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nj municipalities

Official Publication of the New Jersey State League of Municipalities

June 2015

A League Leader

Hangs Up His Hat

A Look Inside

100th Annual Conference Preview

Ensuring Cleaner Urban
Waterways

FEMA Helps Bring Back
the Boardwalks

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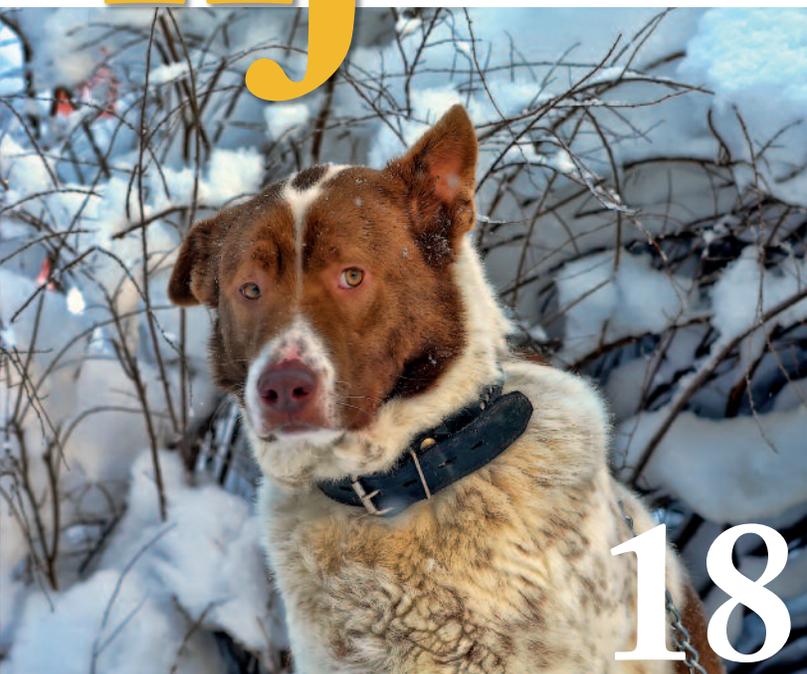
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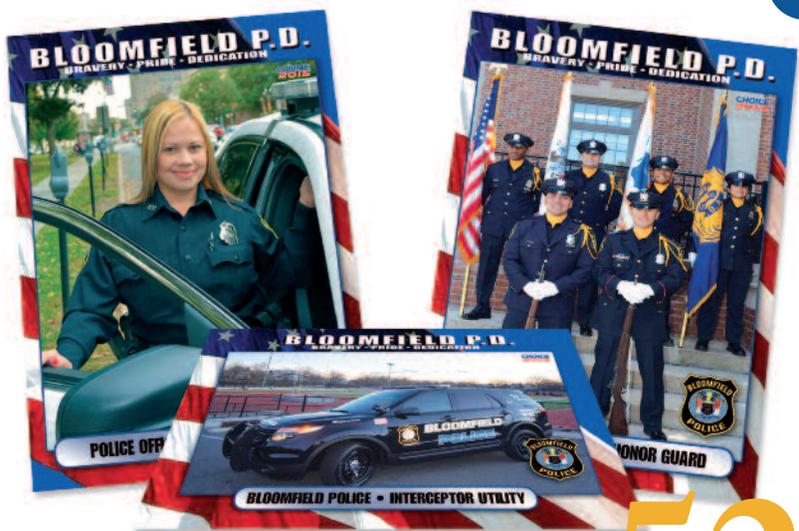
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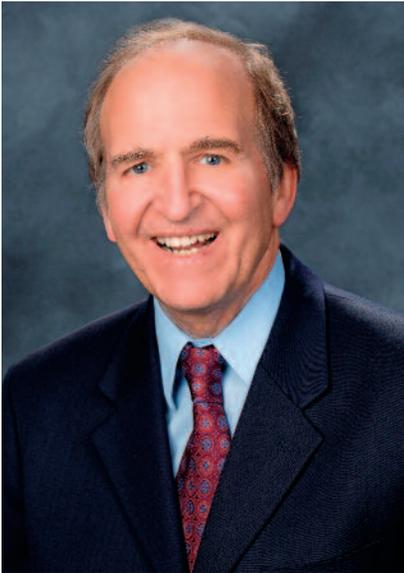
What our graduates say:

“... [The EMPA program] provided me with both an opportunity to improve my skills and the flexibility to continue working alongside my family responsibilities.”

– Greg, 2013 graduate

“In addition to the knowledge and skills attained from the challenging coursework, I was able to approach my transition into a leadership role in government with greater confidence and a more informed perspective.”

– Mike, 2013 graduate



Looking Back

“I will be eternally grateful for the opportunity to work on behalf of New Jersey’s hardworking and dedicated local leaders.”

A little over seven months ago I announced that I would retire as your Executive Director at the end of this month. It's difficult for me to focus on "life after the League," especially since my last 41 years has been devoted almost exclusively to this organization. Together we've chalked up many successes which were recognized as milestones for our state and nation.

In the mid-70s, NJLM formed a coalition that spearheaded the enactment of the Municipal Land Use Law, now considered a model for the nation. We also succeeded in having legislation enacted that allowed towns to be self-insured against a variety of risks. Fifteen years ago, in cooperation with like-minded organizations, we convince the Legislature to pass one of the first "state mandate-state pay" constitutional amendments in the nation.

These are just a few of the key measures that the League has influenced over the past four decades. I credit the vigilance and dedication of our 180-member Legislative Committee and excellent lobbying staff.

In addition to these efforts and our work to educate and inform elected officials,

I'm proud to have helped save the only remaining Roebbling mansion in Trenton. When it opened in 2007, the new League headquarters helped support the League's service program expansion. (We went from a staff of nine to 18 by the turn of the century.) We now enjoy the close proximity to the State House which befits our key role in the dialogue over public policy.

I will be eternally grateful for the opportunity to work on behalf of New Jersey's hardworking and dedicated local leaders, who sacrifice so much to improve the quality of life for their fellow citizens. I'm also proud to have led an amazingly talented and dedicated staff. I'm confident that, thanks to our new leadership team headed by Michael Darcy as Executive Director and Mike Cerra as Assistant Executive Director, the transition will be seamless and the future bright.

In closing, I'd like to thank League President Brian Wahler, the League Officers, and members of the Executive Board and all of the past presidents and officials with whom I've had the honor and privilege to serve. I will always have a special place in my heart for the League! ❧

Bill Dressel

League Mourns Passing of Dan Coranoto

We are deeply sorry to note the passing of League of Municipalities' Executive Board Member and Hampton Township Deputy Mayor Daniel N. Coranoto. He leaves behind a legacy of heartfelt concern for his family, his friends, his community, his State and his fellow citizens. His sincere commitment to the service of others, his common sense approach to problems, his ready sense of humor and his warmth won him respect and affection.

"Dan was a loyal League supporter who gave his all to the League," said Executive Director Bill Dressel. "He will never be forgotten for his efforts to improve the institution of local government in the Garden State."

A lifelong New Jersey resident, he was born in Passaic, raised in Lyndhurst, and then moved to Hampton in 1974. Dan was a passionate public servant, who was a Hampton Committeeman for over 20 years and a deputy mayor. He was a member of the board of health and the recreation committee, a life member of Hampton Township Fire and Rescue, and an active member and treasurer of the Sussex County Fire Police. He was a volunteer member on the State Board of Health, a member of the American Legion, an Eagle Scout and trustee for the Boy Scouts of America, and a member of the Hampton Seniors. A member of St. Joseph R.C. Church in Newton, Dan was also a member of the Knights of Columbus Council 7784.



His loss will be deeply felt by the Officers and staff of the League of Municipalities.

In addition to devoting his time and talents to his fellow citizens in Hampton Township and Sussex County, Dan fought on behalf of local officials throughout the state as a member of the League's Executive Board since 1999. He served on the Taxation and Finance subcommittee for 15 years. In recognition, Dan was elected Third Vice President, then Second Vice President, in succeeding years. Dan was also proud to serve for six years as a Judge of final essays, submitted for the League's Annual Louis Bay III Scholarship Contest. He also served on NJLM's 100th Anniversary and Retirement Dinner Committee.

Dan was a member of the League's Resolutions Committee, Emergency Management Committee, and Economic Development Task Force. He spearheaded the effort to turn back a state initiative to require local governments to pay for State Police rural patrol services.

Deputy Mayor Coranoto also served his Country in the U.S. Navy for over 4 years. After his honorable discharge, he attended college in California.

He will be missed by his beloved wife, Maria, by his children, Paul and Christina, and her husband, Bill, by his sister, Barbara, his grandson, Aidan, and by his friends and colleagues in Hampton, in Sussex and throughout the state. And his loss will be deeply felt by the Officers and staff of the League of Municipalities. It was an honor to have known him. ❧



John Gillespie Receives Haines Award

League Associate Counsel John Gillespie, Esq., has been named this year's recipient of the Haines Award, the highest honor given to a member of the Burlington County Bar Association. Created in 2007 in honor of the late Judge Martin L. Haines, the award recognizes attorneys for their personal and professional integrity, devotion to the legal profession and legal scholarship, as well as dedication to the justice system and the people of Burlington County.

Mr. Gillespie concentrates his practice in the areas of municipal law, governmental defense litigation, land use and tax appeals. He serves as municipal attorney for Chesterfield, Cinnaminson and Evesham. He is, also, second vice president of the New Jersey Institute of Local Government Attorneys; Third Circuit Regional Vice President of the International Municipal Lawyers Association; and a member of the New Jersey Planning Officials Association.

Among other honors, Gillespie has received the Michael A. Pane Award and the Frederick G. Stickel Award, issued by the New Jersey Institute of Local Government Attorneys for excellence in local government and the highest commitment to ethics; the International Municipal Lawyers Association's Amicus Service Award, which recognizes lawyers who have done exemplary work to protect and advance local government interests; the Robert W. Criscuolo Award; and he has been named to the New Jersey "Super Lawyers" list for Government/Cities/Municipalities every year since the inception of the category.

In addition to his professional accomplishments, Mr. Gillespie has donated his time and talents to a number of charitable causes. ❧

Correction

We'd like to clarify an issue addressed in the Legal column in the May issue. While the focus of the column was on the Local Public Contracts Law, no discussion was included regarding pay-to-play. To be clear, the requirements of pay-to-play would apply to contracts for the marketing of recyclable materials above \$17,500. Negotiating could, however, still be used in conjunction with a "fair and open" process. A local agency could negotiate with one or two interested parties selected, price and other factors included, through the issuance of a Request for Proposals (RFP).



New App Keeps Sidewalks Safe

South Orange provided residents with a smartphone app this past winter that allowed them to alert officials when neighbors were not clearing their sidewalks of snow and to report dangerous sidewalks.

The app allowed people to remain anonymous, and users could simply type in the address of the offending property and describe the conditions. Within hours of receiving a submission, someone from the village would visit the address to verify the hazardous condition of the sidewalk. If the conditions were verified, the property owner would be issued a notice to clean up the sidewalk within 24 hours or face a \$100 fine. However, if a homeowner is elderly or too sick to shovel, that would be taken into consideration.

Thanks to an arrangement with nearby students at Seton Hall University, volunteers are available to shovel for residents who are not able to do it themselves. ❧

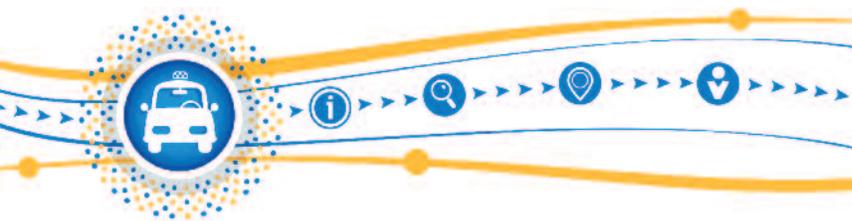


A Friendly St. Patty's Day Wager

Four New Jersey mayors participated in a friendly wager this past March to determine which municipality hosted the best Saint Patrick's Day parade. The losing Mayors agreed to make a financial contribution to the winning Mayor's choice of charity. After challenging one another last fall, Morristown Mayor Tim Dougherty, Lake Como Mayor Brian Wilton, Belmar Mayor Matt Doherty and Jersey City Mayor Steve Fulop attended each others town parades. After observing, the four voted to determine which parade was the best. However, after coming to an impasse, the four mayors asked NJ Advance Media to poll its readers. While it was a close match, Jersey City was declared the winner. 🍀

Morristown Considers Regulating Ride Share Companies

Morristown is looking into ways to regulate companies that offer internet-based ride sharing services (known as Transportation Network Companies) after encountering difficulties with a digital connection ride-for-hire business operating in town.



Ride-for-hire businesses use smartphone technology to operate a transportation network, and interested consumers may request fee-based trips with drivers that have been registered with the company using a mobile smartphone app. Individuals interested in participating as a registered driver can register online and charge fares for passengers at market rates.

In Morristown the fares for taxis and limos are determined by the town and drivers are regulated. Taxi and limo companies within the town pay fees, go through a regulated inspection process and pay higher insurance, making it difficult for smaller local companies to compete with cyber taxis. Regulating cyber taxis also adds protection for participating residents and other drivers. 🍀

Flemington Fun Day

In April, the town of Flemington held Flemington Fun Day, a family friendly event. The free event was open to Hunterdon County residents, and featured a town-wide Treasure Hunt, Spring Fling and Health Fair. The event included raffles, prizes, face painting and an obstacle course. During the event, local musicians played. A Health Fair, hosted by the Women's Club, featured exhibitors and events each hour, such as a healthy cooking class or a yoga or Martial Arts demonstration. The event also included a display of rabbits, goats, chickens and Seeing Eye puppies, provided by the Hunterdon County 4-H. 🍀





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The Mayors' Book Club Comes to River Edge



River Edge Mayor Sandy Morsorcitolo reads to students at River Edge Elementary School as part of the Bergen County Mayors' Book Club, a program of the NJLM Educational Foundation in coordination with Fairleigh Dickinson University.

New Jersey's Longest Serving Mayor Will Be Missed



Gerald A. "Gerry" Calabrese, the long-time Mayor of Cliffside Park, passed away on April 13 at age 90.

He served as the mayor of Cliffside Park for over 50 years. He was first elected in 1959.

Calabrese also served several terms as a county freeholder and was chairman of the Bergen County Democratic party.

In 2012, he surpassed former Harrison Mayor Frank E. Rodgers as the longest-serving official in state history.

Calabrese had been in poor health in recent years, suffering a minor stroke in 2013. His son Thomas has served

as acting mayor in recent years and has filed to run a full term.

Born in 1925 in Hoboken, Calabrese was a gifted basketball player who guided Cliffside Park High School to state championships in 1941 and 1943. He served three years in the U.S. Navy during WWII and then won numerous accolades as an All-American guard at St. John's. Calabrese played two seasons with the Syracuse Nationals of the NBA.

Mayor Calabrese handed out thousands of dollars in scholarships to graduating high school seniors. This tradition will continue. The Gerald A. Calabrese Scholarship Fund is a nonprofit organization, registered as a 501c3.

Donations can be made to the Gerald A. Calabrese Scholarship Fund and mailed to 620 Anderson Avenue, Cliffside Park, NJ 07010.

He is survived by wife Marion, his daughter Janet Merrill and sons Gerald, Jr. and Thomas. ♡

A Safe Zone to Exchange Goods Purchased Online

To protect residents against robbery and scams, Evesham has announced a designated safety zone for citizens to use when making sales or purchases through online websites, such as Craigslist or Facebook. The lobby of the Evesham Township Police Headquarters and surrounding parking lots are available to complete these transactions. These areas are well-lit and monitored by a surveillance system.

Members of the Police Department will not participate in transactions or act as witnesses, and those using the facilities are asked to notify the front desk. The lobby is open 8:30 am through 4:30 pm, Monday through Friday. The police department is urging residents to use the department's parking lots to complete transactions over the weekend and afterhours, as these areas are under video surveillance. The department decided that such a safety zone was necessary after hearing reports of crimes committed nationally that were associated with online selling. 🚔



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Edison's Animal Shelter Is Saving Lives

The story of how a high kill shelter came to embrace a “no kill” philosophy in just five years

By Jay Elliot, Director, Health and Human Services, Edison and Geoff Goyette, Edison Township Shelter Manager; New Jersey Certified Animal Control Officer and Animal Cruelty Investigator

The Edison Municipal Animal Shelter (EMAS) supports six municipalities with a combined population of over 200,000. Our shelter can accommodate 28 dogs and 90 cats. The New Jersey Department of Health estimates that 47 percent of the households in New Jersey have domestic animals (cats and dogs). EMAS has the potential to interact with over 36,000 domestic animals in these municipalities. The decision to adopt a no kill philosophy has affected all aspects of our operations.

We measure our success in lives saved and we're happy to report that since 2014 no healthy dogs or cats have been euthanized at EMAS!

What have we been doing differently? A variety of things we have always done to some extent. Animals have been saved through increased efforts and new programs in the following areas.

Trap, neuter, vaccinate & management of cats (TNVM) A \$50,000 grant in 2013 awarded by Sustainable Jersey and the International Fund for Animals (IFAW) provided funding for a pilot municipal TNVM program. This program – which is managed, delivered, and funded by the Township of Edison – has helped to keep the healthy adult cats managed and living in colonies, the kittens being put up for adoption, and substantially reduced the number of feral animals being brought into the shelter.

Our program, called TNVM 360, begins in areas where feral/community cats are located. We canvas the areas to identify the caretakers of the cats and instruct them on how to feed the cats without attracting wildlife. Periodically animal control officers trap the cats. The cats are identified, examined, vaccinated and treated for health issues. Then they are spayed or neutered and then returned to the area where they were picked up. Any kittens are taken to the shelter to be vetted, socialized, and eventually adopted out.

Despite the initial skepticism of business people and residents, we are earning trust and support based on our new approach to the feral cat population.

Reuniting pets with their owners Another major focus has been on immediately re-uniting found animals with their owners. When an animal is picked up, animal control makes an immediate effort to identify and re-unite the animal with its owner. When a micro-chip or a collar tag is identified the owner is called immediately. If no chip or ID is present, a picture of the animal is taken and broadcast through social media. A photo and description of the found animal is posted to our shelter Facebook page, which is monitored by the police dispatchers in each municipality we serve.

This has assisted in the quick return of hundreds of animals. When people recognize the pictures, there is often a quick and happy reunion. We also provide low cost micro-chips and opportunities for licensing at the rabies vaccination clinics throughout the year.

Increased Adoption Rate Adoptions of the animal “guests” from the shelter have been robust. Since the shelter assumed total control of adoptions in early 2014, dog and cat adoptions have increased.

All animals are assessed for health and behavioral issues. Then staff and volunteers work with the animal individually to identify the best type of home. As soon as possible, all animals are named and a description and photos are posted on PetFinder.com with a link to the Edison Township website.

Another source of potential adoptions is through an exclusive partnership with a PetSmart location in Edison. Hundreds

of cats have found homes after being showcased in the store on a full time basis. In addition, many dogs, which are on display on the weekends, have been placed with loving owners.

We're happy to report
that since 2014 no healthy dogs
or cats have been euthanized.

For dogs, we screen applications, give the potential adopters an opportunity to introduce any current dogs to the new dog and perform home visits. The process can be completed in a few days; but, we prefer to take the time to build a bond between the adopter and the dog prior to finalizing the adoption. Our focus is not on rushing animals out of the shelter, but on finding each one the best forever home. As a result only a few animals have been returned to the shelter. In some situations, fostering an animal prior to full adoption has helped to transition an animal from the shelter routine into a home.

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Our main goal is to provide better care and support to our animal guests and the residents we serve.

Health Care Our veterinarian partnerships with Sayrebrook Veterinary Hospital, People for Animals and Garden State Veterinary Services provide 24-hour care for shelter animals and include weekly visits to the shelter by the veterinarians and staff. Lists of the animals that need exams are prepared jointly by volunteers and staff.

Invaluable partnerships have also been formed with local radio stations. New Jersey 101.5 and Magic 98.3 provide additional adoption exposure for the animal guests. This added exposure has helped to initiate hundreds of adoptions over the past few years.

Community Events One area that has helped to bring people to the shelter has been community event participation and educational outreach. Attending community events and visiting schools has provided increased visibility to adoptable animals, educated residents on proper care of animals and prompted donations. When donated items are not currently needed by the shelter, they are passed on to a local food pantry. This re-donating of food helps those who have fallen on hard times to keep their animals with them and not surrender them to the shelter.

Volunteers Our volunteers are the cornerstone of the shelter. They provide thousands of hours of work and enhance all of our programs. In many cases, they donate from their own pockets to help with the animals support and care. They provide animal socialization, animal write-ups, photos, adoption support, shelter cleaning, and many, many other services that are invaluable to EMAS.

Facilities and goals While all of this success is wonderful to see and talk about, our shelter is still a work in progress. We are in an older building with limited outdoor space and indoor kennels only. Our main goal is to provide better care and support to our animal guests and the residents we serve. We have thousands of community cats in need of TNVM and a continuously growing population of animals, both domestic and wild, that we are called upon to tend to.

As we continue to develop, our hope is to become one of the best municipal shelters in New Jersey. We are always in need of more volunteers and additional funds to reach our goal. Much has been accomplished in the past few years and much work still lies ahead of us. Strengthening our programs and partnerships will keep us headed in the right direction. 🐾



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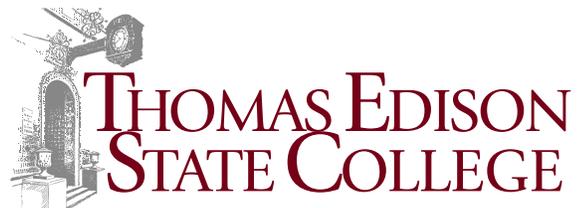
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Pet Protection

A new law responds to commercial breeders' cruelty and the resulting poor health of the puppies and the neglect of their parents

By Debora M. Bresch, Esq., Senior State Legislative Director, MidAtlantic Region, ASPCA



A victim of breeder neglect, Lola had to be euthanized just before her second birthday, despite excellent care.

The expansion of the Pet Purchase Protection Act sponsored by Senator James Holzapfel and Assemblymen David Wolfe and Gregory McGuckin and signed by Governor Christie on February 5 was a response to deficient animal welfare practices in the pet shop supply chain – in particular, the cruel treatment and poor health of both the puppies shipped to pet shops for sale and also the breeding dogs left behind at commercial breeding facilities. The Act also acknowledges New Jerseyans' love for their dogs (half the state's over 3 million households own at least one dog).

The symbolic heart of the campaign to pass the New Jersey law was Lola, whose short life embodied the problems plaguing the industry. Lola was her family's first dog; a once playful Chihuahua who was soon debilitated by seizures, blindness, and deadly encephalitis. Lola required thousands of dollars in

In January 2012, authorities raided and closed Brick pet shop Puppies Galore, seizing 39 puppies. Most had respiratory and intestinal issues, and four were critically ill with pneumonia. The pet shop's owners later pleaded guilty to 42 counts of animal cruelty and agreed to thousands of dollars in fines and a lifetime ban on selling pets in New Jersey. At the time of the raid, multiple "unfit for purchase" letters documenting illnesses in its puppies had been obtained from veterinarians by consumers seeking refunds or reimbursement of veterinary expenses as authorized by the Pet Purchase Protection Act of 2000.

veterinary care (the bulk of it unreimbursed by the pet shop due to the Pet Purchase Protection Act's relatively short timetables for diagnosis and treatment). Despite excellent care, Lola had to be euthanized just before her second birthday.

Lola's veterinarian believed her mother had contracted a parasite from rodent waste at the breeding facility and passed it to Lola at birth. Adding insult to injury, the broker that sold Lola to a New Jersey pet shop – Quail Creek Kennels in Charm, Ohio – had been cited by United States Department of Agriculture (USDA) inspectors for a raft of improprieties, including overcrowding puppies during transport and violating the 8 week minimum age requirement for sale and transport – both increasing the potential for stress, disease, and injury – and knowingly procuring puppies from breeders unlawfully operating without a USDA license.

In 2010, the USDA Office of Inspector General found that illegal and inhumane conditions pervaded breeder and broker facilities subject to USDA licensure and inspection: large, potentially disease-carrying accumulations of dog waste; insect infestations; ammonia-saturated air due to poor ventilation; and cages that failed to provide even the minimum federally required 6 inches of space between the dog and the cage, on all sides (think beagle in a dishwasher).

The expansion of the Pet Purchase Protection Act will help ensure that New Jersey consumers are protected from at least some of the worst breeders and brokers.

Rescue of dogs from these breeder and broker facilities – or “puppy mills” – has also revealed many inhumane practices that remain legal under federal law: 24/7 confinement in cages only inches bigger than the dogs; harmful wire flooring; and repeated breeding with little or no recovery time between litters, the female breeding dogs killed when “spent” after a few years.

Unfortunately, such extreme neglect and inhumane treatment of puppy mill dogs have also resulted in the arrival of puppies at pet shops across the country with serious, untreated illnesses and injuries.

In fact, researchers have documented serious, long-term psychological and behavioral issues in puppies sold in pet shops and the breeding dogs left behind at these facilities– including significantly greater aggression toward human family members, unfamiliar people, and other dogs – as compared to dogs obtained directly from small, noncommercial

breeders. A poll commissioned by the ASPCA also found that consumers spent more on pet shop puppies’ veterinary care (i.e., spay/neuter, vaccinations, and treatment for illness) than for dogs adopted from shelters.

And yet, until now, New Jersey pet shops have had no obligation to disclose either identifying information or USDA inspection violation histories for their breeders and brokers prior to a sale. The recent expansion of the Pet Purchase Protection Act, effective June 1 and enforced by the New Jersey Division of Consumer Affairs, will rectify this by:

- increasing pet shops’ minimal municipal reporting requirements (currently, just the total number of dogs sold annually) to include cat and dog breeders and brokers’ identifying information;
- requiring pet shops to display this identifying information on each enclosure, and to display the breeders and brokers’ USDA inspection reports on or near each enclosure;
- requiring all cat and dog breeders and brokers in the state’s pet shop supply chain to be licensed by the

USDA and any applicable state agency, and to comply with USDA and New Jersey animal welfare standards for pet dealers and kennels; and,

- prohibiting pet shops from purchasing puppies from breeders or brokers that have been cited by USDA inspectors for statutorily-specified violations.

Any failure by a pet shop to comply, including failing to provide information or providing false information, is subject to a \$500 penalty, to be collected by the Division in a civil action.

According to another poll commissioned by the ASPCA, the American public overwhelmingly believes that breeders should provide dogs with humane care. Unfortunately, the poll also found that most people are unaware that breeders and brokers that sell in pet shops often fall short of even minimum federal standards. The expansion of the Pet Purchase Protection Act will help ensure that New Jersey consumers know, understand the practices of, and are protected from at least some of the worst breeders and brokers selling puppies in New Jersey’s pet shops. 🐾



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In from the Cold

Following a public outcry, the city of Plainfield expanded an ordinance to address 24 hour tethering of dogs in extreme temperatures

By Bridget Rivers, Council President, City of Plainfield & Janice Fisher, Puppy Mill Campaign Coordinator, Friends of Animals United—NJ (FAUN-NJ)

When the Associated Humane Society (AHS) posted the story of a German shepherd from Plainfield named “Butch,” concerned viewers lit up the phone lines of the AHS and the City of Plainfield demanding a solution. Butch, nicknamed the “Junkyard Dog” was living in squalor in frigid conditions on a junk-filled lot. His only shelter, according to Scott Crawford, the AHS animal cruelty officer who assessed the situation, was a wire cage. Neighbors complained that he was attached to a six-foot tether all winter long—day and night.

Since there was no law prohibiting this, Council President Bridget Rivers, a serious dog lover, responded swiftly to resident’s concerns. After visiting the property and seeing firsthand the deplorable conditions, she asked the city clerk for an amendment that would supplement an ordinance already on the books. It specifically addressed continuous tethering in extreme temperatures and defined what constitutes proper shelter. The city council adopted Ordinance No. 2015-9A to protect vulnerable pets. It was time to bring dogs like Butch in from the cold.



If Butch’s plight was not enough to convince the Plainfield City Council to act, consider the three mastiffs, Diamond, Bones and Bear, tethered to a tree with heavy chains in the junk-filled yard of another Plainfield home. Like Butch, all three dogs endured snow, ice and freezing temperatures outdoors this winter. Their shelter consisted of a collapsed run with a tarp thrown over it. Fresh food and water were scarce and human contact was rare. Lucky for these three gentle souls, their owner agreed to relinquish ownership after receiving a donation from the Associated Humane Society’s Res-Q-Fund.

Responsibilities to animals We all have rights as citizens of our nation, our state and our municipality; but with those rights also come responsibilities. Do we have an obligation to legislate for the humane treatment of our pets? Many New Jersey residents believe that “man’s best friends,” deserve humane care. Thanks to the action of hundreds of concerned citizens and a supportive local government in Plainfield, we have a regulation that encourages responsible pet ownership and, in turn, makes

for a safer, more animal-friendly town.

As of this writing, with the exception of the City of Plainfield, only a few towns have adopted ordinances that specifically prohibit outdoor tethering in extreme temperatures. When the remains of a family pet were found tethered to a tree in the backyard of a Burleigh home in 2004; Lower Township, Ocean City, Sea Isle City, Wildwood and Wildwood Crest adopted their own tethering ordinances. While these ordinances were a step in the right direction, they do not address the issue of tethering in extreme temperatures or what constitutes proper shelter.

The quickest and most effective way to address companion animal neglect and animal aggression issues is for local elected officials to adopt ordinances that regulate tethering and require adequate shelter.

Inhumane dog tethering takes place in urban, suburban and rural communities across New Jersey. We believe that total



The plight of Butch "the junkyard dog" inspired many to urge the City of Plainfield to better protect companion animals.

chaining bans are the best way to protect dogs, but even time limits on chaining (such as no chaining between the hours of 11:00 PM and 7:00 AM) will greatly improve the quality of dogs' lives.

An Anti-tethering Bill A statewide bill has been drafted and is presently being reviewed for introduction by District 10 legislators Senator James Holzapfel and Assemblymen David Wolfe and Gregory McGuckin. According to Senator Holzapfel, "Preventing cruelty to animals is something we have been passionate about, not only as legislators, but as pet owners as well. We believe that people who chain or restrain dogs for

Thanks to the action of concerned citizens and a supportive local government, we have a regulation that encourages responsible pet ownership.

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In from the Cold

long periods of time, to the point where animals cannot care for themselves, are clearly committing acts of animal cruelty.”

Aggression Dogs thrive by being socialized with humans and other animals. Their social needs are not being met when continuously tethered, making them prone to anxious and aggressive behavior. A 1994 Center for Disease Control (CDC) study found that chained dogs (particularly unneutered males) are 2.8 times more likely to bite than unchained dogs. Sadly, most of the victims of this aggressive behavior are children.

Hazards Tethering can significantly restrict a dog’s movement, making it impossible to reach food and water. Chains or ropes can entangle dogs, causing injury or death by strangulation. Tied animals are also easy targets for attacks by other animals. They are at



The Associated Humane Society rescued three neglected mastiffs from this yard in Plainfield.

increased risk of rabies and tick and mosquito-borne illness. In addition, dogs can be mistreated by passersby or stolen for sale to researchers or dog fighting rings. Chained, unspayed females may produce unwanted litters of puppies, financially burdening local shelters.

Chained animals can easily fall victim to extreme weather and disasters such as blizzards, hurricanes and floods. The U.S. Department of Agriculture stated in the Federal Registry (July 2, 1996) that based on their experience in enforcing the Animal Welfare Act “the continuous confinement of dogs by tether is inhumane.”

Most animal cruelty officers agree that a well-written local ordinance will help them do their jobs more effectively by providing a tool to crack down on abuse, neglect and illegal dog fighting.

A continuously chained dog is a dog that lives in isolation, a cruel fate for a highly social animal. Any town that bans or limits the practice of tethering is a safer, more humane community. As local leaders, you are in a unique position to affect the change that many constituents are calling for. 🐾

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The Hypocrisy of ‘Pension Reform’

By John Birkner, Jr., Mayor, Borough of Westwood;
Past President, Utility Workers Union of America AFL-CIO, Local 534

Reform of New Jersey’s State Public Employee Retirement System (PERS) has become woven into the threads of political rhetoric. The workers are being blamed for a system that is described as unsustainable and destined for insolvency. Meanwhile politicians play sleight of hand with “pension reform.” Their misleading allegations disparage public workers, who are guilty of nothing but doing their jobs on behalf of state and local government.

Elected leaders refuse to look in the mirror as they seek to address the deficiencies of the PERS. Instead they make a pure hypocrisy of “pension reform.” Words such as “entitlement,” “unfunded liability,” “lifetime benefits,” or “looming crisis” lead the public to believe that the typical worker drains a once stable system, burdening taxpayers and putting at risk the security of thousands of retirees. Responsibility is deftly steered away from the very “parties” that have accelerated the financial decline of New Jersey’s once flush pension system—the Democrats and the Republicans.

Why has the money going into the system not kept pace with the money going out? The full time workforce has always paid and continues to pay into a pension system in proportion to its full time salary. Credit earned toward a worker’s pension is based on real full time work, documented and accounted for. In fact, the NJ PERS itself had been undeniably self-sustaining, so much so that it became fashionable for governors—beginning with Christie Whitman all the way up to, and including our current Governor Christie—to raid the funds to cover shortfalls in the state budget. Instead of blaming government workers, New Jersey’s taxpayers should be outraged by the use of the retirement funds as a piggybank for pet projects and a source of lifetime reward for political party loyalists.

Sadly, business as usual continues unabated as payments of New Jersey Public Employee Retirement System funds go to part time elected and appointed officials, who accumulate years of “pension credit” as mayors, councilmembers, commissioners, legislative aides, or in other roles. These years of service are then parlayed into a comfortable pension with a plum patronage job that boosts pension payouts dramatically.

Here’s how it works. A part time official receives a small annual stipend for their service that automatically enrolls him or her in the PERS and requires only a tiny payment, based on their

small salary. However, they are accumulating years of “pension service credit” that skew the equation for future pension payouts. Then, toward the end of their careers they are rewarded with a post that commands a six-figure salary that will entitle them to an enhanced lifetime pension upon retirement. These beneficiaries, who number in the thousands, have contributed more to political campaigns than they have to the PERS.

Responsibility is deftly steered away from the very “parties” that have accelerated the financial decline of New Jersey’s once flush pension system—the Democrats and the Republicans.

New Jersey’s legislators are not addressing this drain on the system in a meaningful way and the public is unaware of it. Yet these same state leaders stumble over each other to take credit for “reform” that dramatically impacts the real workforce.

They will be quick to argue that since 2008 newly elected or appointed officials no longer qualify for PERS. Though true, this is only a baby step in the right direction and not much more than a Band-Aid on a gunshot wound. The new Chapter 78 laws require public workers to contribute significantly more toward state pension and health benefits. Unfortunately, there have been no similar retroactive changes to stop the flow of cash to those who game the system for millions of dollars a year.

Real reform would require the conversion of any pension contributions made over the years from a part time elected position into a deferred compensation plan and eliminate those years of service credits. Elected office should not serve as a back door route to unearned pension payments or health benefits.

While a small fortune is made by those exploiting the pension loopholes, there is not a Department of Public Works laborer or administrative assistant in the State of New Jersey who is getting rich from their salary or earned pension. Collective bargaining has helped to insure quality of life measures, and the pension system protects these employees in retirement. Currently, there is no “shared sacrifice;” the burden of Chapter 78 rests squarely on their hard working shoulders. New Jersey’s public workers are not the cause of our PERS financial shortfalls, they are the reason New Jersey works. ♣

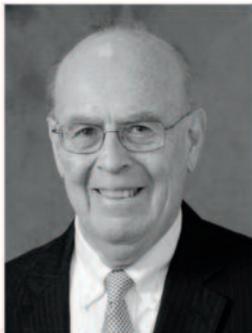
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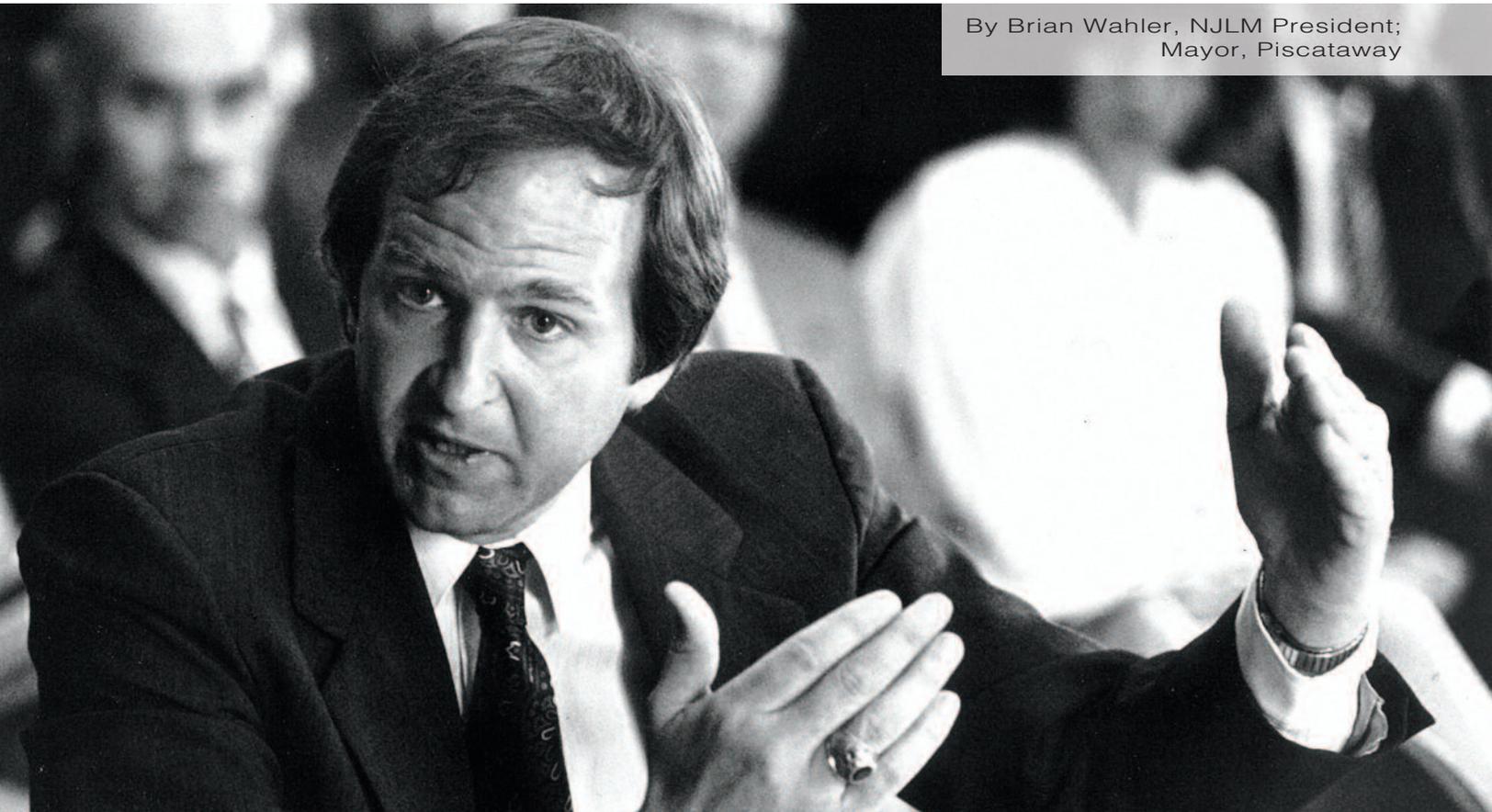
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The League's Leader Hangs Up His Hat

NJLM's dynamic executive director, William G. Dressel, Jr.,
retires after 41 years of service

By Brian Wahler, NJLM President;
Mayor, Piscataway



For 41 years in New Jersey, Garden State municipal officials have been able to depend on the good advice and impassioned advocacy of the New Jersey League of Municipalities' Executive Director Bill Dressel. Bill will be retiring at the conclusion of the League's fiscal year, on June 30, 2015.

After receiving a Bachelor of Arts Degree in Political and Social Science from Elon College in North Carolina and a Master's Degree in Public Administration from West Virginia University, Bill joined the League's staff in 1974; just as the New Jersey Legislature was beginning to open the Committee hearing process to facilitate public comment. Bill quickly established a local government presence in the State House. Generations of New Jersey legislators – literally, fathers and their sons and fathers and their daughters – have learned to rely on him not just for an accurate

and articulate appraisal of the impact of state policy options on New Jersey municipalities and property taxpayers, but also for his impassioned advocacy. And generations of New Jersey local elected officials have relied on him and his organization to be their eyes, ears and voice in Trenton.

Always a happy municipal warrior, his joys have included annual budget battles for increased property tax relief funding, skirmishes in defense of local liberties against preemption efforts, duels with public employee unions to protect local management

prerogatives, and a never-ending campaign for property tax reform. (According to the Census Bureau's 2010 charts, in New Jersey, property taxes account for about 98 percent of all locally collected revenues. The national average is about 75 percent.)

Perhaps his key legislative accomplishment was the 1995 voter approval of an amendment to the state's Constitution requiring the state to pay for state mandated programs and services. In addition to his stewardship of the lobbying program, Dressel took on increasingly more responsible duties in the League's administration. In 1995, he was named Executive Director. In that capacity, he has led the League through several service expansions.

The League's Annual Conference, the largest gathering of local officials in the nation, features over 100 seminars covering virtually every aspect of local con-

cern. In his first year as Executive Director, he was a reluctant guest on CBS' "60 Minutes," which was investigating allegations of corruption on the part of exhibitors at that year's Conference. He handled his interview with Morley Shafer with the same honesty and grace as he did all of his other interactions.

Under his leadership, the League acquired and rehabilitated the dilapidated Ferdinand W. Roebling, Sr. mansion at 222 West State Street. It now serves as the League's Headquarters. On September 27, 2008, he was presented with the Sarah P. Fiske Award by Preservation New Jersey, Inc. for accomplishing this feat.

Among the many accolades received over the course of his career, in December 1999 Dressel received the John G. Stutz Award from the National League of Cities in recognition of over 25 years of League service. And in November 2007

he received the Rutgers Award for public service to New Jersey for excellence in promoting and supporting municipal government.

As Editor in Chief of New Jersey Municipalities, Bill has overseen two major redesigns and tremendous growth in the size, quality and readership of the publication. His work has been recognized with numerous Apex Awards for Publication Excellence.

Bill has also served as a member of several governmental and association boards, including the Community Development Institute; Center for Urban Policy Research, Rutgers; the Health Care Quality Institute; Downton New Jersey, Inc.; the "Friends of the State House" organization; D.A.R.E. New Jersey; and the New Jersey Sharing Network. Bill is a member of both the Family Readiness Council for the New Jersey National Guard and the Employer Support of the Guard and National Reserve.

The League is a voluntary association, and Bill is justly proud of the fact that every one of New Jersey's 565 municipalities has chosen to remain in the League for the past five years. In a letter written to the League's Executive Board, he noted:

"I have the deepest respect and admiration for the local officials who contribute and sacrifice so much to improve the quality of life in their communities. You have honored me by allowing me to serve you, and I will be eternally grateful." ❦



Bill and his wife Iris attend an event on behalf of the League.



Bill addresses the Annual League Luncheon, the highlight of the League's Annual Conference.



Bill (at left) poses with lawmakers following signing of the "State Mandate, State Pays" constitutional amendment.



Governor Chris Christie greets Bill last fall, prior to the signing of the pension reform law.



For many years, Bill has served as the League's chief spokesperson. Here he is interviewed for Fox News.



Bill testifies on a 1973 bill concerning the Scope of Negotiations.



Jersey City Mayor Steven M. Fulop and Council President Rolando Lavarro, Jr. sign Jersey City's Earned Sick Leave ordinance into law in September 2013 at Helen's Pizza in Jersey City as workers look on.

Study Reveals the Merits of Earned Sick Leave

The program is receiving high marks from businesses and employees

By Steven Fullop, Mayor, Jersey City

Jersey City's Earned Sick Leave ordinance – the first in the state of New Jersey – has been an overwhelming success for both employers and employees. Businesses have reported that their employees are more productive and are happier in their jobs.

Business groups predicted that this legislation would hamper business growth. However, the exact opposite has been the case, with businesses growing and flourishing in Jersey City. And what's more, the measure is making a real difference in the lives of working families, both in Jersey City and in the New Jersey cities that have followed our lead (Newark, Passaic, East Orange, Paterson, Irvington, Montclair, Trenton, and Bloomfield).

And it's not just what we are hearing from the workers and

business owners. A recent study conducted by the Center for Women and Work at Rutgers, the State University of New Jersey, reported that the vast majority of employers found Jersey City's earned sick leave law easy to comply with. Eighty percent of Jersey City companies are in compliance, providing paid or earned sick days to their employees.

How the Law Works The Jersey City ordinance, which went into effect January 24, 2014, provides for workers employed by

businesses with ten or more employees to earn up to five paid sick days per year to care for themselves or their family members. Smaller workplaces guarantee worker protections which allow all workers to care for themselves and their families.

Study results A study of employees and employers, which analyzed survey results collected in late January and February 2015 by the Eagleton Center for Public Interest Polling at Rutgers University, evaluated the economic impact on businesses as well as the impact on public health. We specifically included the study as part of our ordinance to determine whether any modifications would be required.

The study showed that most earned sick days were in fact paid sick days. Of all businesses that were in compliance with the ordinance, 96 percent of larger com-

The study also found that, among employees who had increased access to sick days as a result of the law, 84 percent felt their employers supported them and 71 percent said they were more satisfied with their jobs. There also was no evidence of abuse by employees. In fact, the majority of employees reported taking three or fewer days.

Dana Britton, the Center Director and a co-author of the report, said the research shows that providing earned sick days to employees in Jersey City came with a range of benefits to both employers and employees. Almost 30 percent of employees who earned time took no sick days at all and two thirds reported using three or fewer days during the year. In fact, 92.4 percent of employers said there was no change in their employees' use of sick days. Only 3.4 percent said that their workers were taking more sick days.

Our earned sick leave legislation has done exactly what we intended it to—created a safety net for working families so they can care for themselves or loved ones who are sick, while also improving the work environment. Not only has this legislation not hurt businesses, the exact opposite has been the case with employers reporting less turnover, more productive employees and a healthier and happier workforce.

Job Growth Since we came into office, we have made job creation a focus adding more than 9,000 new jobs across industries, ranging from new small businesses to construction jobs to corporate jobs. More than 150 small businesses have opened in the last 18 months, including more than 50 restaurants, with thousands of jobs being created for Jersey City residents. Our earned sick leave legislation has contributed to that success.

Our policies, both economic and social, are making Jersey City a choice city for both businesses and residents alike. A fact recognized by the Obama administration on more than one occasion. Most recently, he referred to this initiative as an inspiration to the nation, creating a template for what is possible for working families.

We couldn't be prouder of the results

and of laying the framework for other cities to enact their own earned sick leave ordinances. Research and job growth in our city has proved the critics were wrong and that earned sick leave offers an array of tangible benefits to businesses, employees and society as a whole. ♣

Jersey City businesses have adopted earned sick days easily and with no negative impact.

panies provided paid sick days, as did 88 percent of smaller companies, even though businesses with nine or fewer employees were only required to provide earned sick days. Compensated time is crucial, given that 37 percent of employees cite the inability to afford to take the time as the reason they delay preventive care, or hesitate to stay home with a sick family member or when they are ill.

After only one year in effect, 42 percent of employers who changed their policies due to the law said business was better in one or more categories. For example, many reported an increase in productivity, a reduction in employee turnover, and/or an improved quality of new hires due to the law. Further, 28 percent of employers said that employees were less likely to come to work sick.

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League of Municipalities Marks 100 Years

Hundreds gather to celebrate unity, cooperation and good government

More than 500 government officials and friends of the League gathered May 7, 2015 in East Brunswick to commemorate two important milestones. This year marks the 100th Anniversary of the establishment of the New Jersey State League of Municipalities; 100 years of local government cooperation and dedication to good self-government. All 565 municipalities chose to be members of the League of Municipalities and this was a once in a lifetime opportunity to pause and recognize the importance of local government in New Jersey.

At the same time, they commemorated Executive Director Bill Dressel's retirement after 41 years of service with the League. Details on the history of the League and Bill Dressel's career are also available at www.njslom.org/100years.

The event included a reception with videos celebrating both the historic and current League leadership as well as highlights of Dressel's four decade career. There were displays of more than twenty-five proclamations and resolutions, and comments

from current and former state officials.

League President Brian Wahler, in reflecting on the event, said "Tonight is a remarkable night and just as we should, we are pausing to reflect on 100 years of local government cooperation and dedication; 100 years of caring for our communities and our neighbors. We will also pause to say thank you to Bill Dressel, one of our own who has dedicated 41 years to helping all of us and local government throughout New Jersey."



Piscataway honor guard presents the colors for the start of the 100th Anniversary & William G. Dressel, Jr. Retirement Banquet



League staff members, past and present, who attended the event (not pictured, Iris Dressel)



Lieutenant Governor Kim Guadagno

Speakers for the event were:

- Honorable Kim Guadagno
Lieutenant Governor
- Honorable James J. Florio
Former Governor
- Honorable Christine Todd Whitman
Former Governor
- Honorable Jim McGreevey
Former Governor
- Honorable Stephen Sweeney
Senate President; Senator, District 3
- Honorable Thomas Kean, Jr.
Senate Republican Leader; Senator, District 21
- Honorable Gary Schaer
Chair, Assembly Budget Committee; Assemblyman, District 36
- Honorable Jon Bramnick
Assembly Republican Leader; Assemblyman, District 21

The eight member Anniversary Planning Committee included:

- Suzanne M. Walters
*League Immediate Past President
Mayor, Stone Harbor*
- Chuck Chiarello
Mayor, Buena Vista; League Past President
- Daniel N. Coranoto (deceased)
Deputy Mayor, Hampton Township; League Executive Board
- Phyllis Marchand
League Past President
- Paul J. Maticera
League Past President
- Timothy McDonough
Mayor, Hope; League Past President
- Arthur R. Ondish
Mayor, Mount Arlington; League Past President
- James Perry,
Mayor, Hardwick; Member, Executive Board



Assemblyman Jon Bramnick, Assembly Republican Leader and District 21 Assemblyman



Senator Stephen M. Sweeney, Senate President and District 3 Senator



League Immediate Past President, Mayor of Stone Harbor and 100th Anniversary Committee Chair Suzanne M. Walters



Senator Thomas Kean, Jr., Senate Republican Leader and District 21 Senator



Honorable Christine Todd Whitman, Former Governor (1994-2001)



Honorable James E. McGreevey, Former Governor (2002-2004) and former Mayor of Woodbridge Township



Honorable James J. Florio, Former Governor (1990-1994)



Assemblyman Gary S. Schaer, Chair of Assembly Budget Committee, District 36 Assemblyman and Passaic City Councilman



Sharon L. Weiner, League Associate Legal Counsel, Former Board of Public Utilities President Jeanne Fox and League Past President and Mayor of Elizabeth Chris Bollwage



Former Mayor of Lawrence (Mercer) and Chair of the Sustainable Jersey Board of Trustees Pam Mount.



League Assistant Director Michael Darcy and Lieutenant Governor Kim Guadagno



Former Governor Christine Todd Whitman, Joyce Sico and Don Sico, New Jersey Health Care Quality Institute



Henry Coleman, Former Director of Center for Government Services, and Woodbridge Mayor and Former State Treasurer John McCormac



Millstone Borough Council President Scott Ross and New Jersey Chamber of Commerce Senior Vice President, Government Relations, Michael Egenton



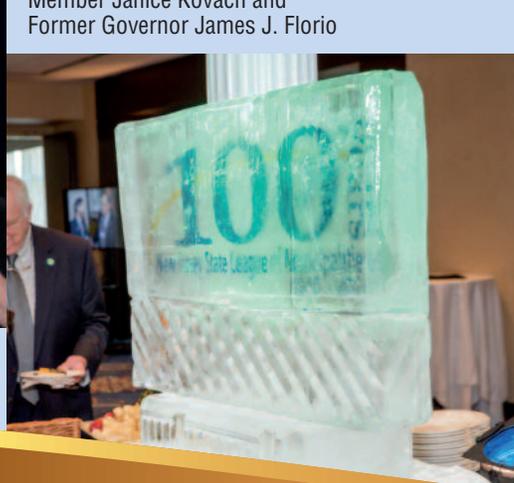
Bill Dressel, League Past President and Mayor of Hope Timothy McDonough and League President and Piscataway Mayor Brian Wahler



Clinton Town Mayor and League Executive Board Member Janice Kovach and Former Governor James J. Florio



Piscataway Mayor and League President Brian Wahler (sixth from right), Senator Bob Smith (top right) and Former Governor James E. McGreevey (center) with the Piscataway delegation





Bill Dressel with Assemblyman Gilbert "Whip" Wilson, who is also a former Camden City Councilman and former member of the League Legislative Committee



Senate President Stephen M. Sweeney (District 3)



League Director of Government Affairs Michael Cerra, League Assistant Executive Director Michael Darcy and NJTV Political Correspondent Michael Aron



League General Counsel William J. Kearns and League Assistant Counsel Kristina P. Hadinger



League Past President and 100th Anniversary Planning Committee member Phyllis Marchand, and Former Mayor of Lawrence (Mercer) and Chair of Sustainable Jersey Pam Mount



Walter Wimbush, Lieutenant Governor Kim Guadagno, Assemblyman Jamel C. Holley and former Mayor of Roselle, Sparta Mayor Jerard J. Murphy



League Assistant Director Michael Darcy and retired League Senior Legislative Analyst Helen Yeldell



Marlboro Mayor Jonathan L. Hornik, Assemblyman Gary Schaer, Lieutenant Governor Kim Guadagno, Trenton Mayor Eric Jackson and Former Governor James E. McGreevey



Long Hill Township Committeeman Guy Piserchia, Wharton Administrator/Chief Financial Officer Jon Rheinhardt, and Long Hill Township Deputy Mayor Bruce Meringolo



League Executive Board member and 100th Anniversary Planning Committee member Hardwick Mayor James Perry, League Past President and 100th Anniversary Planning Committee member and Mayor Mount Arlington Arthur R. Ondish and JCP&L Vice President Mark Jones



League Past President and Mayor of Elizabeth Chris Bollwage, Fanwood Mayor and League Executive Board Member Colleen Mahr, League Past President and Lambertville Mayor David DelVecchio and Clinton Town and League Executive Board Member Janice Kovach

Retirement Congratulations

Executive Director Bill Dressel was recognized for his achievements



Bill Dressel



The League Executive Board and former League 1st Vice President Gerry Taranantolo present an engraved crystal vase to Bill Dressel; (from left) NJLM 1st Vice President Joe Tempesta, 3rd Vice President Jim Cassella, Immediate Past President Suzanne Walters, President Brian Wahler, Bill Dressel and former 1st Vice President Gerry Tarantolo (2nd Vice President Al Kelly not pictured)



Senator Linda Greenstein (District 14) and Bill Dressel



Iris Dressel



League Past President and 100th Anniversary Planning Committee member Paul Maticera, Bill Dressel and League Past President and 100th Anniversary Planning Committee member Buena Vista Mayor Chuck Chiarello



Bill Dressel with Assembly Republican Leader Jon Bramnick (District 21)



Bill Dressel with Former Governor Jim McGreevey



Mannington Mayor John Emel, Bill Dressel, Elmer Mayor Joseph Stemberger and League Past President Herb Stiles (seated)



Lieutenant Governor Kim Guadagno and Bill Dressel



Bill Dressel and League 1st Vice President West Caldwell Mayor Joseph Tempesta



Bill Dressel and Monsignor Philip Lowery, NJ State Police Chaplin, St. James Roman Catholic Church, Red Bank



Bill Dressel with Assemblywoman Alison Littell McHose (District 24)



Former Governor Christine Todd Whitman and Bill Dressel



Bill Dressel and Senator Bob Smith (District 17)



Bill Dressel and Bill Hamilton, City Attorney, New Brunswick and former Assembly Speaker

Thank You to the 100th Anniversary Committee

By Suzanne M. Walters, Chair, NJLM 100th Anniversary Committee;
Mayor, Stone Harbor; and League Immediate Past President

It has been my pleasure to chair the League's 100th Anniversary Committee. The Anniversary Committee and I want to especially thank our Anniversary Sponsors and all the municipal officials for their support of the League's 100th anniversary. I'd also like to thank my fellow committee members:

- Chuck Chiarello, Mayor, Buena Vista and League Past President
- Daniel N. Coranoto, Deputy Mayor, Hampton Township; and member of the League Executive Board (deceased)
- Phyllis Marchand, League Past President
- Paul J. Maticera, League Past President
- Timothy McDonough, Mayor, Hope and League Past President;
- Arthur R. Ondish, Mayor, Mount Arlington and League Past President
- James Perry, Mayor, Hardwick and Member, Executive Board

Your support makes it possible for us to celebrate with the entire League membership throughout 2015 to mark the 100th anniversary of the founding of the League; an important milestone for both the League and New Jersey municipal govern-



Pictured, left to right, are League Executive Director Bill Dressel, Suzanne Walters, Daniel N. Coranoto (deceased), Chuck Chiarello (seated), James Perry, League Assistant Executive Director Michael Darcy, and Phyllis Marchand.

ment. It is an opportunity to learn more about how New Jersey local government has evolved over time and the part played by the League in that evolution.

On the League web site you will find a page dedicated to commemorating this milestone anniversary including timelines and video. For the remainder of this year we will be adding more information about the historical contributions of the League.

Our year-long anniversary will take many forms. In addition to what you see on the website, there are monthly installments in the League magazine, *New Jersey Municipalities*. In May, the magazine included the commemorative keepsake that graphically outlines our historical milestones. In November, there will be historical displays at the Annual Conference.

Thanks to our Anniversary Sponsors and Anniversary Committee members we can join together in celebrating 100 years of the League – 100 years of local government cooperation and dedication to good government. ♣

Thank You to Our Sponsors!

CENTURY LEVEL



LEGACY LEVEL



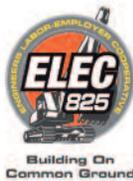
VIP TABLE



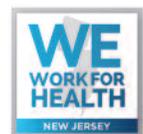
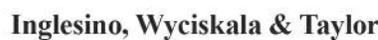
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Presidential Strategy, Gubernatorial Reality

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

It's easy to forget how far we've come in watching Chris Christie's presidential ambitions. Throughout his first term, despite being courted by everyone from Nancy Reagan to Henry Kissinger, the Governor repeatedly insisted he wasn't ready to be President. Indeed, had he chosen to run in 2012, opponents would surely have used his own words against him. That all changed with his overwhelming re-election victory in November 2013. Days later, the Governor indicated he was, indeed, ready for the White House.

And then.... Bridgegate. The January 2014 release of emails from high-level Christie appointees relating to lane closures on the George Washington Bridge threw the Governor's second term agenda for a loop. Investigations – internal, legislative and federal – were launched. The media seemed to care about nothing else but the scandal. By the time the Christie Administration's review (the Mastro Report), exonerating the Governor was completed in March, whatever momentum there was from the election was lost.

Though weakened in New Jersey, Christie retained his strength nationally. As chairman of the Republican Governors Association (RGA) in 2014, he traveled across the country, raised \$104 million, and helped the GOP sweep every competitive gubernatorial contest last November. That experience provided both Christie and New Jersey with a taste of what it would be like to have a Governor on the road, engaged in national politics, while running New Jersey.

But running for President is an all-consuming process; far more demanding than being RGA chairman. Balancing that ambition with his current responsibilities in the state is not an easy task – and it's not getting easier. At the very moment Christie needs to be promoting his vision of America's future, today's New Jersey is showing signs of weakness. Serious issues like unfunded pensions, the future of Atlantic City, tepid economic growth, credit rating downgrades, highest-in-the-nation property taxes, and a depleted Transportation Trust Fund continue to fester and remain unresolved.

Given the tension between Christie's presidential strategy and his gubernatorial reality, it's not surprising that both efforts are suffering. Not only has his approval rating in New Jersey fallen to a historic low, his presidential poll standing is mired in the second tier of candidates.

There is plenty of time for Christie to rebound as a national candidate. The talents that propelled him to national prominence in town hall settings here are ready-made for the small-

Can New Jersey get big things done without the full attention of its most powerful elected official?

venue discussions that are critical to success in the early primary states – especially New Hampshire, Christie's most likely shot for a momentum-building victory. Our governor is at his best out on the stump, connecting with people in a living room or someone's barn. This, of course, takes time away from actual governing.

And so, the question remains: Can New Jersey get big things done without the full attention of its most powerful elected official?

Complicating the answer is that New Jersey's political terrain has become more treacherous. No less than five Democrats are running to replace him, including Senate President Steve Sweeney, Jersey City Mayor Steve Fulop, former Ambassador Philip Murphy, Senator Ray Lesniak and Assemblyman John Wisniewski. In addition, some Republicans in the legislature are speaking more openly about chafing under the heavy-handed leadership of Christie and his staff.

Navigating these waters can be tough when you're doing it full-time. No one is sure it is even possible to handle when you're running simultaneously for President.

There are those Trenton politicians who assume that a Democrat will be the next governor. They are counting on one-party control to push forward on the big issues that aren't being resolved today. Others – even some who support Christie for president – see a golden opportunity if it doesn't work out for him. Free of the burdens of responding to national constituencies and reelection concerns, Christie could turn his full attention to tackling the state's most intractable problems as only he can.

Today, the state faces many pressing policy questions, and if there is going to be progress, we will need the focus and talents of our top officials. One has to hope that, despite the obstacles of personal ambition and partisanship, we can rise to the occasion sooner rather than later. ♣

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Before I die...

- | | |
|--|--|
| Before I die I want to <u>Educate people about end of life decisions</u> | Before I die I want to <u>visit ALL 7 CONTINENTS</u> |
| Before I die I want to <u>ride by bicycle thru Italy</u> | Before I die I want to <u>Wear Boots again</u> |
| Before I die I want to <u>LEAVE A LEGACY OF HOPE</u> | Before I die I want to <u>eat my way through the world</u> |
| Before I die I want to <u>ride my bike thru Europe</u> | Before I die I want to <u>WALK 2 MILES AROUND G.T. PARK</u> |
| Before I die I want to <u>Become a Great Aunt</u> | Before I die I want to <u>Be self sufficient in spite of MY tremor</u> |
| Before I die I want to <u>World Peace</u> | Before I die I want to <u>GO ON ON MORE CRUISE</u> |
| Before I die I want to <u>stay healthy and stay in my OWN HOME</u> | Before I die I want to <u>Lead people to Jesus</u> |
| Before I die I want to <u>Get to Ireland!</u> | Before I die I want to <u>SEE MY RELATIVES IN ITALY AND ARGENTINA</u> |
| Before I die I want to <u>Backpack through EUROPE</u> | Before I die I want to <u>To be able to bowl again</u> |
| Before I die I want to <u>LAND/SEA TOUR OF ALASKA</u> | Before I die I want to <u>BE AT PEACE WITH MY FAMILY + FRIENDS</u> |

Gloucester Township's "Chalk 'n Talk" board will travel to various Gloucester Township events to serve as a community bucket list and conversation starter. The board was unveiled and signed by residents at Gloucester Township's Conversation of a Lifetime launch.

Sharing End of Life Decisions

A new pilot program seeks to encourage people to record their wishes for end of life care

By Liz Lampert, Mayor, Princeton

Only half of New Jerseyans have put their wishes for end of life care in writing, according to a 2014 "Health Matters" poll, conducted by the New Jersey Health Care Quality Institute and the Monmouth University Polling Institute.

The study also discovered that most New Jersey residents are comfortable with the ideas of aging and death and would consider discussing their wishes for end-of-life care with family members, physicians, friends and clergy. However, while more than 70 percent of people want to die at home, 70 percent actually die in hospitals.

Without clear instructions, family members are often forced to guess what kinds of treatment their loved ones would have preferred. These difficult choices can cause disagreement among family members and guilt, making a distressing time even more difficult.

In order to encourage discussion and planning around this challenging topic, the Quality Institute through its Mayors Wellness Campaign is reaching out to mayors for help. Princeton has joined The "Conversation of a Lifetime" pilot program of the Quality Institute to help residents take the first step toward documenting their wishes. VITAS Healthcare, a leading provider of end-of-life care since 1978, awarded the institute a \$5,000 grant to support the preliminary planning phase of the initiative. Gloucester Township and Tenafly have also signed on to pilot the program.



A resource table, staffed by Princeton hospice volunteers, was set up at the Princeton Library to share materials designed by the Mayors Wellness Campaign and Five Wishes forms from Aging with Dignity.

In Princeton, the first step was to create a Conversation of a Lifetime Task Force, with representatives from the local Health Department, Senior Resource Center, public library, and members from Princeton Hospice, New Jersey Goals of Care, and Community Without Walls, a community aging-in-place organization.

Planned activities include book clubs, film festivals, game nights, art demonstrations, and seminars. Each town will tailor its program to meet its local community's needs. At each event, there will be a set of materials put together by the Mayors Wellness Campaign that walk residents through the advance care planning process.

While more than 70 percent of people want to die at home, 70 percent actually die in hospitals.

NJ Health Commissioner, Mary O'Dowd, attended Princeton's kick off event and emphasized the importance of this conversation for people of all ages throughout New Jersey. The New Jersey Department of Health has also prioritized the end-of-life care issue, recently launching a webpage with numerous tools and articles on the issue at: state.nj.us/health/advancedirective/index.

If you are interested in having your community join the conversation, you can learn more at www.njhcqi.org/CoAL and contact the Mayors Wellness Campaign Coordinator, Janan Dave at jdave@njhcqi.org or 609-303-0373.



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WASHINGTON



Protecting Our Tourism Economy from Off Shore Drilling

By Frank A. LoBiondo, Congressman, Second District

With the 2015 season officially off and running, the Jersey Shore continues to roar back from destruction at the hands of Superstorm Sandy. Realtors are reporting that rental bookings are up and there's a full calendar of events, such as food and wine festivals and the Atlantic City Air Show. Optimism abounds that this year will further build on New Jersey tourism's 2014 banner year where demand grew 3.8 percent with more than 93 million visitors.

The aftermath of Sandy on our tourism-based economy may have subsided, but there is another storm brewing on the horizon. Without regarding the state's \$40 billion industry and the more than 500,000 tourism-related jobs, the Obama Administration has put forth policy initiatives that could threaten the summer tourism season, our economy and, frankly, our way of life. We must protect the Jersey Shore from oil drilling, exploration and similar activities.

For a second year, the National Oceanic & Atmospheric Administration (NOAA) is proposing to conduct seismic blasting off of Barnegat Bay and other parts of the Jersey Shore in the height of summer. A collaborative effort by Rutgers University and the National Science Foundation, the proposal seeks to fire four air guns at more than 200 decibels, 24 hours a day for 30 days starting anytime from June 1st until the end of August. Slated to occur as close as fifteen miles off Long Beach Island, the blasting would not only impact popular tourism activities such as whale-watching and recreational fishing, but would also interrupt the peak season for marine spawning and migration.

Previously dead in the water because of negative public opinion (and well-timed mechanical issues), NOAA's latest proposal is again strenuously opposed by commercial and recreational fishermen, local environmental groups like Clean Ocean Action, concerned citizens and elected officials. Working with my co-chair on the Congressional Coastal Communities Caucus Congressman Frank Pallone (NJ-06) and fellow New Jerseyan Chris Smith (NJ-04) I'm pushing for NOAA to deny this year's permit to Rutgers.

Understandably, opponents of seismic blasting are worried that such testing is merely a precursor to oil and natural gas exploration off our coastline. Since 1999, I have introduced legislation in each Congress that would prohibit drilling off the coast of New Jersey. Overwhelming public opinion and my legislative efforts, however, have not dissuaded proponents of drilling. Our legitimate concerns proved justified when the Obama Administration announced mere weeks into this year its intention to auction off drilling leases in the waters of the Mid-Atlantic. We are again fighting an initiative that New Jersey and its allies successfully defeated in prior years.

In March the Bureau of Ocean Energy Management hosted an informational meeting in Atlantic City on their proposed draft 2017-2022 Outer Continental Shelf Leasing Program. Unable to attend the public meeting due to votes in Washington, I submitted a statement for the record that read in part:

"Drilling in the Mid-Atlantic region puts at risk some of the nation's most sensitive coastal and marine resources. Bipartisan legislative and administrative actions have protected these sensitive coastal areas from offshore oil and gas exploration and drilling for decades. Efforts to issue new leases on the Outer Continental Shelf have been met with bipartisan resistance."

I also argued the state's robust commercial and recreational fisheries generate over a billion dollars in revenue annually. Therefore, the potential environmental and aesthetic risks posed by offshore oil and gas development, considering the relatively small amount of recoverable oil and gas reserves estimated, could seriously imperil these vital contributions to our economy. It makes no sense to impose lease sales on states like New Jersey which have historically and vocally opposed such activities when states like Alaska and those along the Gulf Coast, and which have proven, significant reserves, clamor for greater access.

Rather than working with our state to support and promote energy sources our state has already fully embraced such as nuclear power, the federal government is on a collision course with its renewed push for drilling in the waters of the Mid-Atlantic. Simply stated, the considerable risks outweigh the speculative benefits. ♣

McManimon, Scotland & Baumann, LLC Congratulates Bill Dressel

Bill,

Your leadership and inspiration on every critical issue affecting municipalities throughout New Jersey have made this a very special place for all of us.



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McManimon, Scotland & Baumann, LLC is a law firm focused on New Jersey – serving both government and private sector clients – with an extensive history in public and structured finance and redevelopment law. Founded in 1971, the firm brings a unique ability to bridge the public and private sectors in order to realize groundbreaking projects.



Top Ten Reasons to Stay Home

There is no good reason not to attend, so start making your plans today

By Bill Dressel, NJLM Executive Director

Reason Number 10: *I know everything and everyone I need to know to do my job.* Wow! Few of us can make that claim, but I certainly understand why you don't need to attend the Convention. Would you please do me a favor, though? Call me and I'll put you on the program. In fact, call me and you can be the whole program.

Reason Number 9: *I don't have the time to attend.* But you have time to deal with the consequences of making a bad decision in your elected role? Give us three days and we'll most likely save you four weeks.

Reason Number 8: *I don't like meeting new people and learning new things.* You're going to have to learn new things one way or the other. By attend a conference session you'll be better prepared for whatever is coming down the pike. With over 9,000 of your fellow officials and employees attending the Conference, you'll be hard-pressed to avoid striking up a conversation with someone new. Odd thing about that, though – you might meet someone and have a pleasant conversation that may lead to new ideas or money saving arrangements.

Reason Number 7: *I don't need to learn the latest information. We've always done things the same way and it works for us.* Hear that? It's the sound of your fax machine stuck in 1995. Why should you change your procedures just because Congress or the Legislature or some court somewhere has changed the rules on you? It's much better to stay in the dark about these things – especially since doing things the way you always have means you'll always be behind the times.

Reason Number 6: *Conferences are a waste of money.* Is it a waste to attend training sessions conducted by your peers and recognized experts on topics designed to make your municipality more efficient and effective? Or talk to vendors about services or products that can save money and improve life in your town? With a conference fee for the three days that is the lowest in the nation, the League Conference is a terrific investment.

Reason Number 5: *The Conference is just an excuse to have fun.* You've got me on that one. Some attendees have actually acknowledged enjoying our training sessions. Just how sneaky is that? You might even discover other individuals who find serving the public fun because it's rewarding and enjoyable. You wouldn't want that attitude to rub off on you.

Reason Number 4: *The Expo Hall is too confusing.* The Exhibit Hall at the Conference is huge. There's just no way around that. You could spend hours learning about helpful products and services. Using the advance materials from the magazine or the conference program will help you make the most of your time. Work out a plan with others from your town so that you don't miss anything.

Reason Number 3: *Going to the Conference will make me look bad.* Let your citizen's know what you've gained from the experience. Consider writing a report or press release to share with other Council members and the media. The League provides forms at the conference that make it easy to make local newspapers aware of your involvement. We'll even send the press release out for you!

Reason Number 2: *Sessions at the Convention are designed only to help small municipalities/Sessions at the Convention are designed only to help large municipalities.* Yes. Exactly. Now we're seeing things the same way.

Reason Number 1: *I'll miss my hometown too much.* Well, at least this is a legitimate concern. Encourage your fellow municipal leaders to attend the conference with you. Clear your calendar now and review the Conference Preview information provided in this issue. If you can't make it to all of the sessions that interest you, divide the list up with others from your municipality.

And remember, your fellow officials need you! If you're a new member, the League Conference is a great opportunity to learn all you can about the subjects as different as Affordable Housing and Green Energy Savings. As a veteran, you need to be on hand with other members of your governance team to stay up-to-date and contribute the insightful questions that make our sessions so valuable.

So you see there are no "good" reasons to stay home. Here's to an informative and fun League Conference – where you will have many opportunities to grow professionally and personally. 🍷

This article is based on a column by Alabama League of Municipalities Executive Director Ken Smith, March/April issue of Alabama Municipal Journal, with permission.

PhRMA congratulates William G. Dressel, Jr. on his retirement after 41 years with NJ League of Municipalities.



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Hitting the Hills in Highland Park

More citizens are embracing exercise and healthy eating thanks to several recent initiatives

By Gayle Brill Mitter, Mayor, Highland Park

There are just enough hills in the 1.8 miles of Highland Park to make it the perfect place for a good workout. And, on any given day, there are people walking, running, or biking on those hills. More and more of our residents are committed to fitness and healthy living, and Highland Park is proud to have encouraged them.

Complete Streets Due to recent changes, it's easier than ever to get moving in our town. In 2013 we completed our Streetscape program, making our downtown more pedestrian friendly. The borough's project included wider and more appealing sidewalks. PSE&G replaced our lights for increased nighttime accessibility and safety. In addition, the Department of Motor Vehicles installed bicycle sharrows (shared-lane markings) to encourage cars and bicycles to share the road. The changes have encouraged people to get out of their cars and walk or bike in our downtown and throughout the community. That has meant more shoppers in our unique shops and more customers eating in our many restaurants. We were awarded a Complete Streets certification for our efforts.

The borough is committed to maintaining and continuously improving conditions for walkers, runners and bikers. In addition to our improved sidewalks, there are plenty of trails, as Highland Park is surrounded by Middlesex County's Johnson Park and Donaldson Park. A cross-town bike path that would link these two parks is being considered by our Complete Streets task force.

As a sustainable community, Highland Park is committed to caring for our environment. As inhabitants of that environment, I believe it is equally important to take care of ourselves. A healthy lifestyle goes hand in hand with a healthy environment.

Exercise Exercise programs in Highland Park have not only increased, but they have become a social event for many. While the early-morning runners tend to jog solo, evening runs have become a group affair. It is common to see a large group jogging together after the sun sets. Their headlights and neon clothing, as well as their commitment to fitness, make these groups stand out.

The numerous fitness centers in town also provide a sense of community and a social outlet while encouraging healthy living. Group classes such as Zumba, Pilates, Karate, Anti-Gravity Yoga, Kickboxing and more are popular with adults and children.

"Run in the Park 5k" Many of these centers help train and prepare residents for our Main Street organization's annual Highland Park "Run in the Park," a 5k walk and run around town on the morning of our annual Street Fair. Hundreds of residents,

Our combination of fitness programs and healthy, unique restaurants make Highland Park the ideal hometown for health conscious people.

including a large number of teens and young children, participate each year. Residents line the route to cheer and provide water to the participants. It is another example of the wonderful community spirit that is so abundant in our town.

“Many members of our community, as well as people from surrounding areas, participate in our 5k. It’s a great way to start off the spring season with a positive, healthy attitude,” said Rebecca Hersh, Executive Director of Main Street Highland Park.

Wednesday Walks with the Mayor As Mayor and an avid exerciser, I’ve become personally involved in helping keep Highland Parkers fit. My staff and I began a series of walks, fondly called “Wednesday Walks with the Mayor.” When the weather cooperates, I join a growing group of residents on a one mile walk through Donaldson Park, or other routes throughout town. We keep up the pace while discussing everything from happenings in Highland Park to healthy and unhealthy sugars.

During the winter when snow and freezing temperatures kept us out of the park, I held “Winter Wednesday Workouts with the Mayor.” This free, early morning anti-gravity stretch class, held at Kinetics Fitness, was a great way to help residents keep fit during the cold weather.

Improving Employee Fitness The health and fitness of our Municipal Government’s employees is also important to me. We have made options for staying fit a part of their everyday routine, and employees have eagerly joined the bandwagon. In 2013 we created an Employee

Wellness Program to encourage healthy lifestyles. Fitness classes and walks are offered during lunch or after work hours. A monthly wellness newsletter, HP Health Happenings, is distributed to employees. Contests and educational health programs are offered throughout the year. Increasingly, borough employees are joining gyms. Their water-cooler talks often focus on exercise or even who’s feeling the most sore that day! We have also partnered with the RWJ Fitness program, offering gym membership discounts and special sessions or speakers for employees. And, beginning this year, we will be offering a program to all our resident municipal volunteers.

Better Eating In addition to promoting exercise, our many ethnic restaurants offer healthy foods, including fish options at Pithari Tavern and salads at Dish Café.

Ruthies and the new Indus Grill offer a large variety of vegetarian options. The Bridge Turkish Grill features grilled and healthy choices and Sushiana’s has a meat and gluten free menu. At A Better World Café the entire menu is healthy.

Highland Park’s Mayor’s Wellness Campaign produces a “Healthy Cooking” segment, filmed at local HP restaurants, which airs on our HPTV cable station. It features “celebrity” chefs and real chefs creating healthy recipes and meals.

Our community’s culture of wellness, including fitness programs and healthy, unique restaurants make Highland Park the ideal hometown for health conscious people. Promoting good health for our residents and employees, coupled with a “healthy” living environment, is among the borough’s top priorities. ♣



The numerous fitness centers in town also provide a sense of community and a social outlet while encouraging healthy living.

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Ensuring Cleaner Urban Waterways

The goal of a new permitting process is to shape future investments to end harmful overflows from combined sewers

By Daniel M. Kennedy, Assistant Commissioner, Water Resources Management, New Jersey Department of Environmental Protection

Water quality protection has been a priority for the Christie Administration and, over decades, the state has provided billions of dollars in funding for the upgrade of urban water and wastewater infrastructure.

But because most of our combined sewer systems are old and buried under streets, roads and buildings in densely populated areas, we are confronted with enormous logistical and financial challenges to eliminate these systems. As a result, these combined sewer systems discharge some 23 billion gallons of untreated sewer waste every year during severe weather events or system malfunctions.

That's why the DEP is taking steps to improve water quality in urban areas through a new permitting process. Sewerage systems operators will be required to develop long-term strategies to greatly reduce and better control overflows into our local rivers and bays.

On March 12, we issued 25 new permits to 16 municipalities and nine wastewater utilities to address their 217 combined sewer overflow (CSO) discharge points in 21 counties. The permit will be effective on July 1, 2015. We feel strongly that compliance with these new permits will have a tangible, positive impact on our water quality and quality of life.

Most CSO discharge points are in the New York-New Jersey Harbor region, although there are more than a handful in southern New Jersey, as well. Combined sewer systems share underground piping networks, most of which are more than 100 years old, which direct both sewage and stormwater to a central treatment system before discharge to a body of water. However, fol-

lowing heavy rains or a snowmelt the sewer systems are often overwhelmed and discharge an untreated mixture sewage and stormwater.

While permit holders are already required to screen the larger pieces of material from entering waterways, these discharges still often contain high levels of material we don't want to see in our water. This includes trash, human waste, pathogens, nutrients, oxygen-demanding organic compounds, oil, grease, and other pollutants that can harm people's health, our water quality and the recreational use of urban waterways. The overflows can also have an economic toll, closing shellfish beds, and causing fish kills and beach closures.

After a long process of engagement with a wide range of stakeholders and the U.S. Environmental Protection Agency (EPA) Region 2, DEP developed these new permits which require the development of Long Term Control Plans to eliminate CSOs or greatly lessen their impacts.

These strategies will identify the most cost-effective manner to address CSOs and integrate planning with other community goals. They can include gray infrastructure projects, such as holding tanks or lagoons, to store stormwater for later release. Operators can also develop green infrastructure projects, such as rain gardens and green roofs, to capture stormwater so less enters piping systems.

A multi-agency approach We are encouraging multi-agency collaboration for projects. We are also providing \$500,000 in principal forgiveness loans through the New Jersey Environmental Infrastructure Funding Program (NJEIFP) for the development of regional integrated plans.

These new permits allow for the plans to be completed within three to five years. We feel this pragmatic approach will give communities an opportunity to establish their priorities and financially-sustainable long-term capital investment strategies for each service area. It will also help integrate planning with other community improvement goals, such as green space development.

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Ensuring Cleaner Urban Waterways

We're very excited to have taken these first steps. In January, in partnership with the U.S. EPA Region 2 and New Jersey Future, we sponsored a workshop for permit holders, municipal officials and community organization at the Rutgers-Newark campus. We were encouraged by the high level of interest and the great feedback we received on how to reduce the impacts of CSO discharges. We have continued to engage permittees through the development of the permits and we will continue to provide training, assistance and support going forward.

Planning From here, the CSO permittees will take a deep, technical dive into developing plans that will have the best long-term return on investment for their communities. They can include flood management plans and neighborhood beautification. Municipalities will be empowered to work with their neighbors

beautification of city streets.

Real-time information The new permit also requires municipalities and system operators to implement enhanced public notification strategies, should an overflow occur, to protect public health. They'll need to provide real-time information about potential discharges into rivers and other waterways for everyone's safety.

The ultimate goal of the permit is to

have Long Term Control Plans in place that will shape future strategic investments and end harmful overflows into our waters. We know there will not be quick fixes. But the plans we are requiring will result in efficient and intuitive steps to address a long-standing issue and fulfill the Administration's goal of protecting the quality of our waters for the good of our residents. 🇯🇵

The DEP is taking steps to improve water quality in urban areas through a new permitting process.

and regional wastewater utilities to craft solutions that fit within the unique context of each community or service area.

We are pleased with the feedback we have received in our efforts to improve water quality. Ocean County Freeholder Director Gerry P. Little wrote in an op-ed in the Asbury Park Press that DEP should be "commended for taking this very significant step."

The benefits of a New Jersey with fewer combined sewer systems go well beyond improved water quality. It will also translate into a reduction of sewer service interruptions, unpleasant odors and sewer backups. By integrating stormwater management with green infrastructure investment, impacts from localized flooding will be reduced. There can be greater recreational use of urban water bodies and

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A Legal Overview of Mobile Recording Systems

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

Winston Churchill said, “to improve is to change; to be perfect is to change often.” Over the last year many Americans have realized that there is a need to improve transparency and trust between local police departments and the citizens they keep safe. One key change has been the adoption of Mobile Recording Systems (MRS), such as dash cams and body cams, by local police departments.

As with any technological change in government, there are a host of questions which need answering. I’ve endeavored below to discuss a few of these issues. To be clear, this is an area that is in flux. While administrative regulations would be helpful to provide clarity and uniformity for these issues across the state, currently none exist. This means that municipalities are left to make decisions on their own, in consultation with their municipal attorneys.

Stopping and starting recordings One of the most important issues regarding the use of MRSs is the control over recordings, more specifically, when recording must start and stop. At present, there is no New Jersey law or regulation clarifying this point. Continuous recording raises thorny privacy issues for the public. Crime victims, as well as witnesses, may have very good reasons for not wanting police to record their interactions. Additionally, continuous recording could impinge on the privacy of police officers. There has been some discussion about MRSs which are activated by rapid movements or loud noises. But it is not clear how costly or effective such technology will be. Then there’s the option for local protocols which municipalities could implement to regulate control over the recordings.

On April 15, before the Assembly Budget Committee, Acting Attorney General John Hoffman commented that municipalities could implement protocols to determine when a police officer must start and stop recording while using an MRS. Such

protocols could explicitly require that the MRS be turned on during all traffic stops, police pursuits or contact with civilians. The protocols would also cover when the MRS must be turned off. It may be that such protocols could be adopted by the “appropriate authority” which oversees a police department or by a local governing body through an ordinance. *See N.J.S.A. 40A:14-118*. A key issue here would be whether or not such protocols are mandatorily “negotiable” under the New Jersey Employer Employee Relations Act. *N.J.S.A. 34:13A-1 et seq.* No doubt, it would be preferable for the state to create uniform regulations on this issue.

OPRA considerations It’s also unclear how these video recordings would apply to OPRA. In an unreported trial decision Judge Doyne held that, “[because] OPRA simply requires a record be made, maintained, or kept on file by a public entity in the course of its official business ... police video recordings are government records.” *North Jersey Media Group, Inc. v. Borough of Paramus*, Docket no. BER-L-2818-11 at 20 (N.J. Law. Div. 2011); *Aff’d* 2012 WL 2865787 (N.J. App. Div. 2012). Ultimately, in *North Jersey Media Group*, Judge Doyne held that the borough could refuse to disclose a dash cam video which recorded the shooting of a police officer due to the privacy concerns of that officer.

Let’s take a look at Judge Doyne’s reasoning in that decision. Video recordings, like all other records, can be exempted from disclosure if there are legitimate privacy concerns at play. *See Burnett v. County of Bergen*, 198 N.J. 408 (2009). It should be noted though, because in most cases these MRS recordings may have been created *before* a criminal investigation has taken place, they would not be exempt as “records of investigations in progress” pursuant to N.J.S.A. 47:1A-3. *Serrano v. South Brunswick Twp.* 358 N.J. Super. 352, 367 (N.J. App. Div. 2003). But, as Judge Doyne held, an MRS recording may also be exempt from disclosure under Governor Whitman’s Executive Order (EO) 69, which exempts “*photographs* and similar criminal investigation records, maintained or kept by any ... local government agency...which will jeopardize any investiga-

tion in progress or would otherwise be *inappropriate to release.*”

Judge Doyne reasoned that “a video may be described as a compilation of many photographs” and that, therefore, “access to the police video recordings may be precluded pursuant to EO No. 69 [if] disclosure of the information would be otherwise inappropriate based on [a police officer’s] reasonable expectation of privacy.” *Ibid* at 39. Using *Burnett* as a guide, Judge Doyne then determined that the police officer, who had been shot, did have a reasonable expectation of privacy and therefore the video should be exempt from disclosure.

Retention as government records In addition MRS recordings, because they are government records, can only be destroyed after the municipality has received permission from the State Records Council (SRC). *N.J.S.A. 47:3-1 et seq.* The wait time for receiving permission to destroy records varies; online applications typically take a few hours or a few days and paper applications usually take one to two weeks.

The records series for MRS recordings is located in the “Municipal Police Departments” Retention Schedule M900000-006. It is likely that MRS recordings would fall under record series 0102-0000 “Mobile Video/Audio Recording Equipment Tapes.” Routine

tapes, which do not show any criminal act, would fall under series 0102-0003 and may be destroyed (with SRC permission), after 31 days. Tapes that record homicides would fall under record series 0102-0001 and be may be destroyed (with SRC permission) seven years after the close of the case. Tapes which record “non-homicide” criminal acts, would fall under record series 0102-0002 and be may be destroyed (with SRC permission) five years after the close of the case.

Records requests Lastly, we come to the redaction issue. Some MRS recordings may need to be redacted for privacy reasons. It may be useful to discuss Seattle’s experience. In 2013 the Seattle Police Department began using MRSs. Thereafter an activist sent an anonymous public records request asking the city for *all* MRS recordings. The city responded that it did not have the time, money or resources to meet the request because the footage would have had to have been viewed and occasionally blurred or muted to protect the privacy interests of some people caught on tape.

The activist withdrew his request after the Police Department agreed to hire him as a consultant to speed up the redaction process and to create an online archive. As a result, all of Seattle’s MRS recordings are posted on

youtube after their audio has been removed and the video itself has been blurred. Therefore, all Seattle MRS recordings are “public.” And individuals can ask the city for unredacted videos for specific recordings which, hopefully, lowers the amount of work needed to fulfill the requests.

MRS recordings cannot be disclosed without review, but bulk requests make review practically impossible. The lesson from Seattle’s experience is clear. Bulk requests are really problematic and, until there is a legislative fix, we need to find practical ways of dealing with them.

My understanding is that there is software that can be used to redact MRS recordings. One minute of video can take a skilled technician about one minute to redact. New Jersey School districts often use it to redact closed circuit recordings. Ultimately though, the issues presented by bulk MRS requests may require a legislative fix.

In closing, I want to make clear that MRSs can be very useful tools for police departments; however, there are many legal issues to consider. So, it is very important that local elected officials, like you, have a discussion about MRS technologies with your municipal attorney. ♣

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Kids Love Collecting ‘Cop Cards’

A new generation in Bloomfield is getting to know police officers

By Ian Brundage, Officer, Bloomfield Police Department



Bloomfield Elementary School students collect as many Cop Cards as they can and compete to win prizes.

For the first time in over 15 years kids in Bloomfield New Jersey are out collecting “Cop Cards” throughout town. The Bloomfield Police Department is running the Law Enforcement Trading Card program from April through the end of May. The “Cop Card” Program is a community relations project that encourages interactions between police officers and elementary school students and that presents the officers as role models.

How the program works Bloomfield Elementary School students collect as many Cop Cards as they can and compete to win prizes. There are prizes for the most cards collected in each class-

room and grand prizes for the most collected in each school. Similar to baseball cards, Cop Cards feature a picture of a police officer on front and the officer’s “stats” and safety messages on the back.

The cards are given out by our officers and are available at local businesses that sponsored the officers. Sponsoring businesses post promotional materials to let everyone know that they are participat-

We even have some current police officers and business sponsors who collected the cards when they were younger!

ing. Our sponsors range from businesses that promote a single Police Officer to the Brookdale Shoprite, which sponsored 30 officers! The students have been out collecting the cards and are all eager to win such prizes as backpacks, bikes and Cop Card Pictures of the winners by a Police Car. There are 118 Cop Cards in the set and each card has 1,200 copies. Over 140,000 cards are available to be collected by over 3,000 elementary school students!

A popular program The feedback from the community for the Cop Cards has been overwhelmingly positive. From personal interactions to online social networks, people really enjoy the ideas behind the program as well as the cards themselves. Citizens may remember the last time the Bloomfield Police had the Cop Cards back in 1996 and 1999. The Officers working on the current program are hopeful to have the same success and make the current Cop Card program just as memorable for the current generation of kids. We even have some current police officers and business sponsors who collected the cards when they were younger!

According to Bloomfield Police Director Samuel DeMaio the “program is an excellent way for the children of our community to get to know our officers

and hopefully aspire to be police officers themselves as they progress through their education. The children participating in the program are the future of our township and hopefully the future of our police department.”

Mayor Michael Venezia said, “As

Mayor I am getting a lot of great feedback from the community. It’s a great feeling watching the kids walk up to a cop and ask them for a card.” Bloomfield Police have already begun planning for the next time they run the program in 2020! 🚔

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Are Agency Shop Provisions in Danger?

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

Agency shop provisions, which require that an employee whose position is represented by a union be given the ability to opt-out of paying certain dues is being challenged to the Supreme Court by a group of California teachers. *Friedrichs et al. v. California Teachers Association et al.*, 8:13-CV-00676-JLS-CW, has moved through the California courts all the way up to the Supreme Court of the United States where it is currently pending.

A group of ten public school teachers in California have brought this lawsuit against the California Teachers Association and other unions. They seek to invalidate the California public sector agency shop arrangements on the basis that the state statutes and collective bargaining agreements requiring non-member employees to pay fees to the unions violate their First Amendment rights of free speech and association.

California law, along with many other states including New Jersey, provides that if a majority of employees in a bargaining unit choose to be represented by a union for purposes of collective bargaining, the employer will not determine those matters unilaterally, but will recognize the union as the exclusive bargaining representative for all employees in the unit, whether union members or not. Cal. Gov't Code §3543-§3543.5(c). California law also provides both that 1) an employee is free to not become a member of the union in the event the union becomes the exclusive representative and that 2) the employee organization recognized or certified as the exclusive representative must fairly represent each and every employee in the appropriate unit. Cal. Gov't Code §3546(a) and §3544.9.

Pursuant to this statutory scheme, the Defendants/Unions in this case are the exclusive bargaining representatives of these ten public sector school teachers and other educational employees. The teachers do not seek to challenge the exclusive representation system already in place and if the teachers were to prevail on their claims, the Unions would remain as the exclusive bargaining agents in each school district (as long as

they maintain the support of a majority of teachers in those school districts). Rather, the teachers are challenging the agency shop arrangement only and are hoping to overturn Supreme Court precedent by invalidating agency shop arrangements in California.

California law (and about 20 other states' laws, including New Jersey's) permits public sector unions to charge employees

Unions could be severely weakened both politically and in collective bargaining if the Supreme Court invalidates the California law.

who opt out of becoming members of the union by requiring them to pay an agency fee, which is typically a reduced fee from what union member-employees pay. The teachers in *Friedrichs* are alleging that because of California's agency shop arrangement, a teacher has to pay fees to or otherwise subsidize the teachers' union even though the teacher objects to many of the unions' public policy positions and even though the fee the teacher is paying may not benefit that teacher directly. The teachers argue they are being forced to fund very specific points of view related to municipal budgets, public school education policies and particular positions taken in collective bargaining – such as salary and tenure – which can be viewed as politically charged topics. This type of fee arrangement requires teachers to speak and associate against their will in violation of the First Amendment. Finally, the teachers also contest the “agency fee” or “fair share payment” under California law, which requires teachers to affirmatively object each year to subsidizing the unions' nonchargeable expenditures, such as political activities and lobbying, and therefore pay an even further reduced fee that excludes nonchargeable costs and only covers chargeable ones, such as negotiating contracts, administering benefit programs and assisting employees with grievances.

The Supreme Court has repeatedly upheld agency fees or fair share payments, which the Court originally held as valid in *Abood v. Detroit Bd. of Ed.*, 431 U.S. 209 (1977). The *Abood* Court said the fees do not violate the First Amendment because although the public sector school teachers are full-fledged state employees, they are no different in the basic sense from private employees – both have the same skills, needs, advantages and negotiate over the same subjects of collective bargaining. If a public employee believes the union representing him has a particular course of public policy that the employee disagrees with, he is free to express his disagreement in public or in private as protected by the First Amendment.

The teachers in *Friedrichs* are now arguing that *Abood* must be overturned because all subjects of public sector collective bargaining are political by nature since public employee salaries, benefits, pensions etc. are funded by taxpayers. Therefore, the teachers are alleging that forcing them to fund any union dealings with the government is in effect forcing a particular political speech on them in violation of the First Amendment.

The Supreme Court will have to examine *Friedrichs* in the context of *Abood* and decide once again whether to uphold *Abood* and maintain the validity of California’s agency shop arrangements or for the first time in history overturn *Abood* and invalidate California’s agency shop arrangements as a violation of public employees’ rights to free speech and association under the First Amendment.

So, how will the outcome of this Supreme Court decision affect New Jersey’s public sector school teachers and unions? Well first, the Supreme Court must choose to hear the case, which the teachers are currently petitioning for and we should have an answer from the Supreme Court some time in 2015 as to whether they will hear the case. Then we

may not have a substantive decision from the Court until 2016. In the meantime, it is important to discuss the potential effects of the decision on New Jersey’s public sector labor management relations.

In New Jersey, agency shop laws are valid in the public sector. N.J.S.A. 34:13A-5.5 provides for representation fees that must not exceed 85 percent of regular membership fees and which must be computed annually by the union based on the union’s actual expenditures in the previous year for bargaining services. The fee may also include expenditures for lobbying activities, but not for expenditures which provide benefits to only union members or for costs spent on ideological or political purposes unrelated to negotiations or contract administration. If an employee does not become a member of the union during any membership year covered by a collective bargaining agreement, the employee will be required to pay a “representation fee” as it is often called to the union for that membership year. The fee for nonmember employees is typically automatically deducted from payroll

in the same way fees for members are.

The representation fees in New Jersey mirror the California agency fees fairly closely. If the Supreme Court invalidates the laws permitting these fees in California, then they will need to be revamped in New Jersey as well. Practically speaking, unions could be severely weakened both politically and in collective bargaining if the Supreme Court invalidates the California law. The practical effect will be financially weakened unions that will likely see a decrease in their membership. The reason for this is that employees would be provided a greater financial incentive to opt-out of the union as opposed to the slight financial difference currently set in place by New Jersey law.

In sum, the agency shop fee for public sector employees has been well-entrenched in New Jersey law. However, what the Supreme Court chooses to do in *Friedrichs* is something for all involved in labor law to keep a close watchful eye. ♣

Mr. Hannon thanks Nicole L. Leitner, Esq. for her assistance on this article.

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FEMA Helps Bring Back the Boardwalks

New Jersey's boardwalks and beaches have benefited from more than \$103 million in federal dollars

By Eileen Moon, Assistant External Affairs Officer for Planning and Products, FEMA's New Jersey Sandy Recovery Office



Hurricane Sandy struck a terrible blow to the Jersey Shore in 2012. Up and down the state's 127 miles of coastline, boardwalks were driven off their foundations and transformed into piles of rubble. Planks and pavilions were washed out to sea. Bluffs and dunes were eroded. Stairways and benches were carried away by the sea.

The cost to restore the boardwalks was in the hundred millions. But over the two and a half years since the storm, most of New Jersey's seaside towns have rebuilt their entire boardwalks. In others, work is progressing on boardwalk and dune projects intended to build in resiliency and protect them from a future storm.

This is good news for the state of New Jersey, where tourism represents a key sector of the economy. As anyone who has tried to find a hotel room or a beach house rental at the Jersey Shore can attest, in a time when it's possible to fly anywhere in the world on vacation, our state remains a popular destination.

According to a Tourism Economics report generated by Visit-NJ.org, in 2014, the tourism industry accounted for nearly 10

percent of total employment in the state, generating more than \$36.4 billion in revenues, an amount that represents 6.6 percent of the entire state economy.

Given those numbers, it's easy to see why rebuilding our boardwalks was a state priority. As a result of the Disaster Declaration issued by President Barack Obama on October 30, 2012, New Jersey became eligible for Federal Disaster Assistance.

Because of the catastrophic nature of the disaster and the enormous costs involved in rebuilding and recovery, the state was eligible under FEMA's Public Assistance program for 90 percent reimbursement for public infrastructure projects such as the rebuilding of boardwalks.

As of April, 2015, the Federal Emergency Management Agency



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FEMA Helps Bring Back the Boardwalks

has obligated more than \$103 million in federal dollars for boardwalk and beach restoration and associated projects along the New Jersey shore.

Construction in most shore towns began just months after the storm, and many of the boardwalks were complete and open for the start of the summer tourism season in 2013.

Spring Lake used a composite material that is considered to be more durable than wood to rebuild its boardwalk. The borough significantly reduced the cost by using local labor and their own workforce (known as Force Account Labor) to do the work. The federal share of the rebuilding project was \$4,939,647.30, which significantly reduced the impact on Spring Lake taxpayers.

Sea Girt used recycled boards for a portion of its boardwalk repairs. Federal funds obligated for that project totaled \$1,616,817.60.

Atlantic City repaired the damaged northern section of its boardwalk with “ipe” (pronounced ee-pay) wood, a Brazilian hardwood said to be as strong as steel. Atlantic City is also upgrading access ramps and adding more lighting along its boardwalk. The federal share obligated for repairs to the boardwalk and outbuildings in Atlantic City totaled more than \$2.1 million. Another \$8.7 million in federally obligated funds is pending.

In March 2015, Long Branch received \$21.7 million from FEMA for the repair of a one-mile section of boardwalk and bluffs. The bluffs will serve as the support system for the boardwalk. The damaged boardwalk and infrastructure will be rebuilt with a new concrete foundation, 95,740 cubic yards of additional material, and 11,489 square yards of dune grass. The project is slated for completion in mid-2016.

Belmar reopened its historic, 1875 boardwalk in May 2013 after an \$8 million reconstruction. The town is also investing in a \$6 million dune building project that is intended to protect the boardwalk from future hurricanes.

In addition to their importance to the economy, boardwalks hold a magical place in the hearts of New Jerseyans



Repairs are made to the boardwalk in Seaside Heights.

young and old, famous and not so famous.

As Pulitzer Prize winning New Jersey author Junot Diaz put it, “The boardwalk was where all of New Jersey came together, where New Jersey, for better or worse, met itself.”

Now that summer is here again, it’s time for all of us to enjoy one of the special

pleasures of living in New Jersey and take a stroll on the boardwalk—a piece of the New Jersey landscape that belongs to all of us. 🦋

Eileen Moon is an Assistant External Affairs Officer for Planning and Products at FEMA’s New Jersey Sandy Recovery Office.

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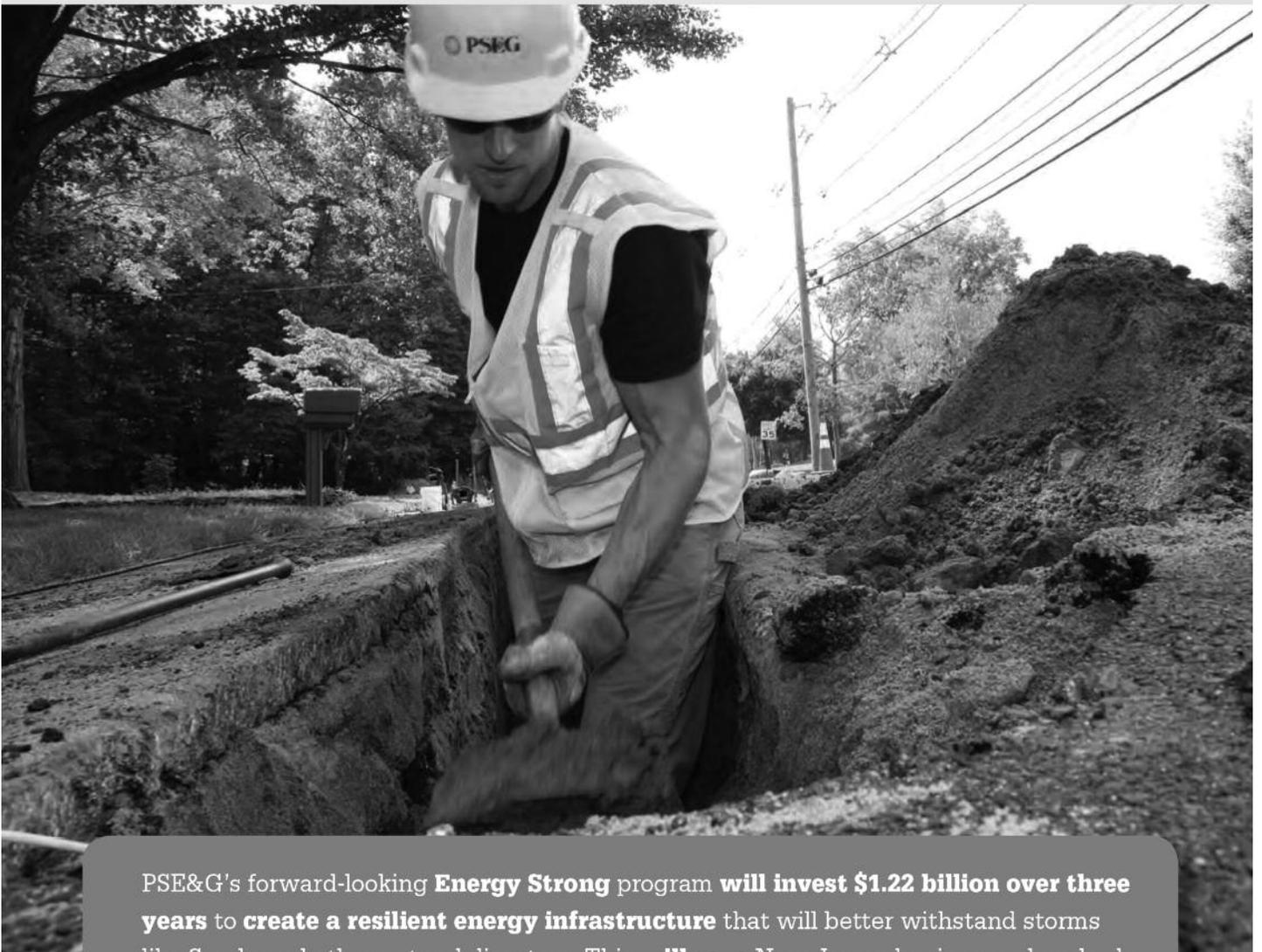
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Why We All Have a Stake in Atlantic City

Local leaders throughout the state would be wise to urge policy makers to avoid a bankruptcy

By Edward J. McManimon, III, NJLM Bond Counsel; Of Counsel, McManimon Scotland & Baumann and Marc Pfeiffer, Assistant Director, Bloustein Local Government Research Center, Rutgers University

Early this year, Moody's downgraded the credit rating of Atlantic City to a junk level rating of Caa1, a rating that was previously unheard of in New Jersey. This was a reaction to the appointment by the state of an "Emergency Manager" and "Special Counsel" for the city, who have both had extensive experience in bankruptcy to help to solve the financial problems facing the city. Concern that this may indicate a move towards the first municipal bankruptcy in New Jersey didn't sit well with the financial and credit markets.

A couple months later, Moody's put Newark, Paterson, Asbury Park, Trenton, Kearny, Union City and Weehawken under credit review and possible credit downgrade. Moody's action was not a surprise; these municipalities participate in the state's Qualified Bond program and participant debt ratings historically follow the state's rating (which was recently downgraded). In explanation, Moody's cited an overreliance on State Aid and New Jersey's current financial trouble and credit downgrade over its pension payment obligations. For the first time, however, Moody's also cited concern over the state's commitment to provide support to local governments.

So what does this mean to other New Jersey local governments who are less reliant on state aid? Should a possible bankruptcy by Atlantic City be a concern throughout the state? The simple answer is "yes." Now even highly rated New Jersey school districts are being questioned by the bond market because the state's commitment to providing annual debt service aid is in doubt. Moody's has also placed the New Jersey School Bond Reserve Guarantee Program (Chapter 72) on review for possible credit downgrade. There is an obvious crack in the state's financial armor. Where it will lead is a huge unknown.

How will the credit market view New Jersey municipalities that experience an unanticipated financial crisis if the state is no longer viewed as a reliable backstop to local governments? The long standing regulatory controls and oversight by the state over the finances of local governments can continue to provide value in the credit markets; but ultimately the value of the state's commitment will be judged more by what it does when it is needed most. If an actual bankruptcy occurs in Atlantic City, it will undermine the value of decades of state regulatory oversight and financial commitment; a system that has helped make credit values for our local governments some of the strongest in the nation for over 50 years.

Local leaders throughout the state would be wise to urge state policy makers to solve Atlantic City's financial distress with measures other than bankruptcy. The city's efforts to diversifying beyond casinos and to reduce the government workforce to match city revenue are strong indications that the financial path to a renewed city is through action, not bankruptcy.

One thing is certain, despite the superficial views to the contrary, the most expensive and devastating way to resolve a financial crisis is through bankruptcy. ❧



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FHLBNY & CAPITAL BANK OF NEW JERSEY PARTNER TO CREATE AFFORDABLE HOUSING IN VINELAND



Capital Bank of New Jersey breaks ground on construction of Melrose Court, an affordable housing complex in Vineland, NJ.

For 25 years, the Federal Home Loan Bank of New York has been proud to partner with our member-lenders, non-profit community organizations and local leaders to help create more than 59,986 affordable homes by supporting 1,378 projects with Affordable Housing Program (AHP) grants totaling more than \$467 million.

Our partnership with members like Capital Bank of New Jersey, and relationship with local trade organizations such as New Jersey Bankers Association and New Jersey League of Municipalities, is why the AHP has been so successful — it helps bring the pieces together to build stronger communities across New Jersey. In 2015, AHP funding was also awarded to six other members to increase affordable housing opportunities in New Jersey: Amboy Bank, Citibank, N.A., Harvest Community Bank, M&T Bank, New York Community Bank and RSI Bank.

Note: Data provided is representative from the inception of the AHP program in 1990 through year-end 2014.

Creative Financing for Affordable Housing

Local lenders are helping municipalities participate in affordable housing projects

By David Hanrahan, President/CEO,
Capital Bank of New Jersey



Members of the Board of Directors and Management of Capital Bank of New Jersey join the Board of the Vineland Housing Authority to break ground on the Melrose Court project.

New Jersey's banks help provide urban communities with funding for units of affordable housing, retail and commercial space. In Vineland, construction costs for Melrose Court - an affordable housing complex which will consist of 17 single-family units - were financed using Low Income Housing Tax Credits (LIHTC). The hallmark of community banks such as ours is that they understand the needs of the communities they serve and can customize solutions that work for both the municipality and the bank.

Finding solutions To take advantage of all your options, discuss all aspects of any project with your bank's management team. Often the local bank becomes as much a part of your team as your architect, developer and community-based organizations.

"Banks are eager to lend," said John E. McWeeney Jr. president/CEO of the New Jersey Bankers Association. "We hear this from our members who look to improve their communities and service their customers. Based upon FDIC data, New Jersey's 98 headquartered institutions finished 2014 with net loans and leases growing from \$97.8 billion to

awardees receive this funding through a competitive process. Each competing project must be sponsored by a financial organization that is a member of the Federal Home Loan Bank in partnership with a community-based sponsoring organization.

The Vineland Housing Development

Corporation was awarded a \$263,500 AHP grant for Melrose Court. Capital Bank of New Jersey sponsored the application.

The Vineland Housing Authority promotes affordable housing, economic opportunity and a suitable living environment free from discrimination in the

New Jersey's bankers will become a part of your team and help find ways to extend affordable credit to municipal projects.

\$103.9 billion, a year over year increase of \$6.1 billion or 6.3%. This activity will help fuel New Jersey's economy by providing the funds needed to support important projects like Melrose Court.

Grants The Melrose Court project will also benefit from an Affordable Housing Program grant from the Federal Home Loan Bank of New York and Capital Bank of New Jersey. The Federal Home Loan Bank System's Affordable Housing Program (AHP) provides Federal Home Loan Bank members with direct subsidies, which are passed on to qualified households through a sponsoring local non-profit organization. AHP financing is combined with other funding sources to create housing for moderate-, low- and very-low-income families. Program

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Creative Financing for Affordable Housing

city. The authority serves the housing and social needs of lower income, elderly, disabled and families within its jurisdiction.

"I am excited that Capital Bank took an opportunity to invest in this project," said Vineland City Council President Anthony Fanucci. "This site is an excellent choice for construction and will provide many opportunities for our citizens to finally call someplace "home." This shows good business sense, long term planning and pride in our community. Capital Bank is a true community partner and I look forward to their continued success for many years to come."

The Affordable Housing Program (AHP) Created by Congress in 1989, the AHP and the Federal Home Loan Bank of New York, which covers New Jersey,

New York, Puerto Rico and the U.S. Virgin Islands, awarded its first grants in 1990. In total, the Federal Home Loan Bank of New York and its members have supported 1,376 projects with more than \$450 million in grants, helping to create or preserve nearly 60,000 units of affordable housing and generating an estimated \$8.4 billion in total development costs. Now, 25 years after the first grants were made, the Melrose Court project illustrates the reason for the program's success.

"The strength of the Affordable Housing Program is in our members' commitment to and familiarity with the communities they serve," said José R. González, president and CEO of the Federal Home Loan Bank of New York. "Our members know the housing needs

of their communities, and work closely with the housing organizations that are focused on meeting those needs. This personal connection is visible in the Melrose Court project, and with Capital Bank of New York's presence in Vineland, and is visible in the nearly 1,400 affordable housing initiatives our members have supported through the AHP over the past 25 years."

Bankers spend countless hours supporting the communities they serve. Whether in a classroom teaching financial concepts, building a new house for Sandy victims or providing the financial wisdom and loans to promote community growth, New Jersey's bankers will become a part of your team and help find ways to extend affordable credit to municipal projects. ❧

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By SUSAN ROSELLI BONNELL
March 20, 2015

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The Court Approves 20 Acre Zoning

Why the New Jersey Supreme Court's ruling in *Gripenburg v Ocean Township* is important, and why it isn't

By Gregory P. McGuckin, Esq., Dasti, Murphy,
McGuckin, Ulaky, Koutsouris and Connors

Many local officials have heard that the New Jersey Supreme Court recently upheld a municipal ordinance which permits 20 acre zoning. In *Gripenburg v. Ocean Township*, 220 N.J. 239 (2015), the Court found that the municipality had properly exercised its zoning power to downzone a large tract of previously undisturbed land for a new “Environmental Conservation” zoning district.

Much has been written since the court issued its opinion. Environmental groups have praised the decision while builders, developers and others, have decried the ruling as a blow to personal property rights. Editorials have complained that towns will use the decision to stop development and block affordable housing. This “sky is falling” reaction is perhaps most noticeable with respect to the Court’s cautionary instruction at the end of its opinion, which reminded municipalities, developers and the trial courts that the long standing “doctrine of exhaustion of administrative remedies” remains the law of this state.

It’s hoped that Gripenburg will assist municipal attorneys defending “as applied” challenges to a local zoning ordinance.

Why the reaction and what exactly did the Supreme Court do that is so troubling? As the Municipal Solicitor for Ocean Township over the last 17 years, and having handled this case from the introduction of the Ordinance through the Supreme Court hearing, it is clear to me that the Court did not establish new law. It did not change the standard of review on a challenge to a local zoning ordinance, nor did it find that a town can preserve open space simply by adopting large lot zoning. What the Court did do is apply longstanding, well settled case law to a zoning ordinance which was years in the making, carefully crafted and fully supported by sound

planning principles of smart growth.

Ocean Township, also referred to as Waretown, is a rural community in the center of Ocean County. It has approximately 8,400 residents and covers over 20 square miles. Half the town fronts on Barnegat Bay and is subject to CAFRA

while the western half is part of the Pinelands National Reserve.

Bounded by Barnegat Township to the south and Lacey Township to the north, Waretown had not seen the development pressures that other Ocean County municipalities had experienced during

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The Court Approves 20 Acre Zoning

the boom years of the 1975-1995. The simple reason was because there was no parkway access to or from the north until the late 1990s.

When a new Parkway interchange was planned, local officials made a conscious decision to prevent suburban sprawl, using the Plan Endorsement and Town

Ocean Township did not have to prove that endangered species resided on the property, but rather that it was part of a habitat, along with others where such wildlife would be expected to live.

Center process. The township sought an expanded town center, surrounded by gradually less intense development.

Waretown did not want a string of strip malls, service stations and fast food restaurants on the main roadway into town.

In its negotiations with the State Planning Commission and the DEP, the township sought to expand its Town Center from what had been just a few acres, to hundreds of acres fronting on a state highway. This was important since otherwise the vast majority of the townships prime commercial zoning district was limited to 3 percent impervious coverage. The new designation gave the entire new Town Center area 70 percent coverage.

In turn, and simultaneously with a state planning map change of these areas to a PA-5 designation, the township agreed to downzone the areas outside of the new center boundary. This rezoning was designed to protect a large “green-belt” of undisturbed woodlands which surrounded the Town Center. It was rezoned at one unit per 20 acres as part of an Environmental Conservation zone.

The basis for the PA-5 designation was that the area contained the last undisturbed forested uplands east of the Garden State Parkway, “potential habitat” for threatened and endangered species and would protect the headland creeks flowing into Barnegat Bay. Use of the plan endorsement and Town Center designation process enabled the township to direct and control where growth would occur and where it would be less intense. This limited the township’s cost of infrastructure improvements, such as public water and sewers, to the Town Center area.

Of course, as with any township-wide, comprehensive zoning plan, some property owners benefit from rezoning while others do not. The Gripenburgs live on approximately 27 acres of land adjoining the Parkway. Their property had previously been zoned at one unit per two acres and had even been zoned commercial at one time. They filed suit to challenge the ordinance, claiming that their property had no environmental constraints and consequently the ordinance was invalid “as it applied to their property.” An “as applied” challenge is one where a property owner claims that the purpose of the ordinance is not served “as applied” to their property.

Both the Trial Court, and ultimately the Supreme Court, found that the Ordinance met the four part test of *Riggs v Long Beach Township*, 109 N.J.601 (1988) and was consistent with the goals of the Municipal Land Use Law. Since the purpose of the ordinance was to promote smart growth, through concentrated development, it was not improper for the town to include the Gripenburg property in the EC zone. Ocean Township did not have to prove that endangered species resided on the property, but rather that it was part of a habitat, along with other undisturbed wood-

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lands where such wildlife would be expected to live.

Gripenburg v Ocean Township is important, since it recognizes that 20 acre zoning, or zoning for an environmental protection purpose, is appropriate when done as part of a comprehensive zoning plan, to promote smart growth through concentrated development. If you have a valid reason to promote greater density in one area, it is not improper to limit development elsewhere. It does not mean a town can simply downzone to preserve open space.

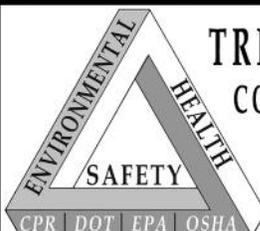
Gripenburg is also important because since at least the 1940s, the law in New Jersey has been that when an “as applied” challenge is made to a zoning ordinance, that is, the purpose of the ordinance, “as applied to my property is not met,” the property owner needs to apply for variance relief before resorting to the court for judicial relief. This is the “exhaustion of administrative remedies” doctrine.

Prior to the *Gripenburg* decision, the last time the New Jersey Supreme Court had weighed in on the exhaustion of remedies was 14 years earlier in *Pheasant Bridge Corp v Town of Warren*, 169 N.J. 282 (2001). Unfortunately, in that

case the court found that the property owner did not need to exhaust his remedies before challenging the ordinance. As a result, over the last 15 years, municipal attorneys defending “as applied” challenges to municipal zoning ordinances have had a difficult time convincing trial courts that the plaintiffs must first exhaust their administrative remedies and seek variance relief before they can sue in Superior Court.

In *Gripenburg*, the court not only

emphasized the importance of the exhaustion doctrine, but it went out of its way to point out that *Pheasant Bridge*, was never supposed to be read as an exception to the “exhaustion” requirement. The court went so far as to note that the “exhaustion of remedies” was not even an “overt issue” in *Pheasant Bridge*. It’s hoped that *Gripenburg* will assist municipal attorneys defending “as applied” challenges to a local zoning ordinance. 📌



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Rebuilding Asbury Park's Economy

It began with a small investment from
a program called UEZ

By Ed Johnson, former Mayor, Asbury Park;
President, Ed JohnsonAP

As a Jersey Shore Mayor of an urban city, I knew very well the importance of rebuilding the economy of Asbury Park. Common sense dictated the role that our beachfront would play as the economic engine to help fuel our successful citywide redevelopment effort. However, it was a vision for revitalizing our “Main Street” business districts which would create a foundation for economic stability, continued growth and development. Both initiatives had to be implemented on parallel tracks in order to begin the turnaround of Asbury Park, which had been plagued by decades of economic winter.

A critical resource that helped us begin the hard work of transforming Asbury Park was the Urban Enterprise Zone Program. As one of the 37 UEZ communities, we were able to access locally raised funding and state technical resources which allowed us to invest in our “Mom-n-Pop” business community. We undertook a series of improvement projects from Springwood Avenue to Ocean Avenue. These included façade and streetscape improvements, employment grants, microloans, safety services and marketing. All of the projects helped to bolster our existing businesses and create a positive environment to attract new businesses.

The best part of this effort was that the funding for the program came from sales tax revenue raised directly from Asbury Park businesses. These local dollars were re-invested in the community in which they were raised, helping to create stronger business districts, workforce training opportunities and local jobs.

It began with a beach sweeper One of our simple, yet most successful initiatives was investing in a beach sweeper. As a shore town we faced the challenge of an unattractive rock and debris strewn beach. This mess lay right in the place that should have been our economic engine. On average, fewer

than 100 people visited our beach on a July day. Our investment paid off in a boost that few could have imagined. We grew to see thousands of people come to the Asbury Park beach. Our beach was ranked first in Monmouth County and fourth in the state. Even more importantly, our seasonal beach badge revenue grew from \$35,000 to \$1.3 million.

Yet the economic impact didn't stop at the waterfront. The visitors we attracted to the beach began to discover our Central & Main Street Business Districts and to spend money in our shops. That in turn created a booming business district which now includes every kind of shop and eatery imaginable. Three new

What was once a rocky beach and a barren business community, once again became a rockin' destination on the East Coast.

ones opened to huge crowds in the middle of February!

Property value surges Beach visitors wandered through our neighborhoods turning Asbury Park into one of the hottest home buying markets at the Jersey Shore. That brought property and neighborhood improvements across the city, raising the property value in Asbury Park from \$400 million to \$1 billion dollars. What was once a rocky beach and a barren business community, once again became a rockin' destination on the East Coast. While the hard work we put in and the foundation we laid was indeed strategic and at times complicated, in a sense it all began, in part, with a

small investment from a program called UEZ.

Our Urban Enterprise Zone What economic program could be better? That was the question answered in 1983 when the State of New Jersey implemented the Urban Enterprise Zone Program. It was a visionary program based on keeping local dollars in the local economies of New Jersey municipalities. The leaders who created this program had the foresight to know that local investment builds stronger communities, which in turn creates the foundation for a stable and growing state economy.

At that time (and even today) acts of government were viewed with much skepticism by the public. However, the UEZ Initiative was a shining moment for our state. An idea ahead of its time, the program helped to bolster the business communities of local municipalities, create thousands of jobs statewide and circulate millions of dollars through the economy of New Jersey on every level. The UEZ program allows local municipalities, under state monitored guidelines, to reinvest UEZ funding in innovative ways, tailored to individual needs of each municipality. That is Asbury Park's story. There are similar stories from every one of the other UEZ communities across the state.

Does the simple math support the UEZ program? I think so. For every dollar that is raised by the UEZ program and kept in local communities, there is another dollar that the state does not have to spend to supplement or support UEZ municipalities. It will free up these dollars to continue the work of helping affected communities and regions recover from the physical and economic damage created by the Great Recession and Superstorm Sandy.

The UEZ Restart Initiative – Legislative Bill A-3952 – proposed a new part-

nership between the state and UEZ communities. It called for restoring up to 30 percent of the original UEZ funding back to local communities, while maintaining increased revenue for the state. The initiative developed a win-win scenario by recognizing the value and successes that come from investing local dollars in our local communities. It also recognized the fiscal realities of our need to deal with the state's budget woes. However, the Governor saw it differently and vetoed the bill.

It is with high hopes, that we remember the tremendous economic dividends realized by a UEZ investment in a beach sweeper in Asbury Park. Imagine what we could achieve if we re-funded the UEZ program so that other communities across New Jersey could make the same innovative investment. What a strong state economy we could build, from our local communities up. ♣

Ed Johnson is Adjunct Faculty in Political Science at Rutgers University and Brookdale Community College. He served as Chairman of the Asbury Park Urban Enterprise Zone from 1998 to 2003.



The visitors we attracted to the beach began to discover our Central & Main Street Business Districts and to spend money in our shops. That in turn created a booming business district which now includes every kind of shop and eatery imaginable.

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-3507 & S-2677



County and Municipal Stream Cleaning

Status: Passed Assembly; 2nd Reading in Senate.

Legislation, supported by the League, concerning county and municipal stream cleaning activities, awaits action in the Senate Environment and Energy committee companion bills A-3507 and S-2677 would:

- 1) amend the provisions of the current stream cleaning law that allow a county or municipality, or a designated agency thereof, to undertake certain stream cleaning projects that include sediment removal;
- 2) amend current law, which restricts municipalities from engaging in projects including sediment removal to stream beds less than five feet in width and expand this to 30 feet;
- 3) apply if the stream corridor to be cleaned, cleared, or desnagged is located wholly within the jurisdictional boundaries of that municipality, or in the case of a project undertaken by a county, the procedure would be applicable if the stream corridor to be cleaned, cleared, or desnagged is either located wholly within the jurisdictional boundaries of one municipality, or less than 500 feet in length if located within more than one municipality.

This legislation will help local governments “quickly and economically engage in stream cleaning projects that include sediment removal activities in order to help reduce or prevent future flooding events.” A-3507 and S-2677 will provide municipalities with much needed flexibility to quickly and effectively address potential flooding.—MFC

S-2788 / A-4300



Allows Local Elected Official in PERS to Retire and Remain in Office Under Certain Circumstances

Status: Assembly, Second Reading

The League supports these companion bills, entitled the “Volunteers in Public Service Pension Reform Act.” They are meant to protect the rights of citizens to be represented by a PERS retiree, if they should so choose; while protecting the taxpayers from an additional pension and benefit liabilities. They would, also, protect the pension of a retired public servant who wants to continue to serve her or his fellow citizens in elected office, without compensation.

Under current law, a person who is a public employee enrolled in PERS, as well as a municipal elected official whose service is covered by PERS, must retire from both positions in order to receive a PERS pension benefit. Persons commencing service in any elective public office prior to July 1, 2007 are enrolled in PERS and remain so enrolled while the person continues to hold that office without a break in service. Those who commence service in an elective public office on or after that date are enrolled in the Defined Contribution Retirement Program.

Regrettably, the bill would only take effect upon the enactment of legislation pending before the Legislature to allow the Police and Firemen’s Retirement System (PFRS) to pay a pension to a member who resigns and retires from PFRS-covered employment, while allowing that individual to assume elective office with the same employer and collect a salary and accrue benefits. (See our position on S-2789/A4311, below.)—JRM

S-2789 / A-4311



Allows PFRS Retiree to Receive Pension And Assume Elected Office, With Full Salary And Benefits

Status: Assembly, Second Reading

These companions provide that if a member of the Police and Firemen’s Retirement System (PFRS) resigns from PFRS-covered employment in order to assume an elective office with the same employer, the member’s retirement will be considered mandatory. The member will receive a retirement allowance while in the elective office, and may receive compensation as an elected official for that elective office, notwithstanding that the elective office is with the same employer from whose employment the member retired.

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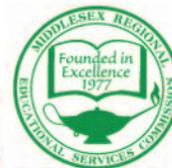
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Legislative Update

Currently, PFRS will not pay a retirement allowance to a person in this situation because the former employment was, and the elective office is, with the same entity. This is done in order to comply with common law doctrine of incompatibility of positions.

This initiative provides that it will be effective if the qualified status of PFRS under federal law can be maintained upon its application. Further, it would take effect upon the enactment of the "Volunteers in Public Service Pension Reform Act," pending before the Legislature to allow municipal elected officials in the Public Employees' Retirement System (PERS) to retire based on other PERS service and remain in office with no salary or health care benefits for that office.

Since this bill, unlike the "Volunteers in Public Service Pension Reform Act," would allow the same individual to receive both a pension and a salary and benefits, and accrue further retirement credits in another system, we see it as inequitable and an imposition on our local taxpayers. Accordingly, we cannot support it.—JRM

A-4048

Grab Bars Required in Certain Public Restrooms

Status: Assembly Health and Senior Services Committee

The League Legislative Committee has reviewed and respectfully opposes A-4048, which would require the installation of grab bars in certain public restrooms. Specifically, this legislation would amend N.J.S.A 52:32-4 et seq. to require a minimum number of toilet stalls be equipped with grab bars in any newly constructed public restroom in a public building. Further, the bill would require any public building to install a

minimum number of grab bars during renovations to existing restrooms which exceed \$5,000 in costs.

While the League appreciates the sponsors' intent, the legislation would likely constitute an unfunded mandate on local governments. Further, the provision does not align with the Uniform Construction Code and the issue is subject to the Americans with Disabilities Act (ADA.) It is our belief that this is a construction code issue and potential amendments or changes should be discussed in a regulatory forum.

To date, no Senate companion has been introduced. A-4048 is referenced to the Assembly Health and Senior Services Committee.—MFC

S-2684/A-4114

Reserved Parking for Disabled Residents

Status: Senate Transportation Committee/Assembly Human Services Committee

The League supports S-2684, and its companion bill, A-4114, which permit a municipality to establish a restricted parking zone, for a person with a disability, in front of a neighboring residence, if the placement of a parking zone in front of the disabled resident's home is prohibited by law or would interfere with the flow of traffic. The municipality is required to receive the neighboring property owner's consent prior to establishing the parking zone.

The bill requires the Chief Administrator of the New Jersey Motor Vehicle Commission to prescribe a standard consent form which may be submitted by the neighboring property owner to the governing body prior to the establishment of a restricted parking zone. The consent form is set to expire every two years from the date of approval by the chief administrator or upon the sale of the adjacent property, at which time

the restricted parking zone may be converted back to regular parking. The bill grants the adjacent property owner the option to renew the consent form and reinstate the restricted parking zone every two years.

In addition this bill amends section 1 of P.L.1977, c.309 (C.39:4-197.6) to replace the outdated term "handicapped" with the preferred phrase, "person with a disability."

We salute the sponsors for their leadership on this compassionate, common-sense initiative.—JRM

A-3495

Law Enforcement Maternity Policy

Status: Assembly Law and Public Safety Committee

This bill would require law enforcement agencies, correctional facilities, and State Parole Board to adopt maternity policies.

The League respectfully opposes this bill. We are supportive of the laudatory purposes of this legislation. But, these protections already exist under the Federal Pregnancy Discrimination Act (PDA). Therefore, this bill is duplicative.

Indeed, on March 25, 2015, in *Young v. United Parcel Service*, the United States Supreme Court held that under the Pregnancy Discrimination Act (PDA), a pregnant employee alleging that an employer failed to provide her with a reasonable accommodation due to her pregnancy could establish a prima facie claim of intentional discrimination under Title VII of the Civil Rights Act by introducing circumstantial evidence that "employer's policies impose a significant burden on pregnant workers" and that the employer's "proffered legitimate, non-discriminatory reasons" for its policy are not sufficiently strong to justify that burden.

In light of the PDA and recent ruling by the U.S. Supreme Court, we believe that this bill is duplicative. —EP

A-4213/S-2741

Regulation of Solicitation to Shovel Snow



Status: Assembly State and Local Government Committee/
Senate, Second Reading

This bill would supersede any municipal ordinance that is interpreted as permitting the municipality to regulate the solicitation of snow shoveling services within 24 hours of a predicted snowstorm. It was introduced in response to an incident in which two teenagers in

Bound Brook were warned by police that they might be violating the municipality's solicitation regulation ordinance by passing out fliers to homeowners, advertising their availability to shovel driveways the next morning, prior to a predicted snowstorm. This situation can be, as it was, dealt with locally.

Since passage of the Home Rule Act of 1917, municipalities have been authorized to act in the public's interest regarding, among other things, the regulation of unconstrained, unrequested and unanticipated business solicitations. While no level of regulation is perfect, municipalities have clearly demonstrated their effectiveness in this area for close to 100 years. Such regulations serve to assure our residents of the peace and enjoyment of their properties, free from undue interruptions of their domestic activities.

We believe it best for the state, and federal legislatures to refrain from unnecessary involvement in purely local matters.—JRM

A-4153

Establishes a Resisting Arrest Public Awareness Campaign



Status: Assembly Law and Public Safety Committee

While national studies have shown that the use of force by law enforcement in police-public encounters is rare, it does occur and in many cases is the result of a suspect resisting arrest. A research report jointly published by the National Institute of Justice and the

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Legislative Update

Bureau of Justice Statistics entitled, "Use of Force by Police: Overview of National and Local Data," found that in a study of 882 instances of the use of force, 97 percent of suspects resisted.

According to the report, the two types of resistance most commonly reported in connection with a use of force by law enforcement were active resisting of arrest and assault of the officer. The report concluded that use of force typically transpires when police are trying to make an arrest and the suspect is resisting.

All too often, reactions are based on flawed expectations. Knowing what to expect can serve to prevent the escalation of an already strained interaction. This bill requires the Attorney General to establish a public awareness campaign to educate citizens on the risk of harm related to, and the penalties associated with, resisting arrest.

Awareness of the consequences would serve the interests of public safety in this state. Specifically, the bill requires the Attorney General to: provide printed educational materials and public service announcements concerning resisting arrest; distribute the materials to municipalities for distribution to the public, through entities, including, but not limited to, police departments, libraries, community centers, and other community-based organizations; make the materials available on the website of the Department of Law and Public Safety, and the individual websites or pages of any of its divisions, including, but not limited to the website of the State Police; and urge county sheriffs, county prosecutors, and the chiefs of police of county and municipal police departments to make the materials available on their respective websites or to link to a state website containing the materials.

We commend the sponsor for his leadership on this.—JRM

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