimize the potential for future outages and increase energy resiliency.

Superstorm Sandy caused extensive damage to New Jersey's energy infrastructure, disrupting delivery of electricity, petroleum, and natural gas to consumers across the state. The storm left 2.8 million New Jerseyans without power.

**Distributed generation systems** These systems allowed hospitals, wastewater treatment plants and universities across New Jersey to remain operational while the grid was down. At Princeton University, officials were able to power the entire campus, including dormitories, for two weeks with the university's efficient on-campus gas-turbine generator while the rest of Princeton Township was without power. Similarly, a CHP system at the Bergen County Utility Authority allowed the wastewater plant to operate seamlessly for 24 hours without support from the local utility.



Unfortunately, because of the initial cost associated with pursuing distributed generation technologies, many critical facilities do not have in place energy resilience solutions. The Energy Resilience Bank will provide both technical and financial support to these critical facilities so that they have the resources necessary to pursue energy projects with resilience enhancements.

To be eligible for ERB funding, an entity must demonstrate impact by Sandy or other qualifying disaster.

The ERB will be focused on providing capital to those facilities that offer the greatest resilience benefits for the state, including water and wastewater treatment plants and hospitals, with subsequent funding directed towards other critical facilities such as public housing, emergency response facilities, transportation, and regional high schools that can function as shelters in case of emergency.

**Grants and loans available** The ERB will offer grants and loans to address unmet funding needs. Grants and loans may require equity contribution, and any principal forgiveness component will require evidence of meeting minimum performance requirements as indicated in the program guide.

**Eligibility** Eligible technologies must be constructed to operate isolated from the electric utility grid (islanding), be able to start up without a direct connection to the electric grid (blackstart) when the grid is down due to extreme weather events, and have the capability to operate at critical load. At a minimum, to be eligible for ERB funding, an entity must demonstrate impact by Sandy or other qualifying disaster. ♣

@ Additional information can be found at [www.NJERB.com](http://www.NJERB.com), or by calling (866) 534-7789, or emailing [erb@njeda.com](mailto:erb@njeda.com).

## NJLM EDUCATIONAL FOUNDATION, INC

### Mayors' Primer on Important Energy Issues

*(This same event runs from 6:00 p.m.—8:00 p.m. in three locations for your convenience. Register for just one location.)*

**Wednesday, May 13, 2015**

Bergen County Community College  
Technology/Education Center  
400 County Road 62, Paramus, NJ 07652

Or

**Wednesday, May 20, 2015**

The Bloustein School, Rutgers University Special Events Forum  
33 Livingston Avenue, New Brunswick, NJ 08901

Or

**Wednesday, May 27, 2015**

Rowan University, Engineering Building  
201 Mullica Hill Road, Glassboro, NJ 08028

This orientation is intended to give mayors, elected officials, emergency coordinator and other municipal officials a useful and practical understanding of energy issues. This includes a basic understanding of how the electrical grid works, what new technologies can be incorporated to make municipalities more resilient, vegetative management and how to communicate effectively with utilities during outages and street openings.

The New Jersey State League of Municipalities Educational Foundation is proud to partner with the New Jersey Board of Public Utilities, Rowan University's College of Engineering and Rutgers University's Center for Advanced Infrastructure and Transportation in presenting these seminars.

**SCHEDULE:**

- 5:30 p.m.-6:00 p.m.—Registration, Networking
- 6:00 p.m.-6:20 p.m.—Grid Today, Grid Tomorrow, an overview of where the electrical grid is today and where it is going tomorrow
- 6:20 p.m.-6:40 p.m.—Distributed Energy Resources (DER), a look at technologies that municipalities can take advantage of to be more resilient
- 6:40 p.m.-7:00 p.m.—An Update on Vegetative Management
- 7:00 p.m.-7:20 p.m.—Communications with Utilities during Outages and Street Openings
- 7:20 p.m.-8:00 p.m.- Question and Answer Session

**REGISTRATION FEE: \$35.00**

**TO REGISTER:**

Contact Suzanne Delany [SDelany@njslom.com](mailto:SDelany@njslom.com) or 609-695-3481 ext. 111

# Purchasing Green Power without Paying More

The benefits of working through the New Jersey Sustainable Energy Joint Meeting to buy energy

By Mark Sokolich, Mayor, Borough of Fort Lee

Imagine having your cake and eating it too. That's what the New Jersey Sustainable Energy Joint Meeting (NJSEM), a municipal energy aggregation program, has made possible for Fort Lee. We are enjoying significant energy price savings on our electric bill, while at the same time promoting energy sustainability by buying a portfolio that includes renewable energy.

And my town is not alone. The NJSEM was formed in 2009 to enable its members to extend the benefits of joint purchasing to electricity and natural gas. Since then, NJSEM has successfully delivered energy cost savings and budget certainty to more than 185 of its member municipalities and authorities statewide. Continuously adapting its practices to changes in regulations and the energy marketplace, NJSEM showcases best practices and innovation. Recognizing the benefits associated with joint purchasing for energy supply, the Borough of Fort Lee early on became a member of NJSEM.

**Clean, green savings** In the last several years, NJSEM has responded to this demand by developing new products for incorporation into its electricity procurements. In late 2013, NJSEM broke new ground by including in its electric supply bid for a specific group of electric accounts, a specification that over 20 percent of the winning supplier's power portfolio be comprised of renewable energy, or green power. This specification represented a total green energy component about 50 percent higher than the mandated minimum amount of green power established in the Renewable Portfolio Standards adopted by the New Jersey Board of Public Utilities. Thanks to its specialists, NJSEM was able to craft this 'enhanced renewable energy product' in a manner that promoted sustainability while maintaining significant energy price savings.



# What's Important to You?

NJSEM provides outstanding value to our municipal members: cost effective, time saving procurement services and ongoing, continuous support to make sure our members are informed and confident.

But there's a bigger picture.

NJSEM has at its core *sustainability*. We are as concerned with future generations as we are with our own. The world we give to our children is our legacy.

What's important to you? If you feel as we do, your choice should be NJSEM.



## NJSEM

To find out more or to learn how to join NJSEM, look for us on the web at  
[www.njsem.org](http://www.njsem.org)

## Purchasing Green Power

Fort Lee has numerous electric accounts that were included in that ground-breaking bid in late 2013. Today 20 percent of the power supply for those accounts comes from renewable energy sources. At the same time we are achieving an impressive savings; 16 percent on accounts powered with the enhanced renewable energy product, and over \$90,000 in total savings under the current NJSEM power supply contracts.

I credit NJSEM's energy and renewable power market expertise and their purchasing power with making this deal possible for the borough.

**Sustainable Jersey Points** The type of initiative launched by NJSEM in 2013 has helped prove the market acceptance of products that promote sustainability through energy procurement. This demonstration of success has motivated new initiatives from groups such as Sustainable Jersey. Launched in 2009, Sustainable Jersey is a certification program for New Jersey's municipalities. With over 430 communities participating, Sustainable Jersey has been successful in recruiting municipalities to go green, save money and take steps to sustain their quality of life over the long term. Fort Lee is a Sustainable Jersey

member, currently holding Bronze status in recognition of our sustainability initiatives to date.

Earlier this year, Sustainable Jersey introduced several energy related Actions to encourage enhanced renewable content in Government Energy Aggregation or GEA programs (where the municipality purchases energy on behalf of its residents and businesses) through the award of points towards certification under Sustainable Jersey. Actions carry points which count towards Bronze or Silver certification. Sustainable Jersey has announced that later this year it will release similar actions that reward enhanced renewable content for municipal aggregation programs like NJSEM.

NJSEM members also benefit because NJSEM's energy consultants, Gabel Associates, serve on the Energy Task Force of Sustainable Jersey. By participating in the Task Force's on-going stakeholder process; along with representatives from state agencies, universities, federal, state, county and local government, not-profit organizations, businesses, stakeholders and other experts; our consultants help to define standards and devise incentives for New Jersey's municipalities that ultimately result in recommendations for specific Actions that may

be adopted by Sustainable Jersey.

**The future of energy** NJSEM is gearing up to repeat and expand its success with its next round of bids. Upon successful completion of the bid being conducted in spring 2015, all NJSEM members, in addition to continuing to achieve cost savings for taxpayers, will be purchasing enhanced renewable energy content and receiving the benefits of points towards Sustainable Jersey certification.

And working through NJSEM is easy.

We are enjoying significant energy price savings on our electric bill, while at the same time promoting energy sustainability.

They handle the entire energy procurement process on behalf of their members. Once the energy supply contracts are awarded, NJSEM offers ongoing customer care services through its energy consultants, who are available to address any questions or concerns that may arise during the term of the contract.

This spring, representatives of local government entities (whether they are members of NJSEM or not) can attend a NJSEM workshop at several sites around the state. The topics will be Obtaining Green Power Supply and Achieving Cost Savings: Utilizing Cooperative Purchasing and Best Procurement Practices. These workshops have been approved for Continuing Education Credits by the Department of Community Affairs (DCA). ♻️

@ For more information about NJSEM, its energy bidding process, or the upcoming workshops; please visit [njsem.org](http://njsem.org).

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# Utilities Are Not Exempt from All Local Control

Red Bank prevailed at the Appellate Division in its effort to prevent the installation of utility structures in its downtown business district

By Daniel J. O'Hern, Jr., Esq.,  
Byrnes O'Hern & Heugle LLC



This dispute arose when Red Bank and the RiverCenter learned that NJNG intended to replace all of the gas regulators (approximately 80) located below ground in downtown Red Bank to above ground locations in the sidewalks.

The Appellate Division recently rendered an opinion that provides guidance to any municipality that becomes involved in a dispute with a public utility over the location of a utility structure within the municipality. In *New Jersey Natural Gas Company v. Borough of Red Bank and Red Bank RiverCenter Special Improvement District*, Docket No. A-1096-12T4 ( App. Division 2014), the Appellate Division reversed the decision of the trial court that had granted New Jersey Natural Gas's (NJNG) motion for summary judgment that allowed NJNG to install scores of regulator structures in the sidewalks in the Borough of Red Bank's downtown business district over Red Bank's objections.

This decision is important for municipalities in several respects. First, the decision makes clear that a public utility does not have the absolute right to install a utility structure wherever it chooses within a municipality without municipal consent or input. Second, the decision sets forth several administrative paths through which such disputes may be resolved, all of which ultimately end up before the Board of Public Utilities (BPU).

Be sure to exercise your rights when a public utility seeks to install or erect a utility installation that is objectionable.

Red Bank has a vibrant and successful downtown business district. That was not always the case. In 1991, the Red Bank RiverCenter Special Improvement District (the “RiverCenter”) was established to revitalize Red Bank’s downtown business district, which had suffered decline. One of its signature efforts was a \$1,800,000 streetscape project, completed in 1998.

This dispute arose when Red Bank and the RiverCenter learned that NJNG intended to replace all of the gas regulators (approximately 80) located below ground in downtown Red Bank to above ground locations in the sidewalks. Even though the regulators had been located below ground for decades in vaults, NJNG contended that regulators had become corroded in the vaults creating an imminent safety hazard requiring their immediate removal above ground. Red Bank officials were concerned that the newly installed regulators would (1) be a hazard to pedestrians, (2) interfere with maintenance of the sidewalks and building facades, and (3) be subject to damage and vandalism. Red Bank officials also believed that the regulators could remain safely below ground if properly maintained.

Red Bank and the Red Bank RiverCenter were not pleased with NJNG’s plans for the regulators, but sought to work with NJNG to find an alternate solution. However, no agreement could be reached. The dispute eventually ended up in Court when NJNG filed an Order to Show Cause seeking injunctive and declaratory relief, including an order

directing Red Bank to immediately issue the street opening permits. The trial court denied NJNG’s application for injunctive relief, finding that there was no imminent safety issue that could not otherwise be addressed by NJNG. The trial court, however, granted NJNG’s request to file a motion for summary judgment before any discovery could be taken on the issue

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## Utilities & Local Control

of whether a public utility is entitled as matter of law to determine the manner in which it will deliver natural gas to its customers, regardless of Red Bank's objections and concerns.

The trial court granted NJNG's motion for summary judgment finding that under N.J.S.A. 48:9-17, the utility must obtain the authority from the municipality to provide service, but that a municipality "does not have the authority to dictate the manner in which such service was provided." The trial court also rejected Red Bank's arguments that the regulator was a "structure" that required the issuance of a development permit pursuant to Red Bank's Planning and Development Regulations.

Both Red Bank and the RiverCenter felt strongly that the Trial Court had misapplied the law and that it could not be the case that a public utility had carte blanche to locate a utility installation anywhere within a municipality without some input or control by the municipality.



Installed regulators above ground on Broad Street, Red Bank's main street.

Fortunately for Red Bank and all municipalities, the Appellate Division agreed with the arguments of Red Bank and the RiverCenter and authored an opinion that provides clarity on this subject.

The Appellate Division viewed as the central issue before them: whether the trial court's expansive reading of N.J.S.A. 48:9-17 was correct. *N.J. Natural Gas Co. v. Borough of Red Bank*, at p. 18. The Court framed the inquiry as whether by enacting N.J.S.A. 48:9-17 the Legislature intended that all aspects of the delivery of gas service be exempt

from local land use regulations, except "reasonable regulations with respect to the opening of streets, alleys, squares and public places." *Id.* Under N.J.S.A. 48:9-17, gas companies are granted the power to "lay conductors and install related facilities for conducting gas through the streets, alleys, squares and public places in any municipality or municipalities in which it may lawfully operate." *Id.* at p. 20. But, the utility must "first obtain the consent by resolution or ordinance of the governing body of such municipality for the furnishing of gas therein and the

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approval of such consent by the [BPU] Commissioners." Id.

The Appellate Division held that the trial court's reading of N.J.S.A. 48:9-17 was too expansive and ignored other provisions of the Utility Statute ( N.J.S.A. 48:9-25.4) and the Municipal Land Use Law (MLUL) "that clearly provide the municipality with more power than simply regulating the opening and closing of streets and public places." Id. at 22. Thus, "contrary to the trial court's holding that the municipality could play no role in determining the location of a gas company's distribution facility, even on public property, [N.J.S.A. 48:9-25.4] permits the governing body to designate the public street, road, highway or place, which may be occupied by [a gas company] for such purpose." As recognized by the Appellate Division, if " the municipality fails to do so, or designates an impracticable route, then the gas company may petition the BPU to designate the route." Id. at 23, citing N.J.S.A. 48:9-25.4.

In addition, the Appellate Division agreed with Red Bank's argument that regulator installations were not wholly exempt from the borough's Planning Development Regulations. In this regard, the Court noted that "both historically and presently, applicable provisions of the MLUL make clear that the Legislature never denied municipalities the ability to exercise at least some of their traditional zoning powers simply because a public utility was involved." Id. at 24. Under N.J.S.A. 40:55D-19, when a public utility is dissatisfied with a final zoning decision of a municipal agency, it has the right to appeal directly to the BPU. In this case, Red Bank had denied NJNG's applications for street opening permits and it was directed to apply for a development permit. In the Appellate Division's view, once NJNG received that denial, it "was in position to appeal that decision to the board of adjustment, and thereafter to the court or BPU." Id. at p. 31, citing N.J.S.A. 40:55D-19.

There are two important takeaways from this decision for municipalities. First, be sure to exercise your rights under the MLUL or any applicable utility

statute when a public utility seeks to install or erect a utility installation that is objectionable. The public utility should be forced to exhaust its administrative remedies with the municipality to create the proper record for Appellate review. Second, on occasion, municipalities need to fight what they believe is an erroneous court decision that creates

bad precedent for municipalities. Despite the risks and expenses involved, Red Bank's elected officials and business community had the courage to fight. Thanks to them, there is now an authoritative decision that provides support to any municipality that finds itself in a dispute with a public utility over the location of a utility installation. ❧

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# Help Spread the Message of Organ Donation

By Joseph Accardi, former Mayor, Roselle Park

There is a lifetime of gratitude to the family who made the decision to donate the lungs that saved the life of Megan Accardi. She is my wife, and when she entered Columbia Presbyterian Hospital with failing lungs in 2006, she was about to die.

But somewhere in that hospital—on that very day—there was a grieving family saying goodbye to a loved one. Through the heartache, the pain and the strife, this family was willing to sign a consent form, allowing for organ donation.

And because of that tremendous gift, my wife was able to receive the two healthy lungs that saved her life, after four years on a waiting list. At the same time—somewhere in that hospital—another recipient was being blessed with a new heart.

All of this renewed life—because of one incredible family and its willingness to be organ donors on that very memorable day.

Seven years later, I am proud to say my wife is doing well; there has been no rejection of the transplanted lungs. Every night, when I go to bed and hear her breathing, I am so thankful for that family.

I had the opportunity to serve as mayor of Roselle Park for four years. In my role as a municipal official, I feel it is in my responsibility to spread the important message of organ and tissue donation and transplantation.

I am proud to volunteer for NJ Sharing Network to help raise awareness. During “Donate Life Month” in April, I have joined with area mayors for an annual ice cream cake decorating fundraiser at the Dairy Queen in Plainfield; the owner had also received a life-saving transplant. I have also participated in June in NJ Sharing Network’s annual 5K Walk/Race in New Providence, joining 6,000 others to raise a record-breaking \$750,000 and further spread the message.

But besides participating in events, there are a number of ways in which local elected officials can serve as ambassadors for organ donors in New Jersey. Many do not know this, but there are now nearly 5,000 people on a waiting list for life-saving organs statewide.

Nationally, 79 people, on average, receive organ transplants in America each day. But, nonetheless, an average of 18 people die each day waiting for transplants.

If more people were willing to be donors, that waiting list could be eliminated. As mayors and local governing body

members we have the power to spread the message through the 565 towns in the state.

Our job is to debunk some of the myths regarding organ donation. For example, there is no age limit to who can be an organ donor. Newborns as well as senior citizens have been organ donors and have saved lives.

**Display materials** I urge you to display NJ Sharing Network materials at your local libraries and public buildings. If you are holding a street fair or health fair, offer a free booth to NJ Sharing Network so the group can register organ donors on the spot.

**Host events** Coordinate events within the local schools and with the local scouts. There are plenty of organ recipients and donor families through NJ Sharing Network who would welcome the opportunity to visit your town, make a brief presentation and answer questions.

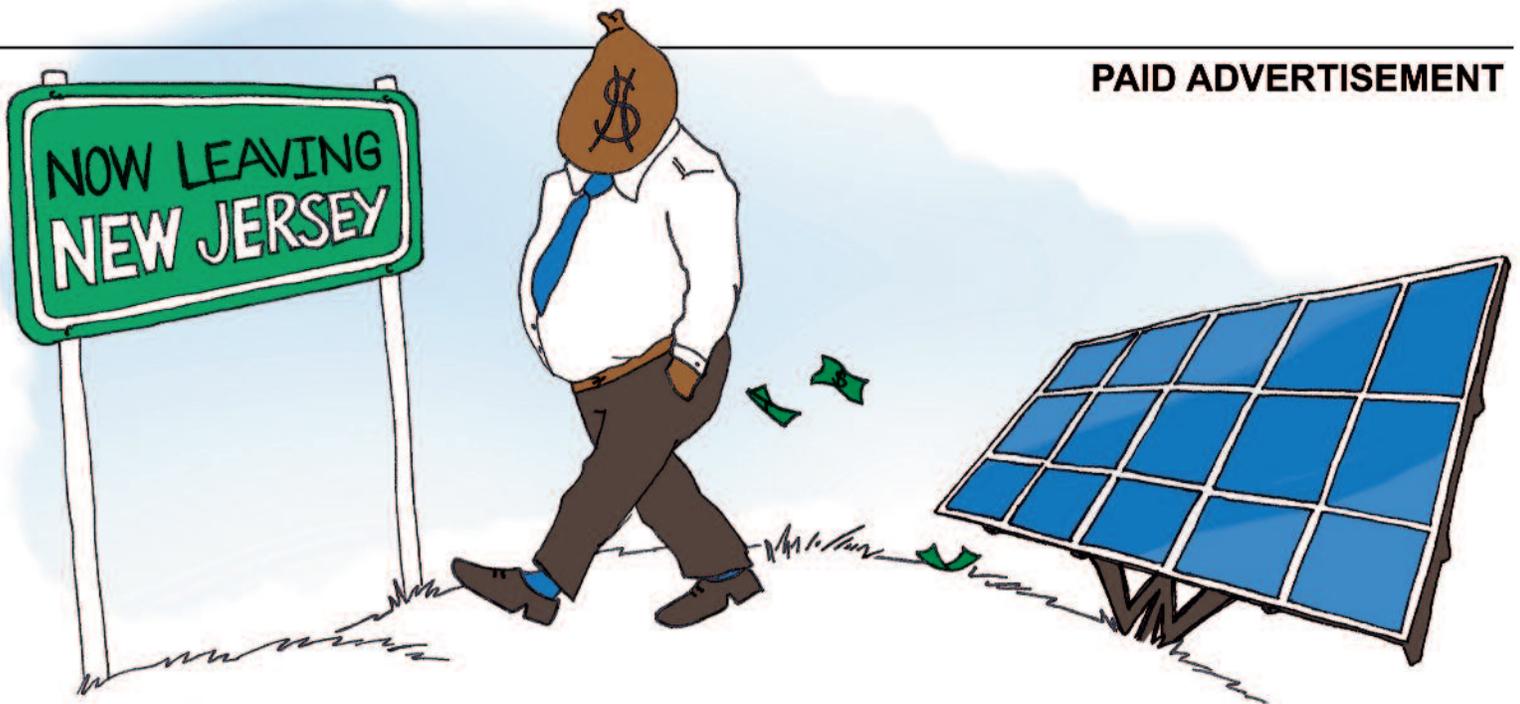
**Write letters and issue proclamations** Issue proclamations to local groups who support organ donation and, where appropriate, recognize donor families whose loved one became a donor. Send letters to the editor to your local newspaper and online news sites, urging your constituents to check the box to become registered organ donors.

**Donate Life Month** Look for opportunities to mark Donate Life Month each April, such as holding a flag-raising event at a local hospital. And urge your constituents to put together teams for NJ Sharing Network’s 5K; that fundraiser is making a huge difference.

While these may seem like relatively small ways to tackle something as serious as New Jersey’s waiting list, imagine what can happen if local government officials all worked together and addressed the issue with a uniform, comprehensive strategy. No doubt, more lives would be saved in New Jersey and perhaps we could collectively put an end to the waiting list.

I often think back to 2006, when my wife was lucky enough to be one of 1,405 Americans who received a lung transplant that year. As thankful as I am that Megan won her bout against bronchiectasis, it is haunting to know that many families were not as fortunate. They are still mourning terrible losses. 🍂

 Join me in embracing this cause. Learn more about what you can do by reaching NJ Sharing Network at [www.NJSharingNetwork.org](http://www.NJSharingNetwork.org).



# \$185 Million Hemorrhaging From NJ's Local Economies

by Fritz Kreiss | Founder & President of Community Green Energy, LLC

**T**his year New Jersey municipalities will send over \$185 million dollars out of state simply to pay for solar energy through Power Purchase Agreements (PPA). But why take money out of the local economy to pay for solar energy? Think about it – the sun shines locally, the array is built locally and the energy is used locally; so shouldn't the economic benefits be local, as well?

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Over 75% of individuals and small businesses can't put solar on their own roof, because they rent, are shaded or can't afford it. Community Green Energy, LLC transforms the traditional solar project into a community solar garden, eliminating these barriers and offering all area residents and small business owners a choice to purchase, and own the production value of the solar array for the life of the project.

Local ownership is what defines and sets a Community Virtual Solar Garden apart. Every time the municipality pays their solar electricity bill, it's really paying local owners to help offset their own electric bills – as if the solar panels were on their own roofs, but without the hassle.

## Remember that \$185 million in energy dollars fleeing the state every year?

Financial commitments to earlier solar energy projects can't be reversed. But if communities embraced locally owned solar projects, the Community Virtual

Solar Garden way, over a 25 year period, a sum like \$185 million would generate over \$5 billion in local economic activity; the kind of activity that supports our small businesses and drives your local economy. Where else can a community get that kind of stimulus?

Solar energy is good. But locally-owned community solar energy is better; offering benefits for residents, businesses and the local economy.

Rethink solar and the role it can play in your community. Choose a Community Virtual Solar Garden as your next community/economic development project.



*Fritz Kreiss has been involved in the energy industry for over 20 years, promoting renewable energy solutions to create inclusive local ownership, and stimulate local economic growth.*

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# Adventures in the Land of Ox

A hugely successful art exhibit raises money and community spirit

By Vanessa Sandom, Committee Member,  
Hopewell Township



**H**is name was Olly and he became a local sensation when he appeared grazing throughout Hopewell Valley in the summer of 2014. As the icon for the Hopewell Valley Stampede, he was born of a desire to build a community center and inspired a year-long celebration of the arts.

Last fall, a colorful herd of 69 oxen, painted and embellished by local and regional artists, appeared throughout Hopewell Valley's villages and fields in a hugely successful public art exhibit, The Stampede, sponsored by the Hopewell Valley Arts Council.

The Stampede was modeled after an exhibit in Zurich, Switzerland, where fiberglass sculptures were decorated by artists and exhibited throughout the city. After being publicly displayed for several months, the sculptures were

auctioned off to raise money for a local organization. In a nod to the Valley's enduring agricultural heritage and the team of oxen that plow the fields at the local Howell Living History Farm, the Arts Council chose an ox as the icon of the Stampede and promptly named him Olly—as in “Olly olly oxen free,” the well-known refrain from the game of hide-and-seek that calls participants to “come out, come out, wherever they are.”

And how the community came out!

The Arts Council was asking the Valley's artists, businesses, schools and residents to join together in an effort to raise awareness of the arts and artists residing in the Valley and to support the formation of a local arts council.

While the Hopewell Valley Arts Council is proud of the \$150,000 this initiative raised, the greater reward came from the response of the Hopewell Valley community.



Larry DiSanto, Executive Vice President & Chief Operating Officer of Capital Health (one of the projects major sponsors) poses with an ox. Thanks to a dedicated core of volunteers, the generosity of five founding sponsors (who each donated \$25,000), and the artists, a year-long celebration of art in the everyday was set in motion.

Hopewell Valley, in northwestern Mercer County, is a 60 square mile area comprised of rural Hopewell Township, the historic village of Pennington Borough and the artsy village of Hopewell Borough. Bounded by the Delaware River and Princeton, Hopewell Valley may be best known as the site where George Washington crossed the Delaware to defeat the Hessians in Trenton.

Thanks to a dedicated core of volunteers, the generosity of five founding sponsors (who each donated \$25,000), and a game group of eager artists, a year-long celebration of art in the everyday was set in motion. Olly appeared in the Homecoming Parade and inspired all six schools in the Valley's district to decorate an ox.

His likeness was sponsored by local governments, major businesses and local shops, families, farmers, and by a young man who collected donations from his neighbors as a bar mitzvah



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## Land of Ox

project. Olly grazed along Route 31, our major roadway, in rural fields, at the supermarket, and in front of the local library. His decorated likeness inspired smiles, myriad “selfie” contests, scavenger hunts, random “ox” of kindness, corny jokes, cuisine in local restaurants, a Classic Car Cattle Drive, and a Christmas ornament. In addition, a local couple dressed up like every painted ox and posted their photographs to the Stampede Facebook page. One reluctant transplant to Hopewell Valley even boasted to his friends in Brooklyn that he now lived “in the land of oxen.”

The Stampede was modeled after an exhibit in Zurich, Switzerland.

**The artists** The participating artists ranged in age from 9 to 92 and came from as far as Brooklyn, NY and State

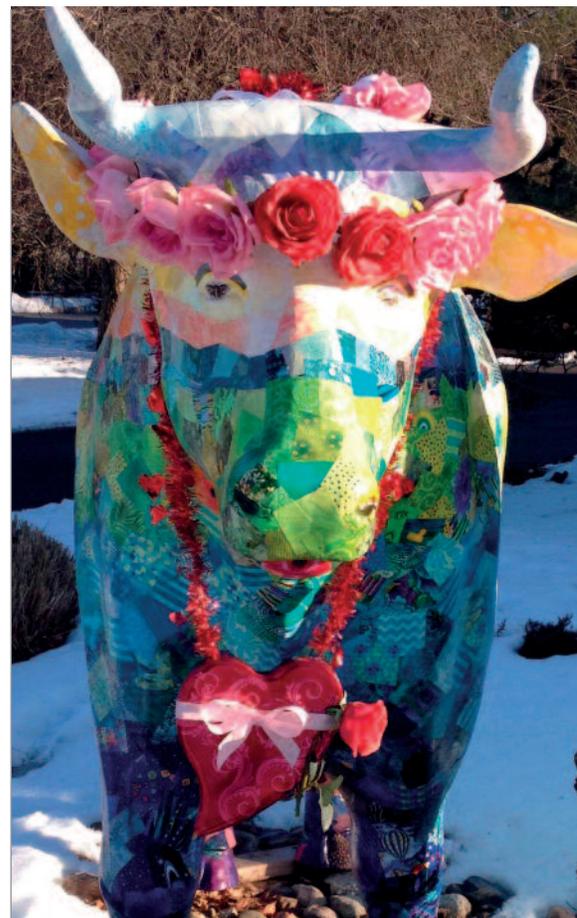


(L to R) Hopewell Township Committee Member Vanessa Sandom, Hopewell Borough Mayor Paul Anzano, Hopewell Borough Council President C. Schuyler Morehouse, Pennington Borough Mayor Anthony Persichilli, and Hopewell Borough Council Member David Mackie pose with an ox at the “Year of the Ox” Gala.

College, PA. Their works of art included “The Wizard of Ox,” who was adorned with lush leaves and gemstones that reflected color by day and glowed at night; “Moo’drian”, whose bold lines and



“Moo’drian” features the bold lines and primary colors celebrated in the paintings of 20th Century artist Piet Mondrian.



An ox wears Valentine’s Day decorations.

primary colors celebrated the paintings of Piet Mondrian, the famous 20th century abstract artist; “George Oxington”, created in commemoration of the soldiers and civilians of Hopewell Valley who served their country in its earliest times of need; and “Jersey Strong as an Ox,” painted by a local graffiti artist to reflect the state’s Hurricane Sandy rallying cry.

**Auctions** After being exhibited for two months, most of the oxen were auctioned off through an online auction, and the “Prized Herd” was rounded up for the “Year of the Ox” gala, where they were auctioned live at the closing celebration. It was a spectacular event that signaled the end of The Stampede. While the Hopewell Valley Arts Council is proud of the \$150,000 this initiative raised to ensure that it is an enduring organization in the community, the greater reward came from the response of the Hopewell Valley community and its proud support of the arts. Long live Olly! 🐄



The works of art included “The Wizard of Ox,” who was adorned with lush leaves and gemstones that reflected color by day and glowed at night.

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# Pension & Health Benefit Reform

NJLM responds to the State Pension and Health Benefit Report by forming five subcommittees to consider the recommendations and various alternatives

By Brian C. Wahler, NJLM President,  
Mayor, Piscataway

**O**n February 24 Governor Christie's Pension and Health Benefit Study Commission released their "Roadmap to Resolution" report, which highlights the fiscal challenges faced by the state in funding pension and health benefits. The report also proposes options that, in the Commission's viewpoint, require shared sacrifice and a willingness to let go of the status quo. The League has raised concerns about the report's failure to acknowledge that municipalities and their employees have consistently contributed to the local PERS and PFRS funds and that the real issue is with the state's pension funds—PERS, TPAF, PFRS, JRS, and SPRS. We also expressed reservations about the Commission's recommendation that savings from health benefit reforms be used to off-set the pension cost at the state level.

Recently I convened a meeting with League Officers, Management Reform Chair and Mayor of Perth Amboy Wilda Diaz, and representatives of each affiliated group to discuss the State Pension and Health Benefit Commission Roadmap Report. At the meeting, Pension and Health Benefit Commissioner Tom Byrne and the Commission's Counsel Ken Wilbur expressed a willingness to consider alternatives to the proposals in the report.

As a result of this meeting, five subcommittees have been created to consider the following:

**Freezing the Pension Plan with concessions** The Commission recommended that the current plan be closed to new members and existing members would no longer be able to accrue additional benefits under the current plan. Existing members benefits earned to date would not be affected; however, their retirement benefit would consist of pre-freeze and post-freeze components. A new retirement plan, a cash balance plan, would be created to provide future retirement benefits.

The subcommittee for this issue will explore the pros and cons of freezing the pension plan and creating a cash balance plan as well as the impact of this proposal on new, mid-career and end of career employees.

**Transfer the fund assets and liabilities to local governments, in some fashion, to manage** This subcommittee will explore the pros and cons of this alternative option. The subcommittee will identify the issues for small, medium and large local government entities to manage the pension funds.

**Create a structure to manage the local pension funds similar to the JIF/MEL model** This subcommittee will explore the pros and cons of creating a structure to manage the

local pension funds similar to the JIF/MEL model. This subcommittee will provide a blueprint of such a structure.

**Suggested reforms to the Health Benefits program** The Commission recommended that public employee health benefits be "reset" to a benchmark of 80 percent actuarial value level and explore how these benefits can be augmented. The Commission suggested such programs as increased wellness programs, value based insurance design, creation of patient centered "medical homes," reference based pricing programs and medical malpractice reform. In addition, the Commission recommended that public employee health benefits be uniform across the state regardless of their employer.

This subcommittee will explore the impact of uniform health benefits for all public employees regardless of their employer as well as the impact that uniform health benefits would have on Health Insurance Funds and self-insured health benefits plans. In addition, the subcommittee will explore the pros and cons of the other suggested programs.

**Property tax impact** The Commission claims their recommendations will be cost-neutral. The savings from the health benefit reforms will pay for the increase in the pension cost. The Commission's recommendations appear to shift the cost from the state level, in particular the education employee expense, back to the local government.

This subcommittee will calculate the impact on property taxes of the proposals in the Roadmap Report and the proposals put forth by the League.

All five subcommittees will meet in the upcoming weeks and will be reporting their findings. We will keep you posted on any future developments. 📌



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# Transforming a Train Station

A private/public partnership is creating a rail destination in Elizabeth

By J. Christian Bollwage, Mayor, Elizabeth



The proposed plans include ADA accessibility improvements; upgraded security systems; and a new office and retail space.

**W**ithin New Jersey, there are a lot of choices when it comes to train stations. Knowing where you want to go is the easy part. Then come other considerations such as do the lines that service your end point run out of a particular station at the times you need? From there, riders must factor in the condition of the train station and its amenities, what is within walking distance and whether the station is easy to reach. Add to this list: is there close and adequate parking available and you have an equation that either makes or breaks a decision.

Acknowledging these concerns, the value of an existing foundation, as well as the potential to raise the success level at one of the busiest and most historic train stations in the state, New Jersey Transit announced a \$55 million investment within the City of Elizabeth. At a gathering of public officials from federal, state and local branches, new designs were unveiled for the reconstruction of the Midtown Elizabeth Train Station at a press conference held at the site. Officials detailed the proposed structural improvements, amenities and increased services as well as emphasized how a more efficient and effective location will be achieved. The implementation of these plans is vital to meeting increased demand, remaining competitive and ensuring that excellence in transportation remains a priority.

Funded through a combination of state and federal sources, this project has a direct impact on the City of Elizabeth, but also advances the experience of riders throughout the region. The sup-

port and collaboration that transformed this vision into a reality was evident by the attendance, as well as encouragement, of an impressive group of dignitaries: United States Senators Cory Booker and Robert Menendez; Congressman Albio Sires, representing the Eighth Congressional District; New Jersey Senator Raymond J. Lesniak and Assemblywoman Annette Quijano, representing the 20th Legislative District; Department of Transportation Commissioner/ NJ Transit Board Member Jamie Fox; Union County Manager Alfred Faella; Union County Freeholders, Elizabeth City Council Members; Kean University President Dr. Dawood Farahi, Union County College President Margaret McMenam and New Jersey Transit Executive Veronique "Ronnie" Hakim.

The Historic Elizabeth Midtown Train Station has a lot to offer as one of two rail destinations within New Jersey's fourth largest municipality. Nearly 7,600 weekday passenger trips are serviced via the North Jersey Coast Line and Northeast Corridor



The significant dedication of funding will elevate this already popular station into a progressive, service-oriented transportation hub.

at this station. Within walking distance of the Union County Administration Building, the Union County Courthouse, Elizabeth City Hall, Elizabeth Main Public Library and Union County College's Elizabeth Campus, the station is centrally located to support the high volume of pedestrian traffic generated within this Union County Seat. Other attractive qualities of this location include: the

multi-floor parking garage located across the street, which provides convenience and options for drivers taking the train as well as its Transit Village designation, which emphasizes its central proximity to thriving business districts, historical sites and entertainment venues. The city's September 11th memorial is located on the property as well as a pedestrian plaza, where events such as municipal cere-

## Transforming a Train Station

monies, musical programs and holiday celebrations are held. Further enhancing its possibilities and overall appeal, the station also includes bus and taxi service as well as will ultimately provide a direct link to Western Union County through the proposed Bus Rapid Transit project.

The significant dedication of funding will elevate this already popular station into a progressive, service-oriented transportation hub. Built in 1893, the Historic Elizabeth Midtown Train Station has required action in recent years to rectify structural and operational deficiencies. The proposed plans will not only modernize this site, but also mitigate many of these areas including addressing ADA accessibility as well as issues with elevators and stairways leading up to the tracks. Revitalizing the existing structure as well as adding increased accessibility and function, this endeavor will include a new two-story station building with a street-level ticket office; covered, heated and air-conditioned waiting areas; extend-



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## Transforming a Train Station

ed high-level train platforms; upgraded security systems; and new office and retail space. Upon completion, this state-of-the-art concept will create new jobs as well as maximize space and effectiveness.

The benefits of renovating the Midtown Train Station are not limited to the current location; this project plays a pivotal role in the revitalization of the entire

area, including surrounding properties, where developers have been designated for two parcels. Hundreds of market-rate and affordable housing units, commercial space for nationally-recognized tenants and a nine-story hotel are anticipated to be incorporated; infusing new growth into these underutilized areas. In addition to being LEED certified, the development

will have green design and open space elements, which will complement the aesthetics of the surrounding neighborhood.

Further building on this effort, the city and Kean University are working together to create a collegiate connection throughout the community known as University Boulevard. Anticipated to be developed along Morris Avenue, which is a bustling corridor that bridges the University with the Train Station and Union County College's Elizabeth Campus, the new Train Station will complement efforts to attract businesses and housing on this main thoroughway also known as Route 82. Together, these efforts will create more alternatives as well as support the local experience of students, faculty and staff at the University.

This initiative underscores the critical importance of public transit to mobility; especially within large cities as well as university and college communities. With its reliability, efficiency and convenience, particularly during weather events, the New Jersey Transit system offers access to a multitude of locations, while providing a dependable alternative to driving. The availability of this travel option is appealing to all commuters, but particularly students, who may not have access to personal vehicles. This population often depends upon trains and buses to commute to and from home and work or to fulfill their academic requirements, such as student teaching or visiting other locations to complete assignments. Furthermore, the Midtown Station delivers riders to New York City's Penn Station in minutes, offering a direct connection to entertainment, dining, business and the arts.

Providing increased opportunities, an improved traveling experience and enhanced quality of life, this reconstruction will enrich an already vibrant location and act as a catalyst for the future. Through collaboration, coordination and feedback, holistic approaches to reimagining spaces can be taken, producing extraordinary and lasting results. Transportation services need to be strengthened to support aging infrastructure, development and population growth. The return on these types of investments can be priceless. 📍

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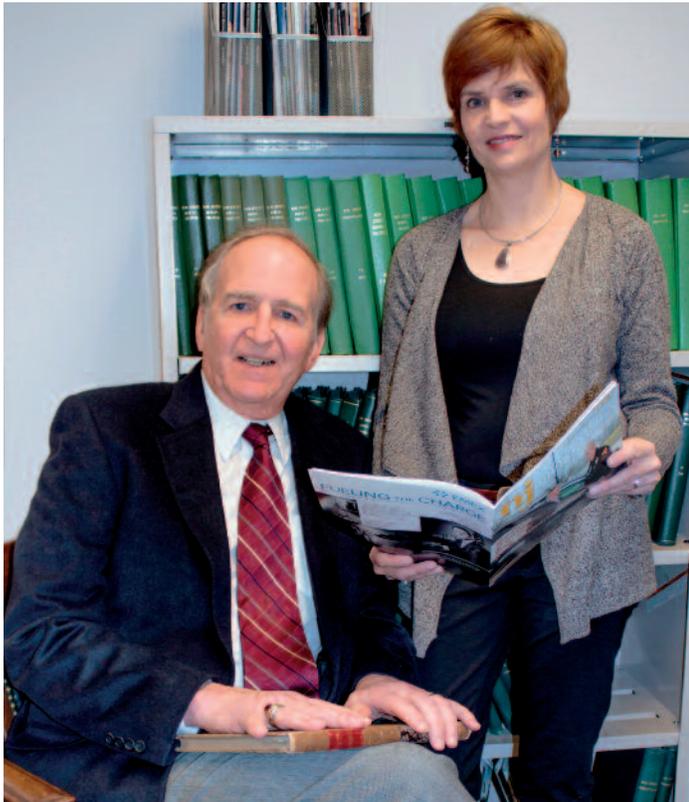
Together we'll go far



## A Century of Information and Ideas

By Suzanne Walters, Chair,  
NJLM 100th Anniversary Committee

For nearly 100 years the League has published a monthly magazine to help its members stay current on legislation and rules coming out of state government and new initiatives that are taking place in other municipalities.



*New Jersey Municipalities* Editor in Chief Bill Dressel and Managing Editor Kyra Z. Duran, look through past issues of *New Jersey Municipalities*. They have served as the editorial team for nearly 20 years. Behind them is the complete library of 98 years of magazines.

After the League's organizational structure was in place, early leadership began looking for ways to keep its growing membership informed. It was decided that a monthly magazine, published nine times annually, would be an effective medium to communicate the state's news and events, and an important addition to the services that the organization provided.

And thus, the first issue of *New Jersey Municipalities* was published in January 1917.

Early in its history, the magazine began to include paid advertisements to help support the cost of its production and distribution. Back then, it was typically against the policy of many companies that contracted with municipalities to advertise. Knowing this, League staffer Madeleine S. Frost-Freeman rode her bicycle door to door encouraging companies to place an ad. Thanks to her determination, the League was able to fund its official monthly publication.

Over the years the size of the magazine has grown; the original 1917 version averaged 32 pages, compared to 91 pages per issue in 2014. The size of the magazine however shrunk from December 1920 through May 1931. This reduction was the result of a policy change, and the magazine format was changed to a four-page newsletter. At the time of this change, Executive Director Sedley H. Phinney cited rising production costs and limited staff (there were only three full time League staff members, and in addition to the magazine these three staffers were running the Bureau of Municipal Information, representing the membership at the State House and keeping the organization afloat). The full magazine picked up again in June 1931.

The magazine has also gone through several changes in style and format, as well as several changes of the magazine logo. Most recently, the magazine logo and layout were updated in April 2014 to improve the readability of its content and quality of its design.

While the look of the magazine has changed over the last 100 years, the idea behind it has not. In 2015 the magazine continues to provide the same invaluable resources to local government officials. Over the years the magazine has earned a well-deserved reputation for providing timely and authoritative articles on the field of local government. The magazine has won numerous accolades, the most recent being the MarCom Award for Publication Excellence.

In October 2013 the League launched the digital version of *New Jersey Municipalities*, which now serves in addition to the printed version. The move was made in response to the widespread movement towards computer based distribution of magazine content. The online bookshelf may be found at [njmmagazine.org](http://njmmagazine.org).

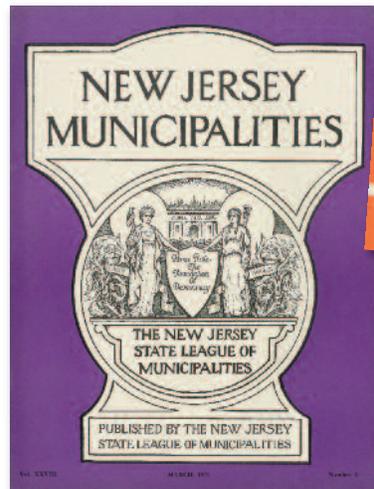
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Taran B. Samhammer, Advertising Manager, and Donna Baltz, Clerk/Typist, review an issue of *New Jersey Municipalities*.



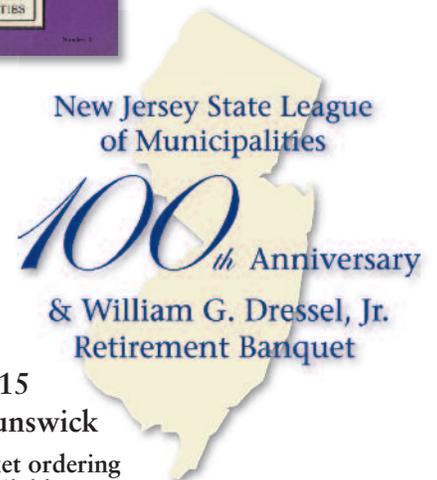
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# Connecting Faith-based Charities with Citizens in Need

By Stephanie C. Murray, Mayor & Gerard P. Scharfenberger, Ph.D.,  
Committeeman, Middletown Township



Franciscan sister Sharon Santos with Saint Mary Catholic Church in Middletown, N.J., meets with Oklahoma Southern Baptist Disaster Relief volunteers responding to Hurricane Sandy. The Oklahoma kitchen complex is set up in Saint Mary's parking lot. Photo by Laura Sikes/NAMB

**G**overnments at all levels struggle to keep spending in check while providing basic services for their constituents. Much of the costs associated with government spending, particularly at the municipal level, are dictated by factors outside of the discretion of the governing body, such as statutory requirements, contractual obligations, supplies (road salt, asphalt) and energy (fuel, heating oil). As a result, government is being forced to conduct a critical self-examination of exactly what services it should provide and what services should be the responsibility of the private sector. It was this realization that prompted Middletown to adopt its Faith-Based Initiative.

The Middletown Faith-Based Initiative (MFBI) is designed to provide services and assistance to residents without impacting municipal finances. The United States, since its inception, has relied heavily on the resources and expertise of faith-based, charitable and service organizations to help care for those in need. It was not until the middle of the 20th Century that the government

began to take over funding and administering social programs on a large scale. Previously, this was nearly the exclusive domain of faith-based and private charitable organizations.

As far back as 1630, English settler John Winthrop proposed his "model of Christian charity" by telling his fellow Puritans that "we must bear one another's burdens." During the 19th



Oklahoma Southern Baptist Disaster Relief volunteers met nightly for discussion and devotion time in the sanctuary of New Monmouth Baptist Church, which hosted the 90 volunteers. On-site coordinator Dave Karr (left) shares from Genesis 18: 14 and asks workers to encourage those they meet who have lost everything with a word that nothing is impossible with God. Photo by Laura Sikes/NAMB

Century, these groups proliferated. Catholic Charities began in New York just after the War of 1812 and B'nai B'rith followed soon after in 1843. Perhaps the most well-known faith-based charitable organization, the Salvation Army, dates back to 1865. The ability of organizations such as these to secure funding and goods with little or no administrative costs enables them to provide efficient and far-reaching service to the needy.

**At full capacity, Oklahoma Southern Baptist Convention Disaster Relief team could produce 30,000 hot meals per day.**

One of the catalysts of the MFBI was the outpouring of support after Superstorm Sandy. The enormous amount of money raised and the efficiency with which goods and services were delivered by faith-based and other charitable organizations was truly awe-inspiring. One of the best examples is the Oklahoma Southern Baptist Convention Disaster Relief team. This group arrived in Middletown on the heels of the storm and offered to serve hot meals to the mass of displaced residents, emergency first responders and assorted volunteers. At full capacity, they could produce 30,000 hot meals per day. The group travelled

from Oklahoma to Middletown in RVs and even brought their own washers and dryers for their crew. They were headquartered on the property of the New Monmouth Baptist Church who graciously allowed them to park their vehicles and use the electricity.

Another example from Sandy's aftermath was the efforts of the Pennsylvania Mennonites. This group, mostly young men and women, were headquartered in the Port Monmouth Firehouse. These magnificent individuals went door to door in the areas most affected by the storm assisting with debris removal, minor demolition and home repairs—all at no cost to the homeowner or the municipality.

Although the relief and clean-up efforts after Sandy eventually wound down, the lessons learned left an indelible mark on all of us. One of the most important was the value of charitable and volunteer efforts to the overall well-being of the community. The MFBI is designed to harness the energy of the various non-profit groups in the area and make their services available to township residents.

The new initiative is compatible with Middletown's longstanding, substantial volunteer infrastructure. The main goals of the MFBI are to:

- identify faith-based and other NGOs able to partner with Middletown Township;
- identify the specific needs of qualifying Middletown residents;
- inventory the resources and services available;

- review township services to identify places for collaboration;
- create a process to convey the needs of the township to the appropriate organizations; and,
- create a system to connect residents with appropriate organizations.

Almost immediately after the resolution codifying the MFBI was passed, the township was contacted by numerous faith-based and private charitable organizations offering their services.

In researching the MFBI, it was astounding to see the range of goods and services provided by faith-based and charitable organizations. Everything from food, clothing and shelter, to domestic violence treatment, substance abuse counseling and family support services, among others. It was also evident that for every service provided by a non-profit organization, there were similar programs paid for with taxpayer dollars. Therein lays the crux of the MFBI: to shrink the size of government by transferring programs currently funded by the taxpayers to privately funded groups while still providing the critical safety net to everyone in the community.

The long-term success of programs run by faith-based and private charitable organizations and the current financial crisis facing government at all levels is evidence that government must look to shift the burden back to those entities most able to provide these services efficiently and with minimal impact on public budgets. Houses of worship have traditionally been the sanctuary for those in need. Many have the institutional knowledge and proficiency of which government can only dream. Conversely, this will allow government to focus on those responsibilities which are clearly theirs, such as public safety, infrastructure upgrades and maintenance, and emergency management. Although this initiative is being implemented at the municipal level, it is a model that all levels of government can follow to help create not only smaller government, but smarter government as well. We all benefit anytime we lessen the need of individuals to depend on government for what can be had through the efforts of the private sector. ❧

# Coffee with a Cop

A series of informal meetings creates strong bonds between community members and police in Roselle



Delmonte Pryor of the Roselle Police Department and President of Roselle PBA Local #99 says a police force that works closely with its community not only develops better community relations but also bolsters a department's ability to provide a safe and secure environment.

**W**hen I heard and saw what had happened in Ferguson, Missouri, I knew we had to do something locally to ensure a stronger connection between the Roselle Police Department and those it has sworn to protect and serve.

For communities like Roselle, a quintessential New Jersey bedroom community whose diversity is among its hallmarks, providing an open, accessible forum for discussion is a priority.

Roselle, in Union County has the characteristics of a sleepy, suburban town and a vibrant, multi-ethnic city. But those characteristics also mean that we have to make every effort to promote tolerance and understanding, beginning with strong community policing that focuses on building lasting relationships.

In fall 2014, under my guidance, the Roselle Borough Council and the Roselle Police Department began hosting “Coffee with a Cop,” a new initiative designed to bridge any perceived gaps between the Roselle community and the local police. Police and community members now come together in an informal, neutral space to discuss community issues and build relationships, while sharing freshly-brewed coffee, tea or whatever else they prefer.

The monthly meetings, which began at a new Dunkin Donuts just a few doors down from police headquarters, are a simple way residents can interact with police in the downtown shopping district. Sitting face to face, residents are encouraged to

By Jamel C. Holley, former Mayor, Roselle;  
Assemblyman, District 20

ask about a full-range of topics, from parking ordinances, to curbing pets, to neighborhood safety initiatives.

I have had the chance to attend some of these meetings and am pleased to see such rich and beneficial dialogue.

**Community Policing** Coffee with a Cop also provides an opportunity for the police to showcase Roselle's community policing programs, including the popular Junior Police Academy, which gives teens a hands-on experience about what it takes to become a police officer.

Effective public safety requires a sustained level of community outreach; we work every day to ensure that we forge strong bonds across all segments in Roselle. Our Coffee with a Cop initiative is a cornerstone of that effort.

In more than 175 cities and towns in 36 states, programs similar to Coffee with a Cop have done wonders for building trust and a robust partnership between police and the community.

“We have community members coming to these events for a variety of reasons, but no matter why they come, they are likely to leave with a more positive impression of not only the Roselle PD, but also their neighbors,” said Delmonte Pryor of the Roselle Police Department and President of Roselle PBA Local #99.

“Conversely, my members are able to gain awareness of residents' concerns—something which is immensely important in a town like Roselle,” he added. “It gives my members the ability to interact with community members in a friendly, open dialogue.”

One of the keys to Coffee with a Cop's success is that it removes the physical barriers and crisis situations that routinely define interactions between law enforcement officials and community members. Police officers are seen as helpful community servants, as opposed to armed personnel speeding by with loud sirens and blaring lights.

“There are no hostilities and we're able to have an open conversation so we can understand where people are coming from. They can also better understand where we're coming from and what we are trying to accomplish,” Pryor said.

I know the concerns of our residents, and particularly those of our younger residents, when it comes to law enforcement. Coffee with a Cop gives everyone an opportunity to say “hi” and show that we're all regular people.

Across the country, the biggest issues facing communities, particularly those with a large African-American population, is a lack of understanding and trust. There is an “us versus them” element; Coffee with a Cop shows we are all working for the same goal of building safer, stronger communities.

I urge local leaders to consider similar programs for their towns. ❧

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# WASHINGTON

## Drilling Off the Atlantic Coast is a Mistake

By Cory Booker, US Senator

In January, the US Department of Interior unveiled a proposal that would pave the way for offshore oil drilling in the Atlantic Ocean. The plan could very well lead to oil rigs in federal waters off the coast of Virginia, North Carolina, South Carolina and Georgia before 2022. I believe this change in policy is a tremendous mistake. Offshore drilling in the Atlantic Ocean—within 100 miles of the Jersey Shore—puts New Jersey businesses, shore communities, and coastal resources at risk. That’s why I am strongly urging the Obama Administration to abandon its proposal.

We all remember watching helplessly as BP’s Deepwater Horizon oil rig poured 206 million gallons of oil into the Gulf of Mexico. The spill occurred over the course of 87 days after an explosion and fire in the summer of 2010 crippled the rig and killed nearly a dozen workers. Exposing over 1,100 miles of coastline from Texas to Florida to contamination, the spill continues to have a lasting economic impact on the region’s fishing and tourism industries and an ongoing ecological impact on the Gulf’s fisheries and marine life. This month marks the five-year anniversary of the disaster, the largest oil spill in US history.

New Jersey’s tourism industry generates \$38 billion annually and supports over 312,000 jobs. Our commercial fishing industry alone has generated as much as \$7.9 billion annually. Recreational fishing activities in New Jersey provide over 13,000 full-and part-time jobs, generating \$1.9 billion in sales. And our fishermen don’t only fish in waters off New Jersey, they also sail throughout the Mid-Atlantic for their catch. Oil spills do not respect state or regional boundaries. A spill off the coast of Virginia or even Georgia would put the fisheries and ecosystems along the Atlantic coast at risk. It wouldn’t take a spill on the scale of Deepwater Horizon to endanger New Jersey’s critical tourism industry and the jobs and wages that New Jerseyans depend on.

In an effort to convince the Administration to abandon their efforts to permit oil rigs in the Atlantic, I have joined fellow New Jerseyans Senator Robert Menendez and Congressman Frank Pallone to invite President Obama to meet with New Jersey’s business, fishing, tourism, and environmental leaders to discuss the implications of his drilling plan. We will demonstrate to the President firsthand the negative impact that offshore drilling could have on the Garden State. Furthermore, I have joined a

group of bi-partisan leaders from all levels of government, in New Jersey and across the Atlantic Coast, to oppose the Administration’s proposal. Senators Benjamin Cardin of Maryland and Ed Markey of Massachusetts are standing with me and Senator Menendez in opposition to this plan.

**With the devastation of Superstorm Sandy still fresh in our memories, we simply cannot allow any proposal that risks further harm to New Jersey’s coastal communities.**

We’ve also joined coastal mayors—from Atlantic City Mayor Don Guardian to Toms River Mayor Thomas Kelaher—as they have voiced their opposition to the plan and spoken about potential impacts to tourism, should drilling come near our shores. In municipalities like Stone Harbor and Monmouth Beach, Mayors Suzanne Walters and Susan Howard described the importance of small businesses to their communities, which rely on a clean coastal environment. Additionally, we are grateful to League President and Piscataway Mayor Brian C. Wahler, and Executive Director Bill Dressel who are strong advocates for the cause.

With the devastation of Superstorm Sandy still fresh in our memories, we simply cannot allow any proposal that risks further harm to New Jersey’s coastal communities. We have seen the impact that an offshore disaster can have on business, recreation, and the environment. New Jersey is home to historic boardwalks from Asbury Park to Ocean City, lighthouses from Barnegat to Absecon, and fishing villages from Atlantic Highlands to Point Pleasant. From Sandy Hook to Cape May, our 536 miles of coastline provide New Jersey families with lifetimes of priceless memories and moments. I am proud that I come from a state, where, regardless of party or political affiliation, we have long-stood together to protect the national treasure that is our Jersey Shore.

My predecessors, from Senator Bill Bradley to Senator Frank Lautenberg, consistently fought any proposal or measure that exposed the Shore to the risks offshore drilling. I promise to continue that fight—offshore drilling is a risk we can’t afford to take. 🇯🇵

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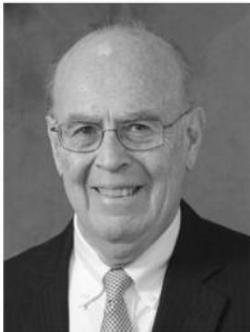
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# Card Benefits Charities and Small Businesses

Shoppers in Robbinsville get 2 percent back to share with a charity of their choice

By Dave Fried,  
Mayor, Robbinsville Township



I'm happy to announce that the retooled Keep It Local Robbinsville campaign has been unveiled with the addition of a Rewards and Fundraising Card for shoppers. It just took a while for the technology to catch up with our vision.

The new cards are designed to give back to the community, while providing incentives for shoppers courtesy of the small businesses that are the lifeblood of our local economy. The cards now provide rewards for shopping and dining in town. This new incentive was implemented by Township Public Information and Communication Officer John Nalbene and his team (which includes program chair Angela Pantaleone of VC Salon, "Events by Rachel" consultant Rachel Holland and Hamilton Spotlight IT specialist Dave Bannister). Keep It Local Robbinsville continues to maintain the two percent charitable donation that is so critical to this initiative.

We hope to have an official re-launch party this spring at one of the participating merchants.

When I announced the program during my State of the Township address in 2012, the goal for Keep It Local Robbinsville was to raise awareness and keep local dollars in Robbinsville, while at the same time give something back to this community. It is the residents and businesses who support our little league, recreation department teams, churches and other civic organizations. They are the ones paying taxes.

Keep It Local Robbinsville is a great way for those organizations to raise funds, while also encouraging local purchases. It

Keep It Local

# Robbinsville

keepitlocalnj.com



The Keep It Local billboard

also is a way for businesses to drive customers to their stores and to give back, usually to charities they already support. People are excited about the new rewards twist, and the local charities obviously love it because it's another way to raise money.

Any Robbinsville small business, including businesses in neighboring towns within a five-mile radius, can sign up for Keep it Local. Any local 501(c)(3) charity can register as well.

**Technology that works** When customers use the card make a purchase at a participating business, the retailer and program administrators are able to track the money spent via our online database. Two percent of a customers' total bill is allocated for the charities, and when that adds up to \$20 consumers can either immediately dedicate those funds, or allow it to accumulate for a future donation.

Residents can sign up for the program at [www.keepitlocalnj.com](http://www.keepitlocalnj.com), or with their smart phone by scanning a barcode on the back of the new rewards cards, which are available at the township municipal office and at participating businesses.

Even when technology constraints in the early stages of the initiative prevented the program from truly taking off, we still were able to spread awareness about Keep It Local Robbinsville through radio advertising on WPST and with the Keep it Local Robbinsville billboard.

On January 24, The Times of Trenton editorial board described the program as one in which "everyone is a winner." They went on to write that "supporting those establishments helps increase Robbinsville's tax base and expand job opportunities. Residents will know that by patronizing those shops, they'll also

be strengthening the kind of community organizations, charities and other non-profits that enhance the town's appeal."

**The merchants** At press time there were 17 merchants participating, including David Bradley Chocolatier, Gifted, H&H Appliances, Oasis Family Farm, Sylvan Learning Center, Tony's Farm & Garden, Country Gardens, Timothy's Center for Gardening, Dolce & Clemente, VC Salon, Body Project, Maggie Moo's Ice Cream and several others. More businesses are expected to be added over the next year.

Additionally, a second billboard is being planned on Route 130 at Gordon Road. I'd like to thank Sharbell Development Corp. for working so closely with us to help make that project happen.

**The charities** Among the participating charities are Animal Friends for Educa-

tion and Welfare, Meals on Wheels, Robbinsville PAL Junior Ravens football and cheer, Ryan's Quest, area scouts and more.

There are other programs similar to this around the country, but I feel the charitable component of Keep it Local Robbinsville makes ours really special. People can feel good about not only shopping, but where they shop. We've been very fortunate with five years of essentially flat budgets, and the only reason we've been able to do that is by bringing a great deal of business into town. To say we love having Fortune 100 giants such as Amazon, McKesson Corporation and Walgreens operating in Robbinsville is a huge understatement, but we also need small businesses to thrive. We felt upping the ante with a practical rewards program was the way to go.

I just want to thank everyone, especially our merchants, for their patience during this key transition. We are confident the program will now bear more fruit than any of us originally envisioned. I am really excited to see the results. ♪

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## Local Shopping Card

# Sharing More than the Important Dates

How Buena Vista is reinventing the town calendar

By Chuck Chiarello,  
Mayor, Buena Vista Township



**B**uena Vista Township hand delivers an annual Calendar and Municipal Guide to 2,700 homes in our community in mid-December of each year. Our calendar has been very popular since it began as a Municipal Guide Book in 1998. It morphed into a combination Calendar and Municipal Guide in 2000. The calendar features over 150 community photographs of people, places, and events. Many months of the calendar feature pictures on specific topics including our fire companies, schools, community center, holidays, and some special features. Residents enjoy looking through the calendar to find pictures of themselves or their families and friends.

**A 'cost free' calendar** Our calendar, which features the meeting dates of various committees and town events, is funded by business card-sized ads and places no burden on our taxpayers. The ads sell for \$100 a piece or \$400 for a strip of three cards at the bottom of a calendar page. Ads are placed along the side of the upper portion of each calendar

page and at the bottom of the page below the actual calendar. In 2014, we raised \$7,800 to fund the printing of 3,500 full-color calendars, plastic delivery bags, and money to pay a stipend to local residents to deliver 2,700 calendars. The balance of the calendars are made available at Township Hall or our Community Center.

2015 Buena Vista Township CALENDAR AND MUNICIPAL GUIDE



Buena Vista features over one hundred photos of community members in its calendar. While the printer can provide help on the layouts, only Mayor Chiarello, his secretary and other community leaders understand the people and events in their community well enough to put a package like this together.

The calendar helps to unite our community by sharing information about our citizens, services and accomplishments.

**Additional information** The rear of the calendar features a six page Municipal Guide. Included is every important phone number for Buena Vista Township government, our schools, our county, and some state and federal agencies. There is information on how to obtain dog and cat licenses, what services are available at our Dr. Martin Luther King Community Center, information on trash and recycling, and a wide variety of other services. The calendar also features a page dedicated to Buena Vista history and local facts that is updated each year. There is a street map showing the entire township that points out some

30 prominent places in our community from the Municipal Building to schools, golf courses and fire companies.

**Seeking price quotes** Quotations are received each year for the printing of the calendar. A timeline starting in July is established to receive the calendar ads. In early September, a reminder notice goes out to get any additional ads sent in to complete the calendar. By mid-October, a working model of the calendar begins. Dates for the following year of meetings and activities are filled in on the calendar.

**The photos** Hundreds of pictures are taken during the course of the year at local events by myself and other community members. The photos are added to make the calendar complete. The draft layout work is done and sent to the printer in early November prior to the Annual League of Municipalities Conference. The proofs come back in late November and final adjustments are made to the calendar. The printer delivers the calendars by the end of the first week of December.

Special plastic bags are ordered that

hold the calendar and have a hole bored in the top of the bag to allow them to be hung on doorknobs or fence posts. Besides the Calendar and Municipal Guide, there are other items that are placed in the bag which include a one page (double-sided) Township Newsletter highlighting holiday and winter community announcements. There is a recycling chart with pick-up dates by the Atlantic County Utilities Authority, an educational recycling pamphlet and even a flyer from our Historic Society. Each year the mix of items in the bag varies.

Delivery Volunteers help stuff the bags and prepare them for delivery. The Township is divided into about six delivery areas and local residents deliver the calendars to every home and business in those areas for a nominal fee of between \$100 and \$150. All the costs including the delivery fees, the plastic bags, and the printing are covered by the business card ads.

**The personal touch** There is one other ingredient that is missing in getting this Calendar and Municipal Guide out to our community. That ingredient is the time it takes to attend community events, gather the pictures, and then put them in an enjoyable presentation format. While the printer can provide help on the layouts, this Mayor and his secretary (in our case) really need to pull the whole package together. Not everybody has a good feel for the people and events in their community to put a package like this together. Hundreds of hours of volunteer time are spent to make the calendar a reality each year. That inside knowledge cannot be obtained from a printer. As an elected or appointed official you have to make a commitment for the Calendar and Municipal Guide to become a reality.

The bottom line in sharing this information with you is that the Calendar and Municipal Guide has been an effective tool in communicating information to our 42.5 square mile rural Pinelands community of 7,500. We have several area codes and ten zip codes. The calendar helps to unite our community by sharing information about our citizens, services and accomplishments. ♣



# GOLD DOME

## A Budget Built to Pass

By Ben Dworkin, Assistant Professor  
of Political Science (Adjunct);  
Director of the Rebovich Institute  
for NJ Politics at Rider University

For veteran Trenton observers, February is always exciting because of the Governor's annual budget address. In contrast to Washington, DC where Congress will pass sections of the federal budget individually, New Jersey's budget must be passed as a single appropriations bill. Every department. Every line item. All in one piece of legislation.

Therefore, the budget address is typically when the Governor announces his or her priorities for the year. After all, the budget is a "statement of values." Even more than the State of the State, the budget address defines the contours for future policy debates.

Of course, Chris Christie is no typical politician. So when he unveiled his \$33.8 billion budget proposal, his speech did not review his spending priorities, his vision for future government, or new programs that he wanted to see implemented.

Instead, he spoke almost exclusively about the need for continued pension and health benefits reform. The previous day, Superior Court Judge Mary Jacobson issued a decision that New Jersey should pay the \$1.6 billion it owed to the pension system for the current fiscal year. No one seems to think that the state will be able to find that kind of money by June 30. The Christie administration will surely ignore Jacobson's admonition, leaving the issue in limbo until it gets appealed or new money is found.

Part of the problem is that state worker retiree benefits represent two distinct expenditures: pension payments and health care payments. In a few years, it is expected that the health care side of the equation will be about \$5 billion annually while pension payments will "only" be about \$3 billion. Clearly, health care costs are driving expenditures even more than actual pensions. The fact that the Affordable Care Act has thrust the nation's health care system into a period of great transition makes estimating future health care costs even more difficult.

Talking about pensions helped keep the focus where Christie wanted it—on an area where he could aggressively favor reform. He could proudly announced an "accord" on a "road map" with the New Jersey Education Association (NJEA) on a new pension system for retired teachers and other NJEA members. Unfortunately, both sides almost immediately began arguing over whether or not there was an actual deal. Had the

announcement been more tangible, it would have been a brilliant political move—a successful bid to divide organized labor on a key issue. In the end, everyone—the Governor, the NJEA, other unions—seemed to be disappointed.

[A status quo budget works in Iowa and New Hampshire because it gives you the freedom to talk about the future, which is where presidential contests are won.](#)

As a presumed presidential candidate, the Governor effectively has two constituencies. In the budget address, his state constituency was looking for solutions to a number of pressing New Jersey problems, especially funding for the nearly depleted Transportation Trust Fund (TTF) and the future of Atlantic City. Neither was addressed. Indeed, without the pension road map—an agreement that wasn't much of an agreement—the Governor would have had very little to announce.

It's often been said that while the Governor proposes, the legislature disposes. We are still in the early stages of a four-month budget process. By generating so little controversy, this budget will probably be passed easily by the Democratic Legislature in June. Essentially, it's a document designed to move forward without creating too many waves. Anyone in the state looking for bolder initiatives was surely disappointed.

Christie's second constituency is the national GOP presidential primary electorate. These folks heard three things in the budget address: it was a balanced budget, no new taxes, and the Governor wants to reform pensions for public unions. From this perspective, the speech was a home run for "candidate" Christie.

The lack of controversy will make it easier for the Governor to continue his aggressive campaigning. The last thing any presidential candidate wants is political turmoil back in the home state. A status quo budget works when you're shaking hands in Iowa and New Hampshire because it gives you the freedom to talk about the future, which is where presidential contests are won. ♣

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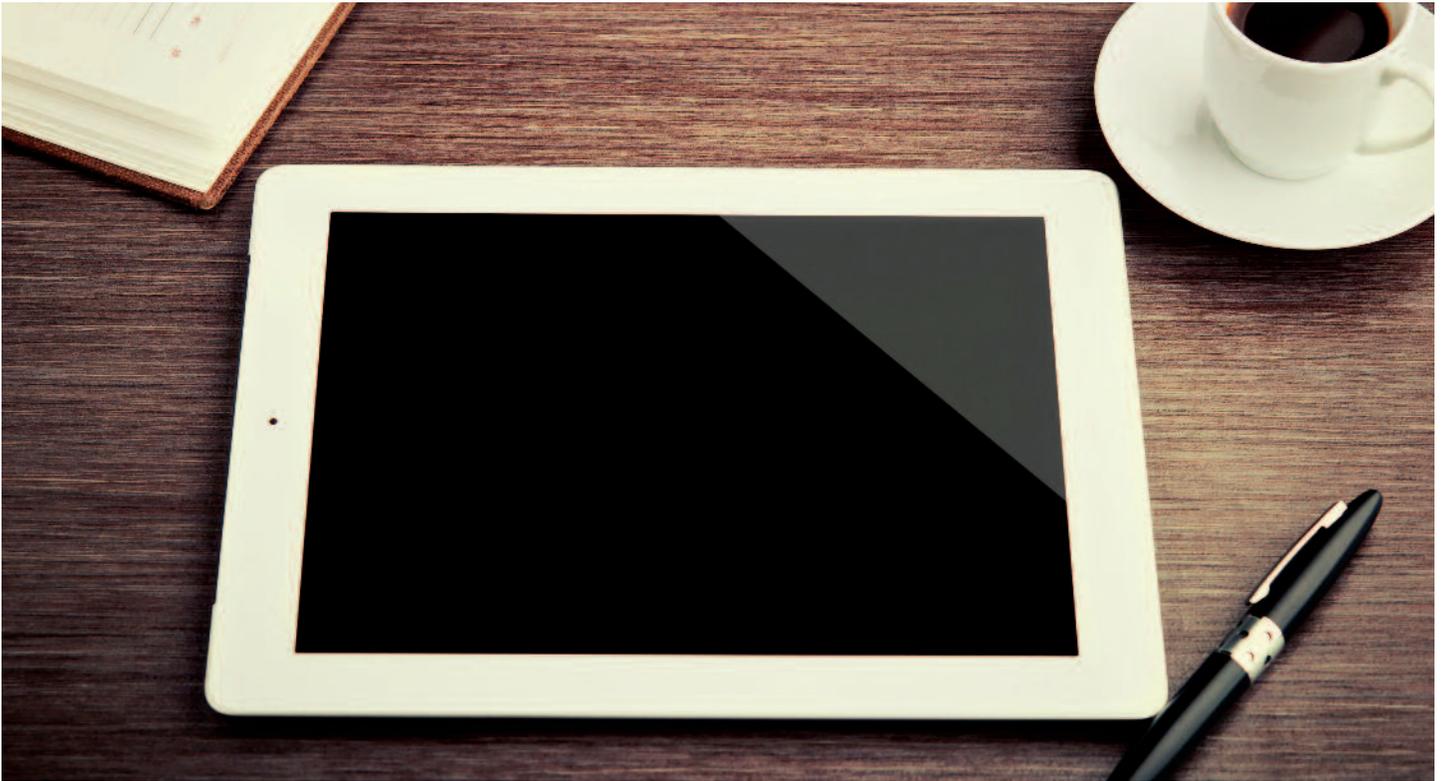


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# A Location for Local News

TAPinto.net has saved money and improved communications

By Al Morgan, Mayor, New Providence



**T**he late House Speaker Tip O’Neill famously remarked that, “All politics is local.” As Mayor of New Providence I know how accurate those words truly are. All issues, politics and news are local. The world, which once was so large, has shrunk as technology has expanded.

One of the biggest technological changes impacting local government has taken place in news. The advent of hyperlocal news is changing how news is reported and how local government news is covered. Hyperlocal news is timely news that is targeted to or consumed by people or entities within a well-defined geographical area, generally on the scale of a community or city. These news sources make it easier and more affordable for local governments to communicate with residents and stakeholders.

I have been fortunate to have a front row seat to this news evolution. New Jersey’s leader in hyperlocal news, TAPinto.net, began right here in New Providence and now includes 30 online newspaper franchises with over 3,300,000 readers in 2014 alone. TAPinto is provided at no charge to readers and is available both on the web as well as via a daily and/or weekly subscription-based e-news service. TAPinto also provides a free subscription-based e-news service for breaking news. Since it

began six years ago, TAPinto.net has improved our township’s communication and saved taxpayer money, while promoting good government.

Each TAPinto site is independently owned and operated by residents of the town skilled in journalism/writing and marketing. In New Providence, according to Google Analytics, their site is read by nearly 90 percent of our residents.

Communication is the most important ingredient of good government and is key to successful projects and resolution of issues. Timely and accurate information from our borough is disseminated by TAPinto.net on a regular basis, to keep our residents better informed. It’s quick and easy for township staff to send out information through their news alerts and site.

Whether it’s an emergency, upcoming events at the library, or it’s time to sign up for Rec soccer, TAPinto’s hyperlocal helps us get the word out at no cost to the municipality or the readers. While other towns have to expend significant taxpayer money

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on mailings, websites, messaging systems and other communications; we have saved by using TAPinto.

During Hurricane Sandy, TAPinto.net was critical to New Providence's residents. TAP was able to provide up-to-the minute news for our residents. This had such a lasting effect on me. As other news outlets attempted to pick and choose whose area of the state got hit the hardest, TAPinto New Providence covered what was most important to New Providence residents—New Providence news.

These news sources make it easier and more affordable for local governments to communicate with residents and stakeholders.

Each TAPinto site also has a Facebook page and Twitter feed, which are constantly updated. TAPinto can also send breaking news alerts when warranted to alert the public regarding threats to pub-

lic safety. TAPinto.net's coverage is so well received that FEMA has partnered with TAPinto.net to provide emergency preparedness information for the residents of all of its towns.

When TAPinto first launched in New Providence six years ago, we had three different newspapers covering our Town Council meetings—TAPinto, the Star-Ledger and the Independent Press. Today, only TAPinto is doing so. If they were not there, our residents would not know what was happening in the local government. With TAPinto.net, all Borough Council and Board of Education meetings are covered by a reporter and our residents are informed and involved with our municipal and school government. If TAPinto was not on the scene, New Providence's "news" would be relegated to the public notices in the classified section of a print newspaper paid for with taxpayer dollars.

TAPinto.net works cooperatively with our police department to provide police and other emergency news accurately and efficiently without sensationalizing the news. For example, during a recent death caused by a motor vehicle crash, TAPinto.net confirmed details of the crash prior to publication while other

media outlets rushed to get the story out first and reported the accident's location incorrectly.

Furthermore, when our departments need to get word out to the public quickly, TAPinto.net is there to publish it right away. For example, we recently had a water main break at the high school. TAPinto.net reported it right away and let our residents know that the high school basketball game scheduled for the evening was postponed as a result. This enabled our personnel to fix the water main break more quickly and saved our residents from traveling to the high school only to find out the game had been postponed.

Many times during the last six years, TAPinto.net has promoted and covered fundraisers in town to benefit charities, enabling our local nonprofits to raise significantly more money than they could without the publicity. For example, their coverage of the plight of four-year-old Brooke Healey of New Providence who had an inoperable brain tumor, helped enable her family to raise funds to attempt to save her life. While Brooke sadly is no longer with us, Brooke's family and friends created a foundation, The Brooke Healey Foundation, which has raised significant sums to find a cure for brain tumors, thanks in large part to TAPinto.net's continuing coverage and promotion of their efforts.

At a time when newsrooms are shrinking and many newspapers are going out of business, TAPinto.net has created a sustainable model for local journalism that has greatly benefited our municipality and our residents.

TAPinto currently has sites in Basking Ridge, Berkeley Heights, Bridgewater/Raritan, Chatham, Clark, Cranford, East Brunswick, East Orange, Edison, Livingston, Madison, Millburn/Short Hills, Milltown/Spotswood, Montclair, Montville, Morristown, New Providence, North Plainfield/Green Brook, Randolph, Roselle/Roselle Park, Roxbury, Scotch Plains/Fanwood, South Orange/Maplewood, South Plainfield, Sparta, Summit, Warren, West Essex, West Orange, and Westfield. ♣

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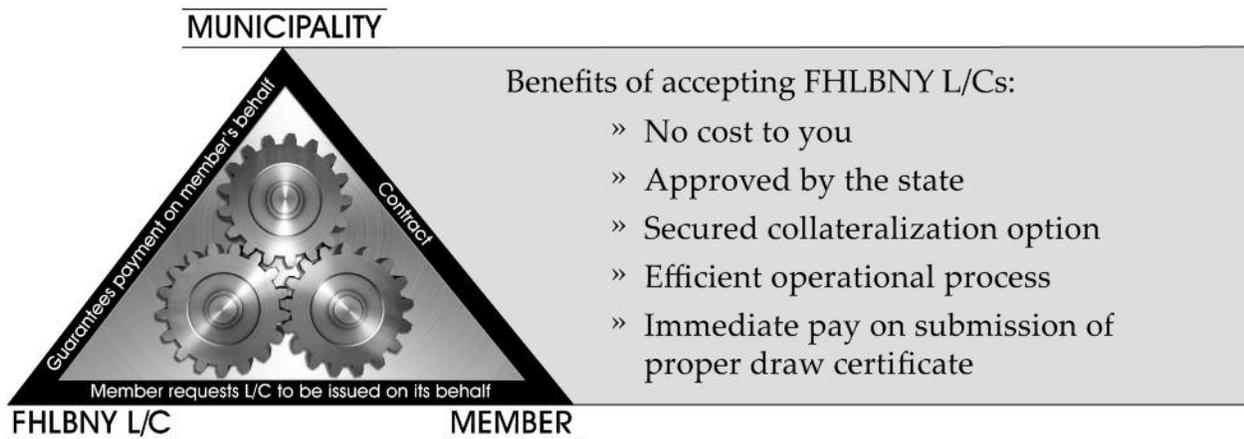
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# Five Steps to a Healthier Town

This year's Healthy Towns and the latest Healthy Towns to Watch share the keys to their success

By Janan Dave, Coordinator, Mayors Wellness Campaign, New Jersey Health Care Quality Institute



Mayor Roma (left) of Beachwood leads a weekly walk through the park.

**W**e all know that making healthy choices can be really hard. We drive to work, we sit all day in front of computers or in meetings, we drive home, grab some food along the way, and settle down in front of the TV before finally catching some shut-eye. This isn't how everyone's day looks, but the reality is that it isn't always practical—or even possible—to replace drives with bike rides, fast food with healthy family dinners, and TV time with evening strolls.

Research shows that making small changes, and especially as part of a group, is the best way to integrate healthier choices into our everyday lives. Across the Garden State, mayors are employing this logic through the Mayors Wellness Campaign to help their residents make the bike rides, healthy dinners, and evening strolls possible. In collaboration with the New Jersey State League of Municipalities, the New Jersey Health Care Quality Institute created the Mayors Wellness Campaign to empower mayors to champion health and wellness in their communities.

This year, the Mayors Wellness Campaign (MWC) had a record number of applicants for its Healthy Town designation, which is a testament to the transformation that is taking place in communities statewide. This year's Healthy Towns, Englewood and Franklin Lakes, and our new designation Healthy Towns to Watch, Morristown and Beachwood, shared some common guiding principles that can serve as lessons for any community ready to make health and wellness a priority.

The Healthy Towns often recruit local partners to host community-wide health and wellness events. This brings in more resources and more participants.



### #1 Address the needs and wants of your residents

To better understand the health issues plaguing his residents, Franklin Lakes Mayor Frank Bivona met with staff from Valley Hospital to examine their Community Health Needs Assessment prior to developing his wellness campaign. After learning about local concerns over obesity and heart disease, the Franklin Lakes MWC designed a wellness program that focused on changing the “built environment” to encourage fitness and healthy nutrition. For example, they installed outdoor fitness equipment in the local park, making it easier for anyone to get a good workout without heading to the gym.

The same principle helped Beachwood find success, as a new Mayor’s Wellness town. Beachwood is one of the two winners of our first ever Healthy Towns to Watch designation, which recognizes municipalities that have achieved impressive success in less than one year. After learning about MWC at the annual League of Municipalities Conference in Atlantic City, Mayor Ronald Roma was eager to bring it to his community. His MWC coordinator, Sarah McNabb, said, “We look at what we don’t have in town that we can bring to residents.” Since there was no yoga studio in town, Beachwood MWC launched a weekly Beach Yoga class. Because it is outdoors, costs are kept low for both the municipality and the attendees.

**#2 Cultivate strategic partnerships locally** Although the majority of MWC programming is low-to-no cost, donations or support from the right local

partners can take your campaign to the next level. Whether providing refreshments at a Mayor’s Walk or hosting healthy cooking classes, the local grocery store can prove an instrumental partner. In Franklin Lakes, the MWC worked with a grocery store to feature healthy products underneath an MWC banner. Additionally, they encouraged local restaurants to sign a “wellness pledge,” enabling them to display the MWC logo by healthy menu options.

These partnerships helped reinforce the MWC’s presence around town and helped residents make healthier choices whether dining at home or at a restaurant. Local businesses are usually willing to donate resources to their town’s MWC. For example, several local businesses helped sponsor Wellness:MoTown!, a community health fair in Morristown.

**#3 Don’t underestimate the power of the internet** Successful campaigns harness the power of Facebook, Twitter, and municipal websites to engage with residents and keep them informed. It’s a great way to make your campaign #trendy!

**#4 Low cost does not mean low reward—especially when you get creative!** One of the most successful programs to date in all of our MWC communities has been Englewood’s 60-day walking program entitled “Englewood to Paris.” In spring 2014, Englewood’s MWC set a communal goal to walk 3,316 miles, which is the distance from Englewood to Paris, France. Residents submitted miles walked individually or through weekly group walks to Jim Fedorko, the MWC Coordinator and Director of the

Department of Health. Fedorko e-mailed motivational messages and healthy tips to residents to keep them engaged and motivated. By the end, Englewood surpassed their goal and actually walked the distance from Englewood to Poland!

The “Walk with the Mayor” program in the MWC Toolkit (available on our website, [www.njhcqi.org](http://www.njhcqi.org)) is a perfect example of a low cost, high reward program. Unless you offer refreshments, hosting this kind of activity is free and serves multiple purposes: residents and municipal employees alike get some exercise; residents see the beauty of their own town through outdoor walks and hikes; and residents have time to engage with the mayor, resulting in fruitful conversation and meaningful connections.

### #5 Growing the campaign means growing a sense of community

Working towards common goals brings people together. At the onset, people may participate in your local MWC due to some healthy peer pressure, but after some time, the programs may become beloved time to connect with friends—old and new—and feel good about what is being accomplished by the group.

Our Healthy Towns had great ideas to harness the power of community with their MWC campaigns. In Franklin Lakes, for example, Mayor Bivona held an MWC logo design contest. Involving the community resulted in not only a beautiful logo, but also increased community investment in the success of the program. In Morristown, launching the local MWC involved convening all possible community partners—yoga studios, fitness centers, resident dietitians, volunteer youth sports coaches, and town council members. Each member of the wellness committee brought his or her own network and novel ideas, which helped the campaign to flourish quickly.

One of the Healthy Town residents put it best, “I love our local MWC. It really brings togetherness to our town.”

@ To learn more about the Mayors Wellness Campaign and the Healthy Town Designation, please contact Janan Dave at [jdave@njhcqi.org](mailto:jdave@njhcqi.org)

# LEGISLATIVE UPDATE

By Michael F. Cerra, NJLM Director of Government Affairs;  
Lori Buckelew & Jon R. Moran, NJLM Senior Legislative Analysts  
& Edward Purcell, Esq., Staff Attorney-NJLM Associate Counsel

**A-3351**



## Appraisals Required for Certain Tax Appeals

**Status:** Reported out of Assembly State and Local Government Committee and awaits consideration by the full Assembly

The League of Municipalities supports A-3351, which would require the taxpayer to file an appraisal within 90 days of filing a tax assessment appeal in Tax Court. This requirement will require the appraisal at the onset of the tax assessment appeal which will allow the municipality the ability to better budget for a potential tax appeal.

A taxpayer has two options when they wish to appeal their tax assessment. They can either file an appeal before the County Board of Taxation or Tax Court. When an appeal is filed before the County Board of Taxation, the County Board of Taxation is required by statute to hear and determine all appeals within three months after the last day for filing appeals. Appeals before the Tax Court typically take several years. In addition, when an appeal is filed before the County Board of Taxation, a taxpayer is required to provide the County Board of Taxation and the Municipal Assessor with a copy of a written appraisal report at least one week prior to the hearing. (N.J.A.C. 18:12A-1.9(h))

When an appeal is filed before the County Board of Taxation the municipality is better able to budget for any appeal awards as the potential liability is only for the 1st and 2nd quarter of that year's property tax bill. Because the County Board of Taxation must determine the appeal within three months typically the settlement will be included as a credit on the 3rd and 4th quarter taxes instead of a cash award.

When an appeal is before the Tax Court the municipality is often challenged with attempting to accurately budget for the appeal. While the appeal is going through the process at the Tax Court, the taxpayer will continue to pay their property taxes on the value they are appealing until the appeal is settled. If the appeal takes several years, the property owner will follow subsequent appeals during the process. Since the appeal process before the Tax Court generally takes several years, the liability of an appeal before the Tax Court is for each tax quarter during the appeal process not just the 1st and 2nd quarter of a particular tax year.

Regardless of the avenue a taxpayer uses to appeal their property assessment, the law sets October 1st as the statutory date of value for the property. Therefore, any sale after October 1st can be considered as evidence but cannot be a controlling factor when determining the appeal. As a result, an appeal before the Tax Court that began in 2014, which may not be determined until 2016, will be based on values of October 1, 2013 and earlier.

When budgeting for appeals, a municipality will use historical data and information on which the taxpayer is basing their appeal. A-3351 provides municipalities with the ability to better budget for tax appeals.—LB

**A-2023 & S-2675**



## "Responsible Charge" for Engineers and Architects.

**Status:** Passed by the General Assembly  
Referred to the Senate Commerce Committee

The League Legislative Committee has reviewed and opposes A-2023 and S-2675, which amends the definition of "responsible charge" for licensed engineers and licensed architects. A-2023 has been approved by the General Assembly and joins the Senate companion, S-2675, and waits considered by the Senate Commerce Committee.

The League Committee believes that this legislation will weaken the current supervisory standards and lessen accountability to local governments. Specifically, this legislation will amend NJSA 45:8-28-2g and NJSA 45:3-1.11 to amend the definition of "responsible charge" as it pertains to professional engineers and architects respectively. The proposed revised definitions are intended, as we understand it, to allow for the incorporation of technology, such as skype, FaceTime or GoToMeeting, so that supervisory functions can be administered from greater distances. The proposed amendment would change the current standard to, "...by means calculated to provide personal direction to, and quality control over, the efforts of subordinates of the licensee..."

The League supports the use of technology to allow for more effective and efficient governance, but we do not support the change in standard so to remove immediate supervision and accountability to the local governments. Here, we prefer keeping the supervision local and immediate and therefore oppose A-2023 and S-2675.—MFC

**A-3839**



**Parking Meter Instructional Signage**

Status: Assembly Transportation and Independent Authorities Committee

The League of Municipalities opposes A-3839, which would mandate the posting of instructional signage in the vicinity of parking meters.

This bill requires all counties, municipalities and parking authorities that install parking meters to post and maintain, in the vicinity of the parking meters, signs that display instructions that a motor vehicle operator is required to follow in order to avoid a fine or penalty for a parking violation. The instructions are to identify the times and days when a driver is required to deposit money or a token in a meter and any other information includ-

ing, but not limited to, whether a parking receipt is required to be displayed in the motor vehicle's windshield and the appropriate location for displaying the receipt.

Further, the bill would empower the Chief Administrator of the New Jersey Motor Vehicle Commission is to prescribe the design, type, and placement of the signs required under the bill.

Absent a new source of revenue other than the property tax to fund compliance with the bill and the subsequent regulations, this bill would impose an unconstitutional unfunded mandate, as defined in Article VIII, Section II, paragraph 5.—JM

**A-3783 & S-83**



**Generators for Buildings with Over Six Units**

Status: Assembly Homeland Security and State Preparedness Committee

**Senate Community and Urban Affairs Committee**

The League Legislative Committee has reviewed A-3783 and S-83, companion legislation which would require newly-constructed multiple dwellings with six or more residential units to install standby generators. The legislation is clearly in response to the significant power outages following Hurricane Sandy and other significant weather related events, and because of that we are appreciative of the underlying intent. However, the League has a number of practical reasons for opposing A-3783 & S-83 as introduced.

For example, any application not deemed complete before the effective date of the act cannot be approved without a standby emergency power generator. Effectively, this changes the rule of the game for any applications submitted before the effective date but not yet approved.

Further, the bill is silent on the application of the municipal land use law



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**Legislative Update**

(MLUL) and the League is concerned whether this bill will bypass any provisions of the MLUL or any local requirement. The legislation is also unspecific in regard to the features of the generators.

So, while we appreciate the sponsors' intentions, until these questions and concerns are effectively addressed, the League opposes A-3783 and S-83.—MFC

**A-3372**



**Emergency Vehicles that Can Access Low-Clearance Areas**

Status: Assembly Appropriations Committee

Though we appreciate the sponsor's motivation, the League of Municipalities opposes A-3372. This bill would require parking garages with vehicle height restrictions to have, on-site, emergency vehicles capable of accessing low-clearance areas.

The costs of acquiring, equipping, maintaining and securing such vehicles could be considerable. Regulations to be promulgated by the Commissioner of the Department of Health could add further costs to the mandate, and complicate current emergency response procedures.

For these reasons, we oppose the bill

and we have asked the sponsor to request that the Office of Legislative Services be directed to prepare a Fiscal Note on this new mandate.—JRM

**A-3869**



**Establishes a State Tax Commission**

Status: Assembly Transportation and Independent Authorities Committee

The League of Municipalities opposes A-3869, which establishes the "State Tax Commission" to create a state-wide system of taxi regulation. The Commission would consist of nine members, to be appointed by the Governor, with the advice and consent of the Senate. Under the bill, this new bureaucratic agency would be authorized to establish a single, one-size-fits-all system of regulations to govern the taxi industry throughout the State.

The bill also repeals the sections of current law that authorize municipalities to regulate the ride-for-hire industry, within their jurisdictions. It does not, however, relieve municipalities from the practical responsibility to receive and respond to any citizen complaints. Nor does it speci-

fy a mechanism for state enforcement of the new regulations; leaving that task, we presume, to local authorities.

Since 1917, in order to protect prospective passengers, other motorists and the general public, and to preserve order, municipalities have been empowered by statute to license ride-for-hire businesses. While no level of regulation is perfect, municipalities have clearly demonstrated their effectiveness in this area for close to 100 years.

Throughout that period, in order to protect the public, local governing bodies have established reasonable standards for companies and contractors. Local government has been responsive to concerns raised by passengers, pedestrians, local merchants and other drivers. Local first responders have attended to accidents. They will continue to do so.

We oppose this bill, which will terminate a system of regulation that has served New Jersey well for many years.—JRM

**A-2689**



**Volunteer Squads Given 'First Dibs' on Surplus State Police Vehicles**

Status: Assembly, Second Reading

The League of Municipalities supports A-2689. This bill requires the Department of the Treasury to make surplus police vehicles available to volunteer fire companies, fire police associations, first aide, ambulance, and rescue squads; and to search and rescue squads.

Under the provisions of the bill, eligible volunteer organizations would be notified, when a surplus police vehicle becomes available. Eligible organizations, could then request a transfer of ownership. If a request is made by more than one organization, a lottery would determine the winning company, squad or association. The bill specifies that these volunteer organizations are to be granted the vehicles free of charge.

We appreciate the sponsor's interest in helping our dedicated, valued and valuable first responder volunteers. We support this bill. And we urge favorable action on A-2689.—JRM



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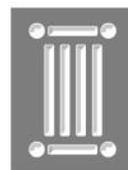
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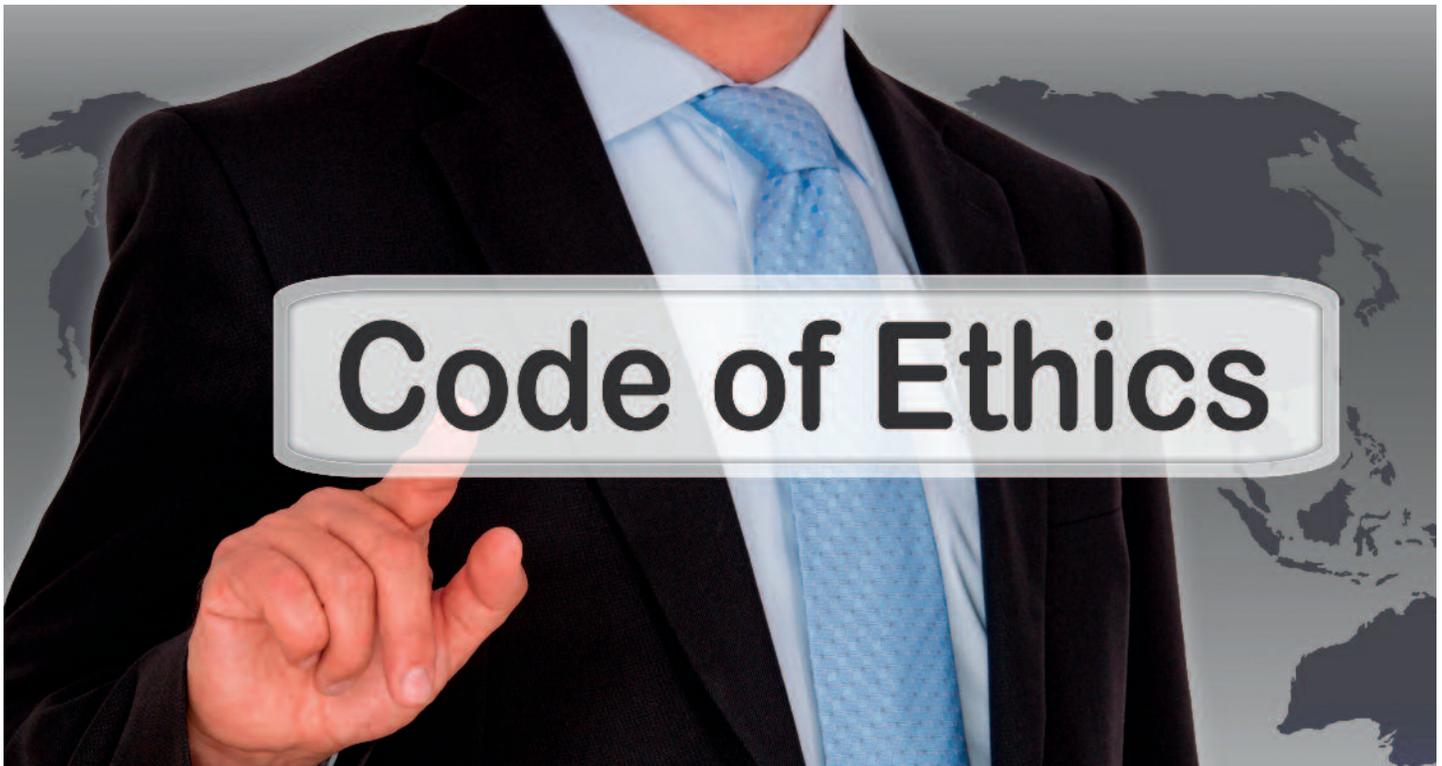
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# Why Stress Ethics?

Anyone who plans to serve in government for the long-term should not be afraid to emphasize the importance of ethics

Edward T. Rogan, 2014 Winner of the Pane Award;  
Edward Rogan & Associates LLC



**T**hese three words, “Why Stress Ethics?” can be read two very different ways. Firstly, why emphasize it? Secondly, why fear it?

We, as government officials, employees and/or professionals, should not be afraid to emphasize the importance of ethics, nor should we fear it. Being associated with a governing body or board that abides by a written or unwritten Code of Ethics begets trust, and an elected officer, government employee or professional who is trusted by the public and their peers is worth their weight in gold.

While it is unrealistic to believe that simply promoting ethical behavior or adopting a Code of Ethics will convert an unethical individual into an ethical one, the creation and promotion of an ethical environment will, over time, begin to have an impact on how people think and act.

Just as our genetic code makes us who we are, and a computer source code tells its computer what to do—so can a properly written and emphasized Code of Ethics direct one’s behavior.

The working environment of any organization starts at the top. We in government should examine how our organizations address ethics. Is ethics something considered throughout the year, or is it completely off the radar screen? Do we only consider it only to file the required State Financial Disclosure Statements or when a resident raises it as an issue during a hearing?

The annual state filing requirement provides a perfect opportunity for government entities to emphasize their commitment to ethical conduct. A discussion with or memo to all officials explaining the reasons for the requirement for the Financial Disclosure Statement can be accompanied by reference to either the State’s Local Government Ethics Law, N.J.S.A. 40A:9-22 and/or the municipalities own Local Code of Ethics. Many elected officials, board members and employees are no doubt unaware of the State’s Local Government Ethics Law or the existence of a

Local Code of Ethics. The distribution of a memorandum highlighting the code would provide an opportunity to explain the reasons behind the required filing of the Financial Disclosure Statement. The requirement is still widely misunderstood, due in part to its name. Although the requirement for filing has been in place since 1991, paid and volunteer officials and employees change on a regular basis. It should be explained that the form is required not in an effort to disclose one's financial well-being, but rather one's sources of income. An explanation of the form's purpose can calm the suspicious "officer" who may be concerned about overly intrusive inquiries into their personal income and assets. An explanation should be given each year as to why the reasons for the requirement are sound and that the process merely seeks disclosure of potential conflicts of interest.

## We in government should examine how our organizations address ethics.

The requirements of the disclosure include:

- Disclosure of each source of income exceeding \$2,000 to an officer or immediate member of the officer's family;
- Gifts received by the officer or an immediate family member in excess of \$400, excluding gifts from relatives;
- Name and address of any ownership interest the "officer" or member of the officer's immediate family in a business organization;
- Address of any real property owned by the officer or an immediate relative.

When properly explained, it is clear that the purpose of the filing requirement is merely to identify potential conflicts of interest with regard to relevant matters that may come before the public officer. Thus, the process will be understood as less offensive to a newly

appointed or elected official.

We, in the Borough of Closter in Bergen, created by ordinance a Board of Ethics some 25 years ago, partly in an attempt to have the topic of ethics out front. The board was created not only as a means to punish potential violators, but rather to provide a forum for those questioning a potential conflict. Prior to the creation of our Board of Ethics, many unjustified accusations or inquiries were being made at public meetings. Some comments were simply due to misunderstandings, but nevertheless were damaging and offensive to those to whom the accusations or questions were directed. Many resulted in both the accuser and accused being unduly embarrassed in a public forum.

An ordinance creating a Board of Ethics can provide municipalities with a number of mechanisms to address potential problems. These, by way of example, include confidential advisory opinions. A confidential advisory opinion provides guidance to officials and employees who are struggling with whether a particular issue is an actual conflict. The board can also provide a private forum for review of formal complaints. A Local Board of Ethics can also assist a municipality in ensuring compliance with the State's Financial Disclosure requirements. The existence of the board also serves as a constant reminder that the municipality is committed to creating an ethical environment.

New Jersey's Local Government Ethics Law also provides a mechanism whereby a local government officer or employee may seek an advisory opinion. It also provides a procedure whereby a signed complaint can be heard by the Local Finance Board. A government officer, employee or concerned citizen may wish

to seek an opinion outside the borders of the municipality while others may seek counsel or an opinion from a Local Board of Ethics.

Everyone agrees that ethics is an important attribute in our personal and political lives. However, most people in and around politics find it difficult to discuss. The mentioning at a public meeting of a potential ethical breach or conflict makes nearly everyone uncomfortable. One would much rather talk about capital improvements, site plans, subdivisions and ways of saving taxpayers money, than ethics. As fictitious Vice-President Frank Underwood in "House of Cards" noted while discussing a congressman's vying for the Minority Whip position of their party, "He'll only give in if we can give him something he wants—he wants appropriations—but we can only give him ethics—nobody wants ethics." Although the storyline is meant to emphasize the prestige and power of certain congressional committees, the line is striking.

Anyone who intends to be in their politically related position for the long-term should not be afraid to stress (emphasize) ethics as a topic. Ethics should not be regarded as a kill joy, but rather an important, albeit sometimes difficult, topic. Ethics consists of what is right, not what is easy. Doing merely what is easy does not set one apart nor create any significant level of trust.

To those who still believe that any emphasis on Ethics is more fluff than substance, they should reflect on a quote from one of the richest men in the world, Warren Buffet, who said "In looking for people to hire, you should look for three qualities: integrity, intelligence and energy and if you don't have the first, the other two will kill you." 🐘



**UNCOVER THE FACTS**

# Surviving the Foreclosure Crisis

While there are several actions the state could take to ease the foreclosure crisis, local officials have access to an array of helpful tools



By Staci Berger, President and CEO, Housing and Community Development Network of New Jersey

*This article is adapted from a presentation given at the NJLM Conference on November 19, 2014 in Atlantic City.*

**N**ew Jersey's foreclosure crisis is the albatross around the neck of our economic recovery. Not a single New Jersey county has seen home prices regain their pre-2006 value. This is demonstrated by research released by Housing and Community Development Network of New Jersey (HCDNNJ) and Kathe Newman, Associate Professor and Director of the Ralph W. Voorhees Center for Civic Engagement at the Bloustein School of Planning and Public Policy at Rutgers. The study found that the foreclosure rate in the Vineland-Millville-Bridgeton area was the worst in the nation followed by the Atlantic City-Hammonton area, prior to multiple casinos being shuttered.

Data from 2013's fourth quarter found three of the four cities hardest hit by foreclosures in America are in New Jersey, measured as a percentage of homeowners with underwater mortgages. Newark, Elizabeth and Paterson had 54, 53 and 49 percent of homeowners, respectively, with underwater mortgages. Jersey City was close behind, with 34 percent.

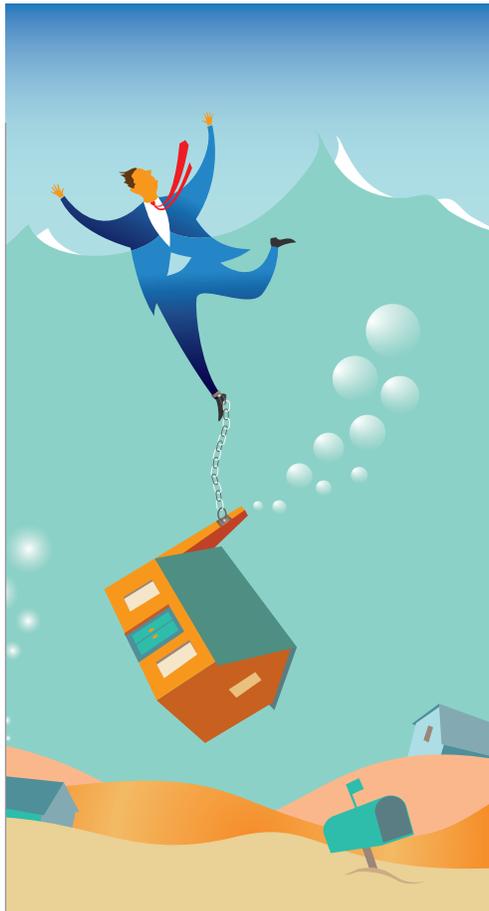
This crisis is having a disproportionate impact on lower income families and people of color. In these zip codes, the median household income is \$41,519, well below the state's median household income of \$71,637. These communities are overwhelmingly comprised of African American or Latino residents (the median average is 86 percent).

The data shows a 42 percent median decline of home prices from their peak. Lower income communities of color are bearing the brunt of the physical displacement and economic disruption that is caused by foreclosures. While some individual communities are doing better, the state lags far behind the rest of the country in addressing foreclosures. If we want to prosper, we need to address this problem at the state and local levels.

## Three of the four cities hardest hit by foreclosures in America are in New Jersey.

**State-level remedies** Our state leaders should begin to adopt tools to rein in the crisis. One approach would be to reduce mortgage principals. Another would be for the state to provide counseling for those facing foreclosure. We have virtually no programs like these at the state level now. In the meantime, local officials can use existing tools to address the growing stock of abandoned and vacant properties, such as the Abandoned Property Ordinance (APO) List and the Vacant Property Registration Ordinance (VPRO).

**Tools for local officials** The APO allows municipalities to create a property information system; engage in special tax sales; employ accelerated foreclosure via tax lien or assignment of tax liens; and, use “spot blight” eminent domain and vacant property receivership. In municipalities with an APO, community leaders recommend properties to be put on a list which is then used by a designated public officer. The officer begins proceedings against property owners for failing to maintain their property, and potentially take the property by spot blight eminent domain. Used strategically for revitalization and in partnership with nonprofits, the APO is getting results in neighborhoods across New Jersey.



The VPRO allows municipalities to require owners of vacant buildings to register property with the municipality; and charge fees, including an escalating fee structure, when the property is registered as vacant, which can be used to support code enforcement. Jersey City was able to generate \$250,000 in revenue with their VPRO. It creates incentives for landlords to put vacant property back into productive use.

**Recent changes** In 2010, New Jersey changed how foreclosures are handled, who is responsible for them and what towns can do to hold foreclosing entities responsible. One reform is that anyone who takes title to a residential property containing tenants through a sheriff's sale or deed in lieu of foreclosure must provide notice to those tenants informing them that ownership has changed hands and that they are not required to leave.

Also, creditors foreclosing on residential property must notify the municipal clerk where the property is located within ten days. The creditor must notify the municipality if the owner of a residential property vacates or abandons a property on which a foreclosure action has been

initiated, and indicate whether the property is deed-restricted as an affordable home. If the property is found to be a nuisance or in code violation, the municipality can hold the creditor responsible for correcting the situation. If the municipality expends public funds to address this violation, it may take the same recourse to recover its costs.

A creditor initiating foreclosure action has ten days to provide the municipal clerk with notice of the action. The notice must contain critical information, including contact information for the creditor's representative who is responsible for receiving complaints of property maintenance and code violations and the contact information of an individual located in the state authorized to accept service on behalf of the creditor. If the creditor fails to remedy properly noticed violations, the creditor is subject to penalties ranging from community service, a maximum fine of \$2,000 or imprisonment for up to 90 days.

**Assessing penalties** Penalties can be assessed directly against the foreclosing creditor, even if such creditor does not own, or intend to own, the foreclosed-upon property. However, the creditor's maintenance responsibilities are triggered only in the event the owner vacates or abandons the property after foreclosure has been initiated. Since it can be difficult to identify the creditor, municipalities can now pass an ordinance requiring out-of-state creditors to appoint an in-state representative. Again, failure to comply has strong penalties.

An out-of-state creditor who fails to appoint an in-state representative can be fined \$2,500 for each day of the violation. A creditor with an in-state representative who fails to correct a violation can be fined \$1,500 for each day of the violation. At least 20 percent of any money collected can be used by the municipality for code enforcement.

Of course, much more needs to be done to address the challenges facing every town, but these are solid first steps municipalities can take in collaboration with community advocates who can help preserve buildings and provide homes people can afford. 📌

## Interstate Oil Pipelines— The Focus Is on New Jersey Law

By Edward Purcell, Esq.  
Staff Attorney-NJLM Associate Counsel

Following last month's column on interstate natural gas pipelines, this month we will discuss the interstate oil pipeline. At the outset, it must be clearly stated that these pipelines are treated differently than interstate natural gas pipelines because the Federal Energy Regulatory Commission (FERC) does not approve the siting of these projects.

While there are no federal preemption issues, for oil pipelines there does exist an issue of state law preemption. New Jersey pipeline companies have eminent domain authority pursuant to N.J.S.A. 48:10-1. It is not clear whether this statute is constitutional because our Supreme Court and Appellate Division have never ruled on the issue. Additionally, there are no reported or unreported cases construing the impact of this statute on municipal land use authority. However, there is an argument that municipal land use authority may be preempted in the same way state agencies exercising their statutory authority may preempt municipalities. In any event, unlike interstate natural gas pipelines, which are preempted by the FERC, interstate oil pipelines are subject to a full environmental review by the New Jersey Department of Environmental Protection.

By way of background, there is currently one proposed interstate oil pipeline in the very early planning stages in the state. Named Pilgrim Pipeline, this proposed project would extend from Albany, New York to Linden, New Jersey.

**Eminent domain** Pipeline companies have eminent domain authority in New Jersey. State law provides that "pipeline companies, associations may acquire by condemnation land and other property necessary for public use for right of way [pursuant to the statutory requirements for condemnation found in Title 20 of the Revised Statutes.]" N.J.S.A. 48:10-1. While this provision is found within Title 48, the public utility section of the revised statutes, a New Jersey court has held that a pipe line company need not be a "public utility" to use this provision. *Faubel v. Buckeye Pipeline Co.*, 20 N.J. Super. 116, 119 (N.J. Law Div. 1952). Consequently, it would appear that the Board of Public Utilities (BPU) would not oversee the use of eminent domain by pipeline companies, as it would with a state public utility. See N.J.S.A. 48:3-17.7.

As the statutory language above states, in exercising eminent

domain powers a pipeline company would still need to comply with the requirements of Title 20 of the revised statutes. These provisions provide the framework and procedures for condemnation actions in New Jersey.

**A word about constitutionality** Over 60 years ago, a trial level court held that N.J.S.A. 48:10-1, a provision enacted through P.L. 1918 c. 170, was constitutional. *Texas Pipe Line Co. v. Snellbaker*, 30 N.J. Super. 171 (N.J. Law Div. 1954). However, the constitutionality of this statute has never been subject to review by the Appellate Division or State Supreme Court. In *Application of Buckeye Pipe Line Co.*, a private landowner argued that this provision was unconstitutional under the United States and New Jersey constitutions. The State Supreme Court refused to make a determination on the constitutionality of this provision, instead deciding against the landowner purely on procedural grounds. 13 N.J. 385, 389 (1953).

In his dissent to the *Application of Buckeye Pipeline Co.* case, Justice Herr opined that the Court should have ruled on the substantive constitutional issue presented by N.J.S.A. 48:10-1. Id. at 391. He wrote that the statute may present a constitutional vagueness issue and found fault in "[the statute's] failure to specify the particular pipe line public uses for which the power of condemnation may be exerted." Id. at 390. In sum, because there has never been a thorough Appellate Division or Supreme Court review of this statute, its constitutionality is unclear.

**Effect of Eminent Domain on municipal land use authority**

There are no cases which construe whether or not pipeline companies, exercising their eminent domain powers, are subject to municipal land use authority. Because a pipeline company is not a "utility," for the reasons stated above, it would be unable to appeal the application of a municipal land use ordinance to the BPU. See N.J.S.A. 40:55D-19. Notwithstanding this, there may be an issue of preemption at play.

An argument can be made, by applying other decisions which construed the relationship between state eminent domain powers and municipal land use authority, that municipal land use authority is preempted. However, a discussion of other preemption cases may be helpful.

The State Supreme Court has held that municipalities cannot exercise land use authority over state highway projects. *City of Newark v. Jersey Turnpike Authority*, 7 N.J. 377 (1951); see also

*New Jersey Turnpike Authority v. Sisselman*, 106 N.J. Super. 358, 366 (N.J. App. Div. 1969). In *Sisselman*, the Appellate Division held that:

... legislatively created agencies, authorized by the superior governmental entity of the State, may not be subjected to rules and regulations of local governing bodies and agencies, in the absence of clear language subjecting the state-created agency to the jurisdiction of local boards.” Id. at 245-246.

In *Town of Bloomfield v. New Jersey Highway Authority*, a majority of the State Supreme Court held that municipalities cannot regulate any component of the construction of the Garden State Parkway. 18 N.J. 237, 246 (1955). In his dissent, Justice Vanderbilt argued that subordinate uses, like gasoline and food establishments, ought to be subject to municipal regulation. Id. at 250.

An argument exists, however, that this holding may not apply to oil pipeline companies using their eminent domain authority pursuant to N.J.S.A. 48:10-1. These companies may be evaluated differently than a Highway Authority because they are not government entities. Pointedly, it is conceivable that subordinate uses attached to a pipeline may be subject to municipal regulation if they do not represent a public purpose. Keep in mind that N.J.S.A. 48:10-1 does not explicitly reference how to evaluate the public purpose behind these pipelines.

As stated above, there are no cases which construe whether or not pipeline companies, exercising their eminent domain powers, are subject to municipal land use authority. To the extent that a valid comparison can be made between a state entity invested with statutory authority to build highways and a private company invested with statutory authority to condemn property to build pipelines, an argument may exist that such municipal land use authority over oil pipeline projects is generally superseded.

**State Environmental Review** Interstate oil pipelines are subject to a full environmental review under New Jersey State law because, unlike interstate natural gas pipelines, such a review is not preempted

by the FERC. The NJDEP would consider a pipeline project to be “linear development.” Such a project would be subject to a host of requirements including, but not limited to, wetlands permits, transition area permits, Flood Area Hazard Control Act rules, Highlands approval, and/or coastal permitting. Local officials should communicate any concerns over the environmental impact

of a proposed pipeline with the NJDEP.

**Conclusion** Unfortunately, unlike natural gas pipelines, the law regarding oil pipelines is rather opaque. If there is such a proposed pipeline in your town, I recommend that you have a sit down with your municipal attorney. 📌

*This column is for informational purposes only, and is not intended as legal advice.*

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# Buying Up Flood Prone Land

Instead of contributing small matching grants to the occasional flood buyout project, Morris County helps municipalities solve the problem by creating a program with stable funding

By Jennifer N. McCulloch, Flood Mitigation Program Coordinator, Morris County Flood Mitigation Program



Officials pose on the opening day for Denville Park Meadow park, which stands on flood-prone land acquired through the county's program. Pictured (l to r) are: Morris County Freeholder John Krickus, Denville Councilman Doug Gabel, Former Morris County Freeholder and former Denville Mayor Gene Feyl, Denville Councilwoman Deborah Smith, Denville Councilman Gene Fitzpatrick, Denville Mayor Thomas Andes, Senator Anthony R. Bucco, Assemblyman Anthony M. Bucco, and Denville Councilman Kevin Scollans.

In March of 2012, in response to intense flooding from Tropical Storm Irene, Morris County created the first county-level, dedicated flood acquisition program in the state of New Jersey. Instead of contributing small matching grants to the occasional flood buyout project, as was typical, Morris County helps municipalities to permanently mitigate the issue of repetitive flooding by creating a program and stable funding source.

Funded through the County's Open Space tax, the Flood Mitigation Program (FMP) provides grants so that municipalities can purchase flood-prone homes and land in order to move people out of harm's way and lower municipal costs. Acquired properties are then allowed to revert to their natural state, creating new public open space that can capture and store floodwaters. This preservation also lessens flooding of remaining homes and businesses, and permanently frees homeowners and communities from the expensive and destructive cycle of repetitive flooding.

The Morris County FMP is a unique marriage of open space preservation and disaster mitigation.

**Who knew? Flooding in New Jersey** Data from the Federal Emergency Management Agency (FEMA) ranks the state of New Jersey second only to the state of Louisiana, for "severe repetitive flood losses." Since January 2011, there have been six nationally-declared flood disasters in New Jersey, and several '100 year' floods.



Evacuating Denville's homeowners.

The New Jersey Department of Environmental Protection (NJDEP) has been working to mitigate flooding issues in the Passaic River Basin (PRB) since 1951, when the state agency first developed a flood control program that considered purchasing and removing all homes along a 20-mile stretch of the Passaic River. In 2010, Governor Christie established the PRB Flood Advisory Committee, whose 2011 report listed "Floodplain Property Acquisition" as its number one recommendation. Currently, NJDEP and the U.S. Army Corp of Engineers (USACE) have completed Phase I of their PRB Flood Task Force Study which has narrowed six strategies down to three recommendations. Two of these three suggested actions involve acquisition.

On average, 40 percent of small businesses that experience a flood fail to re-open.

Analysis of USGS stream gage data over the past 90 years shows an increase in annual average peak flow of 30 to 45 percent in Morris County rivers, with 50 percent of the major floods during this 90-year time period occurring in the past 11 years. This dramatic increase in flooding can be attributed to: increasingly extreme weather events, development in the floodplains, and major urban development which causes intense storm water runoff.

**The effect of recent flood insurance legislation** From a national perspective,

it is becoming increasingly expensive to own flood-prone homes. The National Flood Insurance Program, which is administered by FEMA, has historically subsidized flood insurance rates for the hardest hit homes, providing reimbursement for flood damages, sometimes for multiple events in one year.

At the 2012 National Disaster Resilience Conference, keynote speakers stated, "In 2011, there were more than 100 nationally declared disasters, 14 of those events cost over \$1 billion each, to mitigate and affected 67 percent of U.S. citizens. People expect to be saved by Superman, aka FEMA. But that role has become too massive and too costly to be borne alone."

Congress has enacted national flood insurance reform (Biggert-Waters Act of 2012, and Homeowner Flood Insurance Affordability Act of 2014) which gradually eliminates flood insurance subsidies and discounts, creates an annual surcharge for all policies, and allows insurance rates to rise up to 18 percent per year until the policy reflects the true actuarial risk posed by flooding.

**Is it worth the cost to acquire?** First and foremost, Morris County realized that flood acquisition had to make business sense for municipalities, considering the potential loss of ratables. Every Morris County FMP application undergoes a Benefit-Cost Analysis (BCA) to ensure that removing a house benefits the community from a fiscal, as well as environmental and public safety standpoint.

With training generously provided by FEMA, Morris County staff uses FEMA's BCA computer model to assess acquisition projects. To be considered viable, a project

must score a 1:1 Benefit-Cost Ratio (BCR). Simply put, the county/municipal benefit must be equal to, or greater than, the cost to acquire.

Nationwide, flood acquisition yields an average BCR of 5:1, or \$5 in benefits for every \$1 spent to acquire. The 46 closed projects have generated \$23.2 million in calculated benefits from the \$3.6 million in grant funds provided by the Morris County FMP through the county's Preservation Trust Fund. These closings have an overall benefit-cost ratio of 7.33 to 1.

**How it works** Morris County provides grants to municipalities to acquire residential homes from willing owners that have a minimum BCR of 1:1, and have either an emergent threat or history of destructive flooding. The newly-acquired land is owned and maintained by the municipality as deed-restricted open space in perpetuity. Applications are accepted on a rolling basis throughout the year. Morris County provides direct assistance throughout the application and preservation process, often coordinating with state and federal granting entities.

At the heart of the Morris County FMP's creative approach are two funding tracks tailored to the emergent and long term needs of the municipalities, and a new innovation: the Flood Acquisition Plan (FLAP).

The two funding tracks are:

- 1) MATCH program that expedites providing the required 25 percent match funding to federal and state mitigation grants—thus assuring quick receipt of these critical FEMA/NJDEP grant funds in the wake of a disaster.
- 2) CORE program is designed to catch homes which have fallen through the FEMA/NJ-DEP funding nets. Morris County provides up to 75 percent of the acquisition cost. To access this funding, a municipality must have a Flood Acquisition Plan (FLAP).

The FLAP is an essential tool for understanding the unique flood risk within each community. To create a FLAP, Morris County performs a detailed analysis of data available from sources such as: FEMA, National Flood Insurance Program, USACE Flood Studies, USGS

## Flood Prone Land

stream gage data, topography and soil analysis, as well as direct input from the participating municipality.

The FLAP provides a comprehensive look at historic and current flood risks as well as maps of the most vulnerable areas and an analysis of flooding trends. Morris County works in partnership, and free of charge, with municipalities to develop FLAPs. Since the program's inception, the county has created FLAPs for ten of its 39 municipalities.

**Municipal cost savings** Data from flood-prone municipalities in Morris County indicate that the average cost to a municipality per home, per flood event, is at least \$5,000. This aggregated cost, especially given multiple flood events in one year, can easily negate the property tax revenue from these flooded homes. Also noteworthy, on average, 40 percent of small businesses that experience a flood fail to re-open, according to the National Flood Insurance Program.

Flood acquisition permanently lowers municipal costs due to flood events, such as OEM response, DPW and Engineering costs associated with infrastructure damage (e.g. roads and utilities), site contamination, debris removal, and mold remediation. The program also decreases business disruption, casualties and injuries, and lowers the risk of future flood loss because the acquired land acts as a sponge, absorbing flood waters and providing a protective barrier for nearby homes and businesses.

**Environmental benefits** Permanent environmental benefits from flood acquisition include: protection of sensitive floodplain areas, groundwater recharge, flood attenuation (both volume and velocity), superior storm water management, improved water quality/filtration resulting in minimized non-point water pollution, and prevention of erosion and slope failure.

**Denville's experience** In the early dawn after Tropical Irene hit, Denville families on Riverside Drive were forced from their homes by violent flash flooding over six feet in depth. Treading water amongst swirling debris, lawn furniture, heating oil, and sewage, parents desperately held their children aloft, waiting for rescue



Former Morris County Freeholder Gene Feyl and Morris County Planning Board Director Christine Marion pose with the 'high water mark' sign near the entrance to Denville Park Meadows.

boats to arrive.

After the storm, Denville took prompt action, applying for grant funding from FEMA, NJDEP and Morris County. To date, 11 homes near the Rockaway River have been purchased and converted into Denville Meadow Park, replete with a boat launch and a 'high water mark' sign. Fear and destruction have been replaced with a sustainable, public site for recreation and leisure.

As stated by Denville Mayor Thomas Andes, "Without the support of the Morris County Flood Mitigation Program, we would not have been able to complete this important flood mitigation project and protect our residents. The program was so successful and the new park so popular, the township is looking to expand the park in the coming years by acquiring more flood prone homes with the assistance of Morris County."

**Snapshot of progress** Municipalities applying to the FMP must be willing to take eligible dwellings off their tax rolls and invest staff resources to complete these projects. There has been an overwhelming response to this voluntary program, even through the recent, relatively 'dry' weather years of 2013 and 2014.

The initial \$16 million earmarked for the FMP was expected to cover projects for a period of five years. Instead, the entire funds were allocated within 18 months, demonstrating an intense need for this program. Even with annual replenishment from Morris County's Open Space Tax, this program consistently has over 90 percent of its available funds encumbered for specific projects.

Since its inception, the Morris County FMP has approved 120 projects in eight

municipalities: Town of Boonton, Township of Denville, Borough of Lincoln Park, Township of Long Hill, Town of Morristown, Township of Parsippany-Troy Hills, Township of Pequannock, and Borough of Riverdale. A total of \$17.3 million has been encumbered from the Morris County Open Space Trust Fund for acquisitions. Of these projects, 46 projects have closed and 73 projects are still underway. Additionally, the program has attracted over \$29 million in Federal and State grants and will provide an estimated \$82.5 million in benefits.

**Outreach and recognition** Morris County strives to share information about its program and to encourage others to follow suit. The FMP has made 14 presentations at national, state and local conferences including the National Association of Floodplain Managers, FEMA's Watershed University, the NJ-OHS & OEM State Planning Summit, and ANJEC's Environmental Congress.

The FMP's innovation and leadership in this field garnered Morris County the 2014 Governor's Award for Environmental Excellence in the Land Conservation category and the 2013 Outstanding State Floodplain Management award from the New Jersey Association of Floodplain Managers.

Morris County communities are creatively re-imagining these newly preserved lands. Properties that once housed flood-weary homeowners and drained municipal resources are now natural land, open for public use and recreation. Expensive and dangerous flood zones are now parks, 'riverwalk' trails, boat launches, community gardens, and pervious recreation fields. 🌿



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# Locomotive and Caboose

There are reasons that New Jersey's economy continues to trail that of the country as a whole

By James W. Hughes, Dean,  
& Joseph J. Seneca, Professor, Bloustein  
School of Public Policy, Rutgers University



New Jersey's current position in the national business cycle is a crucial and appropriate starting point for assessing the state's economic prospects for 2015. And here the news is very good. The Great Recession is receding in our economic rearview mirror, and the United States is in the midst of a long and strengthening business-cycle expansion. According to the National Bureau of Economic Research, the Great Recession technically ended in June 2009 when the current economic expansion began. Thus, as of this month, it has reached 69 months in length, just three months shy of six years, a milestone it will achieve this coming June.

A key point of reference: the average length of all post-World War II economic expansions in the United States is 58 months. So, via this metric, our current expansion is now quite mature—much longer than average. However, this should not be a concern, since more recent history suggests economic upswings have been getting longer: the three expansions that

immediately preceded the Great Recession lasted on average 95 months—almost eight years each. So, via this metric, the current expansion is still far from full maturity. Moreover, the reality is that expansions rarely die of old age in their beds. Instead the Federal Reserve usually murders them by sharply increasing interest rates—and that is not in any foreseeable future.

In addition, the national expansion is not only substantial in duration, but it strengthened during 2014. The United States has now experienced four straight years of very strong employment growth starting in 2011. Based on revised data, private-sector employment increases in 2011, 2012, and 2013 averaged almost 2.4 million jobs per year. Those are strong annual growth metrics matching those of the record-long 120-month 1991-2001 economic expansion. Then, in 2014, full-year employment gains ratcheted up close to 2.9 million jobs, over one-half million jobs higher than the preceding three years. That's a very, very strong annual growth metric. In fact, it's the best private-sector job growth year in 18 years. So, the nation's expansion had powerful employment-growth momentum as it stepped into 2015—at least in aggregate numbers.

## The United States looks like it has resumed the role of global economic locomotive.

There are several caveats. Obviously, the quality of jobs leaves something to be desired, there has been little income growth in the belly of the economy, and the middle-class is still struggling.

Nonetheless, after a recession that was far too deep and after a recovery that has been far too slow, the United States economy has suddenly started to actually look healthy. One other barometer reinforcing this conclusion is the growth in America's Gross Domestic Product (GDP)—the broadest measure of the nation's total economic output. During the third quarter of 2014, the latest reading, GDP increased by 5.0 percent,

the strongest growth in more than a decade. Thus, there were very positive readings on two national economic barometers as 2015 unfolded. The United States looks like it has resumed the role of global economic locomotive. Current business headline: U.S. Grows, World Slows.

**The Garden State** While the national economy soared in 2014, New Jersey found itself struggling in the midst of an extended soft patch that started in the middle of 2013. Employment had been on a positive trajectory as the state extricated itself from the Great Recession. In 2009, when the recession ended, New Jersey was still hemorrhaging jobs just like the nation. But stability returned in 2010, when the state gained 8,200 private-sector jobs. Then, in 2011, growth tripled to 28,800 jobs. And it increased by more than half in 2012 when the gain totaled 45,400 jobs. That upward trend continued through the first 6 months of 2013, but then the pause button was hit. Employment growth turned negative in the second half of the year, reducing 2013's final total significantly to just 19,800 jobs.

One contributing reason was the aftershocks of Super Storm Sandy being more severe than had originally been anticipated and the spending for recovery took more time than expected. The shore economy took a major hit despite heroic efforts at rebuilding. Out-of-state vacation dollars that would normally have bulwarked the shore economy instead were diverted to other shore destinations in adjacent states. And in-state vacation dollars were siphoned out of New Jersey and not spent at the state's traditional resorts.

And, as 2014 started off, a second one-time factor intervened. Severe winter weather at times brought the state's economy to a standstill. Then, after statewide employment growth finally resumed, the substantial resizing of Atlantic City's casino infrastructure and headcount began as the city adjusted to a post-monopoly gaming era.

This was the third factor shaping the soft patch. The shutting down of four of the city's 12 casinos in 2014 was a major drag on the state's employment counts. In addition, auto manufacturing and fracking, two major job engines in the national economy were absent as sources of employment growth in New Jersey. This worsened the comparison between New Jersey job growth rates and those of the rest of the country. Finally, intense competition continued to dominate two of the state's major business sectors—pharmaceuticals and information technology.

Nonetheless, the final employment gain of 29,900 private-sector jobs for New Jersey in 2014, while modest in scale, was fully 50 percent greater than that of 2013 (19,800 jobs). While the full refresh button may not yet have been hit, the soft patch may be history. Certainly two of the three factors underlying it—the Sandy and weather-related effects—have run their course, while casino gambling in Atlantic City may be close to its final resizing.

So, 2015 should see further improvements in the New Jersey economy—absent a repeat of unique or one-time special factors since it will be supported by strong national dynamics. But, “slow or lagging growth” appears to be our new normal when the macro-picture is examined. New Jersey had two powerful economic expansions during the final two decades of the 20th century: 1982 to 1989 and 1992 to 2000. The average private-sector employment growth per expansion was approximately 600,000 jobs. During the first two decades of the 21st century, the state also had two expansions: 2002-2008 and 2010-present, but they were far more modest. To this point, these two weak expansions have averaged approximately 125,000 private-sector jobs. While this number will increase as the current expansion continues, the difference in employment scale pre- and post-2000 is remarkable: seemingly we are now in a completely different economic world. 🚂



# LABOR RELATIONS

## Chapter 78 Sunset

### Affordable Care Act “Cadillac Tax” on the Horizon

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

The sunset provision of Chapter 78 is inching closer and more municipalities are focusing on what will happen once their employees reach Tier 4 of the legislation. Current negotiations are likely addressing this issue. As previously reported, this will be a major issue in negotiations and therefore will re-address this issue. The another lurking issue on the horizon that I will address in this column is the effective date of the “Cadillac Tax” for health insurance plans under the Affordable Care Act (ACA).

**Chapter 78** To review, Chapter 78 of P.L. 2011 established the four tier system to phase-in employee insurance premium contributions. While the statute was effective June 28, 2011, contributions began for existing unionized employees upon expiration of their collective negotiations agreement that were in effect on June 28, 2011. For example, if an agreement had an effective date of January 1, 2010 through December 31, 2013, then the four year phase-in did not begin until January 2014. As such, all bargaining units throughout the state have different dates in which the four year phase-in will be completed. The issue, however, is ripe for discussion as the expiration of the four year phase-in for those units who immediately were able to go into the Chapter 78 matrix is as early as June of 2015. These municipalities will be the first to negotiate contracts in which the employees have all reached the fourth year by the end of the collective negotiations agreement.

The statute itself provides the best guidance for municipalities regarding its obligations in negotiations. The relevant portion of the statute, N.J.S.A. 52:14-17-28e provides as follows:

A public and employer and employees who are in negotiations for the next collective negotiations to be executed after the employees in that unit have reached full implementation of the premium share set forth in [the legislation] shall conduct negotiations concerning contributions for health care benefits as if the full premium share was included in the prior contract...After full implementation, those contribution levels shall become part of the parties’ collective negotiations and shall then be subject to collective negotiations in a manner similar to other negotiable items between the parties.

Local Finance Notice 2011-20R further clarified the parties’ obligations further by stating that once the fourth year of the phase-in has been completed: (1) negotiations for the next contract shall be conducted as if the full contribution was a part of the previous contract; (2) the contributions remain in place until fully phased in and (3) once the contributions are fully implemented, the contribution structure is negotiable, starting from the point of full implementation.

Chapter 78 has made negotiations of health insurance more of a collective effort because the sting of health insurance increases is now felt by both employer and employee.

The statute and the notice provide guidance for municipalities in proceeding with their negotiations regarding Chapter 78 issues. First, the contributions must be fully phased-in. Chapter 78 contributions cannot be diminished prior to the full phase-in. The statute, however, instructs that the parties who are in negotiations for the “next” collective negotiations agreement after Chapter 78 contributions hit their maximum shall conduct their negotiations as if the full premium share was included in the prior contract. This terminology is also used in the notice. Therefore, if the complete phase-in occurs during the term of a collective negotiations agreement, then the fourth tier shall be used for the remainder of that collective negotiations agreement. It is not until the next negotiations after the full phase-in that the negotiations concerning reduction of Chapter 78 benefits may occur.

So, how will these negotiations regarding Chapter 78 benefits go? Of course, that remains to be seen, but a few important issues must be considered. First, as the statute states, “the parties shall conduct their negotiations as if the full premium share was included in the prior contract.” Therefore, when negotiating successor contracts municipalities should do exactly what the statute says. You are negotiating from the fourth tier. That is the term that is considered, by law, to be part of your collective negotiations agreement. You are not negotiating to get back the Tier 4 benefits; rather you are negotiating from

the Tier 4 benefits. Negotiating from the fourth tier will at least provide municipalities the ability to negotiate other issues concerning health benefits or any other term or condition of employment in the collective negotiations agreement that was not previously available due to the mandatory contributions required by Chapter 78. Chapter 78 is certainly helpful for municipalities, but the sunsetting of the contributions does provide some flexibility in negotiations.

One should not forget the mandatory contribution of 1.5 percent of base salary as provided by P.L 2010, c.2 which serves as a floor for the minimum contribution that can be negotiated. That is still the law. Therefore, if any negotiations occur in which the Chapter 78 premium contributions are decreased, the parties still must abide by the 1.5 percent base salary contribution towards health benefits. So, in essence, parties have the flexibility to negotiate health insurance contributions between that Tier 4 of Chapter 78 and the 1.5 percent of base salary.

**The ‘Cadillac Tax’** In addition to the negotiations under Chapter 78, municipalities must also consider the daunting issue of the “Cadillac Tax” which will become effective in 2018. ACA imposes a 40 percent excise tax on high-cost health insurance plans. ACA provides no relief to governmental entities as government plans are specifically covered by it.

Here is how the Cadillac Tax works. The 40 percent excise tax is calculated based on the amount of the premium that exceeds the annual limit. Currently, the annual limits are \$10,200 for individual coverage, and \$27,500 for coverage other than individual. However, these initial limits are increased for qualified retirees and those who work in certain high-risk professions. For these individuals, the initial limits are \$11,850 for individual coverage and \$30,950 for coverage other than individual. High-risk professions include, among other type of professions, law enforcement officers and employees in fire protection activities. The annual limitation will be adjusted each year by the cost of living.

The responsibility for calculating the tax falls on the employer. The payment

of the tax will be on a monthly basis. The excess amount to be paid is the aggregate cost of the plan that exceeds 1/12 of the annual limitation set forth above depending on the plan. It is 40 percent of that amount that is subject to the tax. So, for a family plan in a non-high risk profession, 1/12 of the annual limit (\$27,500) is \$2,292. If the monthly premium is \$2,392, then \$100 is subject to excise tax. In this example, \$40 would be owed in taxes. If that is multiplied out by the number of employees within the municipality, this amount can grow to significant numbers.

Clearly, this will create further significant stresses on your budget. Employers will be responsible for paying the excise tax. This means that alternatives must be examined and achieved in helping to offset this tax. Employers should be looking at ways to reduce the annual dollar amount for health insurance. Most plans offered to public employees will exceed

the annual limitation for the Cadillac Tax. Therefore, most, if not all municipalities, will face this tax. Lower cost plans should be examined and offered. Moreover, this tax and the sunsetting of Chapter 78 must be examined together with your negotiations units to find ways to ease the burden on both employer and employee.

Chapter 78 has made negotiations of health insurance more of a collective effort because the sting of health insurance increases is now felt by both employer and employee. ACA further emphasizes this fact. Factor in that you will see health insurance premiums go up 10-20 percent, whereas the annual limitation will be adjusted by the cost-of-living. Clearly, the excise tax will only get worse as time goes on.

Therefore, while Chapter 78 issues will certainly be addressed at the table, 2018 is not that far away and municipalities should begin to prepare for the storm that lies ahead with the “Cadillac Tax.”

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**April 17**

**How New Jersey Manages  
Its Fiscally Distressed Cities –  
Webinar**

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**April 24**

**“D” Variances under the MLUL:  
What Are They and  
How Do They Get Approved –  
Webinar**

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## MAY

**May 5**

**A Review of the Tax Assessment  
Pilot Programs**

Conference Center at Mercer,  
West Windsor

**May 7**

**NJLM 100th Anniversary  
and William G. Dressel Jr.  
Retirement Banquet**

Hilton Hotel, East Brunswick

**May 13**

**Leaves of Absence in NJ:  
A Review of the FMLA, NJFLA,  
and ADA Requirements**

Doubletree Hotel-Tinton Falls

## JUNE

**June 12**

**NJLM One Day Mini Conference**  
Conference Center at Mercer,  
West Windsor

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The New Jersey State League of Municipalities would like to thank its supporters, who value their partnership with the 565 municipalities of New Jersey. For information about the League's sponsorship program, please contact Donna Baltz at 609-695-3481, Ext. 127 or [dbaltz@njslom.org](mailto:dbaltz@njslom.org).



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# 100<sup>th</sup> Anniversary

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