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Official Publication of the New Jersey State League of Municipalities

November 2015

100th Annual Conference

THE FOUNDATION FOR A BRIGHT FUTURE

100th Annual New Jersey State League of Municipalities Conference
Atlantic City Convention Center • November 17-19, 2015



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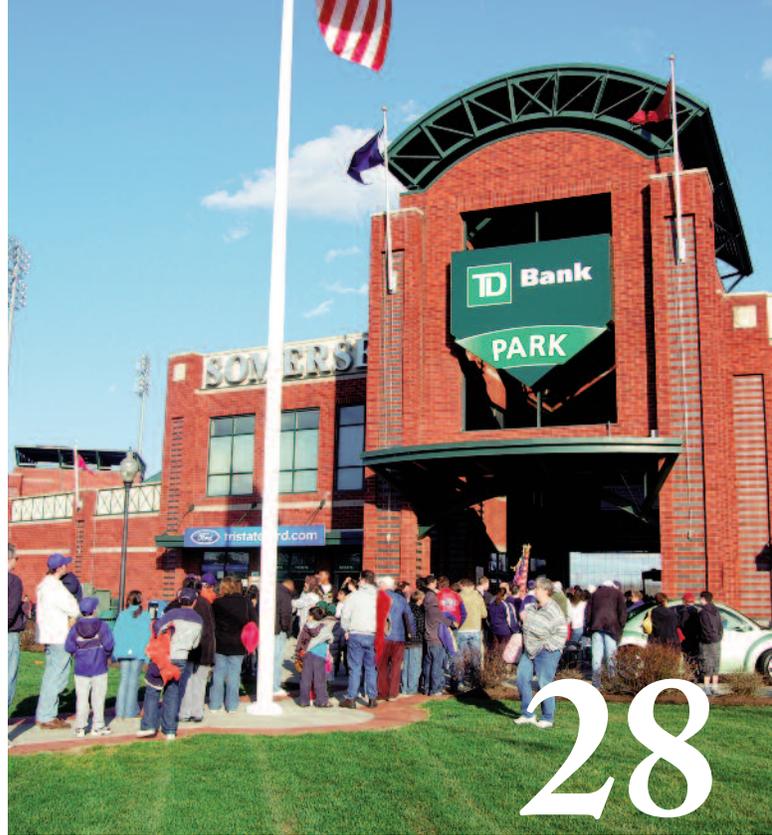
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The Foundation for a Bright Future

This month the New Jersey State League of Municipalities continues its centennial celebration with the 100th Annual League Conference. As we celebrate 100 years of service to our municipal members, and as noted in the theme of our Annual Conference, the League indeed has a strong foundation and a bright future.

What started in 1917 with 51 members now provides such valuable benefits and services that all 565 municipalities choose to be members of the League. That membership commitment is a cornerstone in the strong foundation. The League has always, and will continue to, address the needs and represent the interests of the great variety of our members. To the extent we are successful in this mission, it is due in large part to the effort of local officials joining together to build that success.

One important way local officials help build that bright future is through ongoing learning and exchanging ideas. Each year, thousands of local officials make the commitment to a bright future when they participate in the Annual Conference—as they have for 100 years. Learning the latest solutions can mean new technology, new laws and regulations, new understandings, and new perspectives.

All of these are found in great measure at the Annual Conference. Beginning after

page 48 review the summary of what the Conference offers. And be sure to follow Conference updates on Twitter at #njLeague.

Also in this issue of New Jersey Municipalities you will find articles on branding your municipality. Your League followed some of this advice as we celebrated this special year in our history.

As recommended in the articles, we assembled an anniversary committee to help guide the year's efforts and identify the brand we wanted to project. A special logo was created to emphasize the 100 year theme and has been deployed via the web, publications, signs, and, as you will see, at the Annual Conference.

Reminders of the historic importance of the League have been issued throughout the year in installments both in this magazine each month and on a special dedicated web page at NJSLOM.com. There was a celebration banquet in May, and the commemoration will be capped off with an exhibit of artifacts at the 100th Annual League Conference.

As League members strive to achieve the bright future ahead, I hope you will continue to rely on the programs and services you have come to expect from the League brand. I look forward to seeing you at the 100th Annual Conference. ❖

Michael Darcy

“As League members strive to achieve the bright future ahead, I hope you will continue to rely on the programs and services you have come to expect from the League brand.”

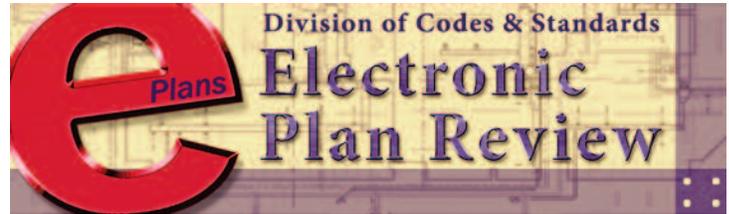
Towns Will Not Be Required to Use Paperless System

DCA Announces New Electronic Plan Review System

The New Jersey Department of Community Affairs (DCA) has launched ePlans, a secure web-based electronic system that will streamline and modernize the State's plan review process. ePlans eliminates paper-based building and code review and reduces the amount of time between plan submission and final approval. As of December 31, 2015, all plans requiring state approval must be submitted through the new system. Hard-copy submissions will no longer be accepted.

As of December 31, 2015, all plans requiring state approval must be submitted through the new system.

The Bureau of Construction Project Review within the Division of Codes and Standards reviews and approves plans from a licensed architect or engineer for all building projects. When projects apply for a construction or land use permit requiring drawing plans and other documents, the Bureau



will use ePlans to complete the initial review.

Required changes are noted on the files which are sent back to the applicant, who can re-submit corrected plans electronically, 24/7, from the convenience of any computer.

The review cycle continues until all the regulatory requirements are satisfied and the DCA grants approval for the plans. This DCA-initiative does not require municipalities to use ePlans for local plan review.

ePlans provides a number benefits and cost-saving measures for both communities and the department including:

- 24-hour access to the system from any computer.
- Elimination of the need for paper plans to be printed and delivered.
- Greater transparency and auditability.
- Reduced turnaround time to review plans.

The DCA will host a brief informational webinar on how the online application and upload process works. To review scheduled webinars and to register, visit the DCA website at attendee.gotowebinar.com/register/7863369979828670465. Questions regarding ePlans can be directed to 609-292-8134. 📞

Hackensack & Florham Park

Recipients of NAIOP's Public Partner Awards

NAIOP NJ, the commercial real estate development association, is presenting the 2015 Public Partner Awards to Mayor Mark Taylor and the Borough of Florham Park, and Mayor John P. Labrosse, Jr., City Manager David Troast, and the City of Hackensack. The awards recognize local champions of development that inspire and transform communities.

Florham Park and Hackensack have forged effective partnerships with developers to create outstanding live/work/learn/play environments that are magnets for the employers, investments, and young professionals needed to prosper and grow.

Florham Park re-zoned 268 acres for mixed-use (residential, hotel, office, and medical), and revised zoning and ordinances to adapt to changing market demands. Hackensack adopted a rehabilitation plan for its Main Street area promoting diverse land uses, as well as pilot agreements and a tax abatement ordinance. 📍



Want to learn more? Attend the 100th Annual New Jersey State League of Municipalities Conference education session:

10:45 a.m., Tuesday, November 19: Repurposing Suburban Office Spaces.

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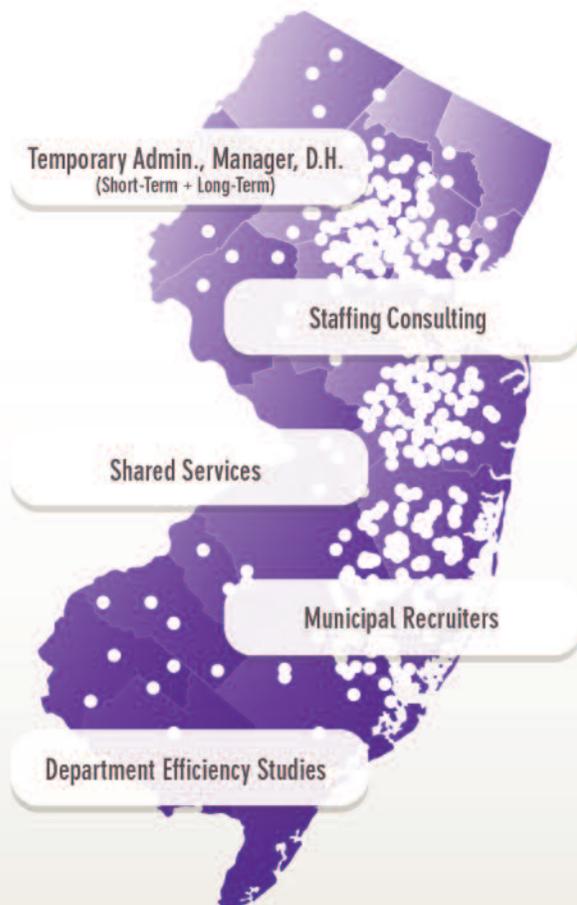
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Healthiest in State

The *County Health Rankings & Roadmaps (CHR&R)* program—a collaboration between the Robert Wood Johnson Foundation (RWJF) and the University of Wisconsin Population Health Institute (UWPHI)—educates the public about factors and outcomes affecting lifespans in their area.

When most people think about health and being healthy, the first thing that comes to mind is medical care. Of course that's part of it. But according to RWJF, in a Culture of Health, health is also connected to where we live, learn, work, and play.

The *Rankings* offer health data for nearly all counties in the nation and allow municipal leaders to take the pulse of their community's health. They include such factors as past and present graduation rates, smoking rates, obesity, and teen births. The *Rankings* are online at countyhealthrankings.org, where communities can find practical tutorials and action guides to support them in their own health campaigns.

The sixth annual *Rankings* lists Hunterdon County as the healthiest in New Jersey, while Cumberland County ranks as the least healthy. According to the 2015 data, the five healthiest counties, starting with the healthiest, are: Hunterdon, Somerset, Morris,

Bergen, and Middlesex. The five counties with the lowest health outcomes are Cumberland, Atlantic, Camden, Salem, and Essex.

Lisa Scheetz, Director of Operations/COO of the Cumberland Cape Atlantic YMCA commented on Cumberland County's steps toward better health. "The fact that Cumberland County is consistently ranked the least-healthy county in New Jersey seems daunting. But I see it as motivation. At Live

Healthy Vineland, we're collaborating with others to expand access to healthy choices like fresh food and safe outdoor recreation. We're already seeing some success by bringing fresh produce into corner stores and creating a wellness council to serve Vineland's 10,000 students."

Community coaches with a variety of backgrounds, including public health, law, social work, urban planning, and hospital community outreach are available to assist local leaders in their efforts to improve the health of their community. To request free guidance from a coach, visit countyhealthrankings.org/contact.



A Proclamation on Rare Bone Disease

When a child with Fibrodysplasia ossificans progressive (F.O.P.) is injured, his or her body doesn't heal normally. Instead, tissue turns to bone. Over time, the child develops a "second skeleton," that causes pain and restricts movement. After 15 years of research, the University of Pennsylvania discovered the gene responsible for causing F.O.P. in 2006. Phase 2 Clinical Trials are now underway for a drug for F.O.P. These are very exciting times for all those afflicted with F.O.P., not only in New Jersey and across the U.S., but worldwide.

The F.O.P. Awareness Campaign has asked all New Jersey Mayors to adopt a Proclamation and/or Resolution on behalf of continued research and awareness about F.O.P., and to date, the group has received more than 400. In addition, all 21 County Freeholder Boards have supported this initiative and have adopted a Proclamation or a Resolution.

The group hopes to display a book in Washington, D.C., that includes information about the disease as well as a Proclamation/Resolution from all New Jersey municipalities.

F.O.P. is a devastating disease that affects roughly 12 children and young adults in our state. They appreciate your support for this campaign. If you haven't adopted a Proclamation or a Resolution yet, please consider this humanitarian request.

Contact Gary Whyte at gwhyte@bonita.com or 973-712-4216 for more information.



Children and teens who suffer from rare bone disease and their supporters pose at an F.O.P. Awareness Day at Giants Stadium.

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Wharton Hosts a Successful Job Fair

By William J. Chegwiddden, Mayor, & Robin Ghebreal, Community Affairs, Wharton Borough

For the past several years Wharton Borough has held a local job fair. In doing so, we have been able to kill two birds with one stone.



First, we are helping local businesses fill available positions and, second, we are helping unemployed residents gain employment.

Our thought was why not work where you live? The residents would be happy to not have to commute as far, and



they would have a sense of pride in working in their own community. For the employers, it would cut down on lost time due to traffic delays, and they would be helping to build up the town in which they are located.

Our first job fair attracted less than a dozen companies. Each was looking to fill a few part-time spots or seeking extra help during the holidays. As time passed and we continued to hold a fair each spring and fall, both the number of companies and open positions grew.

It was a great thing to build these relationships with our local businesses. The fairs also gave elected officials the opportunity to get to know our local business people better, and it was rewarding to play a role in helping our residents. They would come to the job fair and thank us for trying to help them get ahead.

At our most recent job fair, we hosted 28 companies looking for new employees and close to 250 people came seeking employment.

We're planning to continue to hold job fairs for years to come. The event has helped knit the fabric of our town together by connecting our residents with local jobs.

It's incredible how something so simple has managed to change so many lives. That's why Wharton embraces "Tradition with Progress." ♪



(From Top Left) Denise Diorio McVeigh, Senior Account Manager, Recyclebank; Chuck Cahn, Mayor of Cherry Hill; Maureen Reusche, Superintendent, Cherry Hill Public Schools, with students and faculty of six Cherry Hill "Green"

Green Celebration for Cherry Hill Schools

Students from six Cherry Hill schools attended a victory rally in their honor this spring to celebrate their participation in the 2015 Recyclebank Green Schools Program. The schools each received the full amount of funding they requested through the program, thanks to local residents who donated their Recyclebank Rewards points that were then converted into dollars to support the project and school of their choice.

The grants, which totaled \$15,162.06—after adding a matching grant of \$500 per school from corporate partner, Domtar Paper—were presented at the event. Domtar also presented Henry C. Beck Middle School a pallet of 40 cartons of Sustainable EarthChoice Paper (about 3 months' worth) for winning the top prize in the Art/Sculpture Category in Recyclebank's national Green Schools contest. ♪



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Acknowledging Soldiers' Sacrifices

The Non-Profit Rolling Thunder Establishes a Chair of Honor



During Branchburg's July 13 Committee meeting, Rolling Thunder, a non-profit organization that benefits veterans and active military and their families, held a "Chair of Honor" ceremony, dedicated to soldiers who have given the ultimate sacrifice, been held Prisoner of War, have been listed as Missing in Action or whose remains have never been recovered.

"As a Navy vet, I was honored to have this ceremony in Branchburg," Branchburg Mayor John Sanford said.

The Chair will remain in Branchburg's Township Hall as a symbol of the sacrifice these men and women made for their country. Its presence is meant to create awareness and educate the public about American Prisoners of War, as well as protect future veterans from becoming POW/MIA. 📌

Eatontown Earns Reaccreditation



Eatontown Police Department received reaccreditation from the New Jersey State Association of Chiefs of Police. A certificate was presented to Police Chief Michael Goldfarb.

To achieve this, the department needed to meet more than 100 standards in five categories: administration, personnel, operations, investigation and handling of arrestees, detainees, and prisoners.

Eatontown follows the best practices recognized not only by New Jersey, but nationally. The department first received accreditation in 2011, and must apply for reaccreditation every three years.

Accreditation is a method of assisting agencies to improve their overall performance, and state accredited agencies may be eligible for insurance rate discounts. Accreditation acknowledges the implementation of policies and procedures to create a sound and effective department.

Through the accreditation process, departments are forced to self-evaluate their procedures and strive to improve and increase efficiency, representing a significant professional achievement. 📌

Food For Fines Program

Parsippany-Troy Hills recently held "Food for Fines," a program that allows library patrons to donate non-perishable food items in exchange for for giving their overdue late fines.

Patrons were asked to donate one non-perishable food item; however, many patrons donated bags of food rather than just one item. Donations were given to the town's local community center emergency food pantry. Prior to this event, the pantry's supply was empty. The pantry's donations are steady during the holidays when many organizations are holding donation drives, but run low other times of the year. 📌



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A media event for a new attraction in the Wildwoods—the Bobby Rydell Icon Wall Mural. The first in a series of murals to come, the event attracted hundreds of tourists, regional and local media, and Bobby Rydell himself—who was there to dedicate the new mural in person.

Successfully Marketing Your Town

A step-by-step plan for building your municipality's brand

By Susan Adelizzi-Schmidt, President, Suasion Communications Group



Branding and promotion are not just for big corporations anymore. An emerging trend shows that more towns and cities are reaping the benefits of implementing robust branding, marketing, and public relations campaigns. Whether the town's population is 5,000 or 500,000, promoting its unique assets will act as a catalyst spurring tourism, investments, new businesses, job growth, and overall economic development.

Suasion Communications Group has applied its expertise to marketing Garden State clients including the Wildwoods, Woolwich Township, Long Beach Island, Borough of Haddonfield, Partnership for Haddonfield, the Wildwoods Business Improvement District, Borough of Rumson, as well as the Borough of Keansburg and the City of Somers Point. In this month's NJ Focus, the successful branding and marketing stories of the Borough of Keansburg and the City of Somers Points are shared from the perspectives of each municipality's mayor.

Each of these towns/destinations and the organizations representing them offers a set of specific and rich assets that differentiates them. Spotlighting a beach, shopping, restaurants, water recreation, or all of the above, strong municipal brands are built on communicating distinctive experiences and assets.

Establishing your town's brand and communicating your story to visitors, potential residents, investors, and business owners through a well-designed campaign will keep your town top of mind.

Step One: Discovering Your Town's Brand There are many misconceptions about branding and logos, and what purpose they serve. Stated simply, a brand is a promise. Brands are not often selected because of their logo or tagline. When choosing to purchase a pair of sneakers or planning the next family vacation, purchasing decisions are based on perceived value or experience that connects the purchaser with that brand. These decisions are made based on how a brand makes the purchaser feel and one's perception about what experience that product or place promises to provide.

What's your town's claim to fame? Knowing what is distinctive about your town and what it has to offer marks the first step in successfully branding it. Paramount to discovering your brand is a process that carefully peels back the layers to get to the core of what your town is all about. Whether your offerings include water/land recreational opportunities, events, dining, beaches, shopping, history/educational options, tours or entertainment, this discovery procedure should uncover all of your town's jewels. Also, one should consider convenience-oriented amenities, including transit and major highway accessibility, schools, overall quality of life, parking, walk/bike-ability, and yes, even dog-friendliness.

Marketing Your Town



A smart approach to logo design is clean and simple.

The brand discovery process will generate narrative that has been properly vetted by key stakeholders and serves as the script for the messaging that will be conveyed through all appropriate marketing and public relations channels.

In honing in on what's special, innovative, and worth experiencing about your location, there may be an initial desire to have a big group of people participate in the brand discovery process. Think again. Less is more when determining the key aspects of your brand. To streamline the process, we suggest that the adage "fewer chefs in the kitchen" be applied here. Ideally, the process should be collaborative and include significant participation with a few of the town's key stakeholders. Ask the most market-savvy folks you know to participate. A professional agency may assist in facilitating the discovery sessions.

Logo & Tagline Once you have your brand discovery completed, creation of the logo design and tagline often are next projects in the process. A town can be unified with a common theme that starts with a simple logo design. Keep in mind that a great looking logo will be simple, reflective of your town's assets, and easy on the eyes. Apply the KISS principle (Keep It Simple, Sweetheart). Taglines should be exclusive to your location and avoid anything generic, like "It's all here," or "There's something for everyone." The

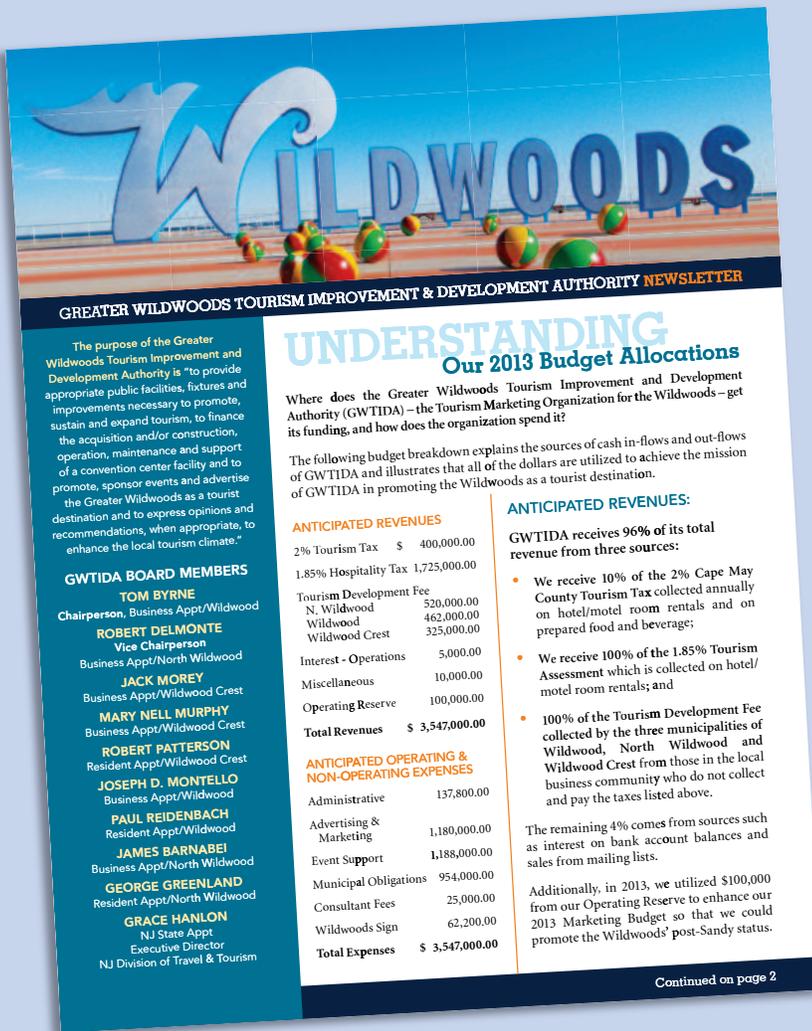
tagline should convey something specifically compelling about your location.

Website Once the logo and tagline are finalized, the next step would be to design a new, aesthetically pleasing and information-rich website showcasing your town.

The website design should include search engine optimization, responsive design (so it may be viewed across different platforms), and key words to describe your town's locations, activities, events, hotels, restaurants, and other highlights. Some other popular options to consider would be a mobile app, blog, video/photo gallery, and a calendar of events. The website serves as your window to the world and should integrate the brand and highlight all of your town's unique assets.



The cover of *New Jersey Monthly's* "Favorite Downtowns" September 2015 issue including Haddonfield Mayor Jeff Kasko's appearance.



WILDWOODS
GREATER WILDWOODS TOURISM IMPROVEMENT & DEVELOPMENT AUTHORITY NEWSLETTER

The purpose of the Greater Wildwoods Tourism Improvement and Development Authority is "to provide appropriate public facilities, fixtures and improvements necessary to promote, sustain and expand tourism, to finance the acquisition and/or construction, operation, maintenance and support of a convention center facility and to promote, sponsor events and advertise the Greater Wildwoods as a tourist destination and to express opinions and recommendations, when appropriate, to enhance the local tourism climate."

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NJ Division of Travel & Tourism

UNDERSTANDING Our 2013 Budget Allocations

Where does the Greater Wildwoods Tourism Improvement and Development Authority (GWTIDA) – the Tourism Marketing Organization for the Wildwoods – get its funding, and how does the organization spend it?

The following budget breakdown explains the sources of cash in-flows and out-flows of GWTIDA and illustrates that all of the dollars are utilized to achieve the mission of GWTIDA in promoting the Wildwoods as a tourist destination.

ANTICIPATED REVENUES	
2% Tourism Tax	\$ 400,000.00
1.85% Hospitality Tax	1,725,000.00
Tourism Development Fee	
N. Wildwood	520,000.00
Wildwood	462,000.00
Wildwood Crest	325,000.00
Interest - Operations	5,000.00
Miscellaneous	10,000.00
Operating Reserve	100,000.00
Total Revenues	\$ 3,547,000.00

ANTICIPATED OPERATING & NON-OPERATING EXPENSES	
Administrative	137,800.00
Advertising & Marketing	1,180,000.00
Event Support	1,188,000.00
Municipal Obligations	954,000.00
Consultant Fees	25,000.00
Wildwoods Sign	62,200.00
Total Expenses	\$ 3,547,000.00

ANTICIPATED REVENUES:

GWTIDA receives 96% of its total revenue from three sources:

- We receive 10% of the 2% Cape May County Tourism Tax collected annually on hotel/motel room rentals and on prepared food and beverage;
- We receive 100% of the 1.85% Tourism Assessment which is collected on hotel/motel room rentals; and
- 100% of the Tourism Development Fee collected by the three municipalities of Wildwood, North Wildwood and Wildwood Crest from those in the local business community who do not collect and pay the taxes listed above.

The remaining 4% comes from sources such as interest on bank account balances and sales from mailing lists.

Additionally, in 2013, we utilized \$100,000 from our Operating Reserve to enhance our 2013 Marketing Budget so that we could promote the Wildwoods' post-Sandy status.

Continued on page 2

A newsletter for the Greater Wildwoods Tourism Improvement and Development Authority.

Social Media There are over one billion people on Facebook—it's a messaging medium not to be ignored by anyone, especially a town or destination. More and more people use Facebook and other social media platforms as their primary source for information. Keep in mind that after establishing a social media presence on Facebook or any other social media outlet, it must be maintained and monitored on a daily basis.

Public Relations A well-strategized public relations campaign remains paramount in communicating key brand messages. An official launch event for the new brand, logo, and website, to which local officials, businesses, residents, and media are invited to attend, is often the first step. Ongoing press releases, tours, and promotions will continue to keep your town top of mind in the media and public eye. Using the script you established during the branding process, a PR campaign can be developed and

launched, focusing on your towns' featured assets, events, and personalities.

Don't underestimate the power of PR. An intensive program of pitching media and media immersion events are pivotal for a successful PR strategy.

Marketing & Advertising Campaigns

With clearly defined objectives, targets, and tactical plans, an ongoing marketing and advertising campaign should be implemented to sustain messaging. Today, online digital ad campaigns are where many towns and destinations are spending their advertising dollars, however, including some traditional mediums (print, radio, and TV) should still be considered as part of the mix.

Brands that resonate make an emotional connection with their customers. Establishing your town's brand and communicating your story to visitors, potential residents, investors, and business owners through a well-designed campaign will keep your town top of mind. 📌



Want to learn more? Attend the 100th Annual New Jersey State League of Municipalities Conference education sessions:

9:00 a.m., Wednesday, Nov. 18: Your Municipality has a Social Media Account—Now What?

12:00 Noon, Wednesday, Nov. 18: Virtual Towns & Schools—Vendor Solution Session: "Is Your Online Presence Meeting Citizen Expectations?"

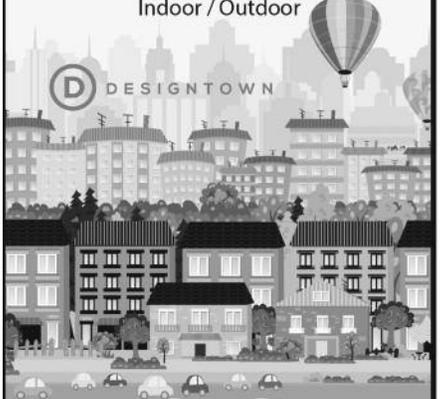
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Selling Homebuyers on Somers Point

A South Jersey Shore town's branding campaign is attracting homebuyers and businesses

By Jack Glasser, Mayor, Somers Point



The City of Somers Point announced the “Live in Somers Point” marketing campaign, targeting homebuyers, in June responding to the growing demand for homes at the South Jersey Shore.

Developed under the direction of the Somers Point Economic Development Advisory Commission (EDAC) with Suasion Communications Group of Somers Point, the campaign showcases our historic bayside town as an affordable primary residence or second home location for those who wish to “live where you play and play where you live.”

From centrally located cozy cottages and ranches in friendly neighborhoods, to dockside condos and magnificent mansions overlooking the water, Somers Point offers homes for every lifestyle, need, and budget.

Focusing on Homebuyers The campaign includes a new website (liveinsomerspoint.com) and video (<http://liveinsomerspoint.com/somers-point-nj-video/>), an accompanying marketing and public relations campaign (including a brochure, website banners, and targeted email marketing to our primary markets) that all encourage potential homebuyers to consider buying in Somers Point. The materials feature our town's dynamic combination of bayside, recreational, historical, and geographic assets. Because the effort is unique, the story of our efforts has been covered by several local and regional news reporters.



SOMERS POINT
NEW JERSEY
the shore starts here!



and would be a valuable tool and an asset for tourism, businesses, and residential properties.

The Process For four months, the EDAC held a series of meetings, conference calls, and email exchanges to create a brand, logo, and tagline that best represent the city. “The Shore Starts Here” became our tagline. The logo features a blue, yellow,

and green graphic that represents the sea, bay, sand, and land that characterize this quaint, historic bayside town.

The tagline appropriately describes the community’s prime location as the ideal starting point for making indelible memories at the Jersey shore. To further the city-wide brand, the city developed a logo family—a series of logos for each of

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Somers Point’s branding initiative, including the trademarked “SP” logo and “The Shore Starts Here” tagline, capture the essence of this bayside

Somers Point

the many city-run organizations and events. This family branding took the process one step further, allowing us to promote the brand in a variety of ways.

Somers Point's branding initiative, including the trademarked "SP" logo and "The Shore Starts Here" tagline, capture the essence of this bayside town that appeals to visitors, residents, and business owners who are looking to live, work, and play at the shore.

The Results A recent influx of new businesses to our city illustrates the success of the branding initiative, and further validates our claim that Somers Point is a livable, workable, playable community. New small businesses like Tubbs Dogwash and family-owned restaurants like Amici's Homemade Specialties are being joined by nationally recognized chains presently in demand by communities all over the country—including Auto Zone, STS Auto & Tire, and Sherwin Williams Paints.

I've lived in Somers Point for the past



Somers Point has launched a campaign to make homebuyers aware of the community's assets and the availability of affordable homes near the water that, in many instances, don't require flood insurance.

50 years. My father moved our family here from Philadelphia after many years

of visiting his grandparents, who were long-time residents of this special town.

Planning on Becoming a "Smart City"?

Attend the New Jersey Wireless Association's Vendor Solutions Session
Tuesday November 17th, 1:00 - 2:00PM Room 306 Atlantic City Convention Center



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Sheraton Atlantic City Convention Center Ballroom
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This bayside community, located just minutes from major seaside destinations, is rich in history, diversity, camaraderie, and fun.

Those of us who call Somers Point home know that it is a destination in its own right, worthy of a second look by tourists headed to the bigger resort towns.

Somers Point is walkable, bikeable, and offers incredible opportunities to experience the water—including beautiful bayfront views, boating, fishing, and crabbing. The town also has scenic recreational parks, a picturesque bike path, an 18-hole professional golf course, a historic walking tour of the city, and a pedestrian-friendly bridge with incredible vistas—and all within minutes of area beaches and beach resorts.



Somers Point has scenic recreational parks, a picturesque bike path, an 18-hole professional golf course, an historic walking tour of the city, and a pedestrian-friendly bridge with incredible vistas—and all within minutes of area beaches and beach resorts.

This family branding took the process one step further, allowing us to promote the brand in a variety of ways.

Convenient transportation throughout Somers Point and easy access to and from the Garden State Parkway (Exit 30) make getting here, and getting around, as easy as a summer day at the shore.

With all of these assets and a strong sense of community—plus the availability of affordable homes near the water that, in many instances don't require flood insurance—Somers Point is poised for growth. Our EDAC and City Council have set out to promote the city as a great place to visit and a better place to live.

As this city's mayor, I am proud to have been a part of laying the groundwork to establish Somers Point as a popular place to live in southern New Jersey. We invite everyone to stop by—The Shore Starts Here!

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Building a Branded Borough

How Keansburg reinvented itself with a new logo and campaign

By George Hoff, Mayor, Borough of Keansburg



Unveiling of the new logo for Keansburg, with (left to right), Assemblyman Declan O'Scanlon, Councilman Arthur Boden, Mayor George Hoff, Lieutenant Governor Kim Guadagno, Deputy Mayor Thomas Foley, and La Playa restaurant owner Leo Cervantes

Want to turn your town into a destination? Keansburg found successful branding to be the starting point in transforming a small town like ours into an attractive destination where people want to live, visit, and enjoy.

It's all about image—and until recently, it's no secret that the image of the Borough of Keansburg was not overwhelmingly positive.

However, since Superstorm Sandy, we have been experiencing good progress, thanks to the vision and pride of our council—who recognized the need for reinventing this borough and getting the public and media to focus on our many assets.

A City by the Bay Our town is located on the coastline of the Raritan Bay, and started out as a popular resort town in 1917 for New York and New Jersey residents. Bayside views,

beachfront, and location as the first southbound seaside stop along the then-new Garden State Parkway made it a hot spot for vacationers. High visitor popularity continued well into the 1960s with the addition of the Keansburg Amusement Park, accommodations and restaurants. Then, the completion of the Garden State Parkway and additional shore access points further south drove traffic past the Borough.

Presently, those of us who live and visit here know that Keansburg boasts a great quality of life along with many attractions, and continues to be a gem of a town, in need of a little promotion.

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A great place to live, visit and enjoy awaits you in Keansburg, NJ!

A warm welcome on the homepage of Keansburg's new website.

Bayside views, beachfront and location as the first southbound seaside stop along the then-new Garden State Parkway made it a hot spot for vacationers.

PR Makeover To convey that message to potential tourists, new residents, and business owners, the Borough of Keansburg turned its attention to reinventing ourselves.

This rebranding process began by hiring a public relations and marketing firm, Suasion Communications Group.

• **Branding & Logo** We began with a series of brand discovery sessions attended by our key stakeholders. Over the course of several meetings, we discovered what Keansburg was and how it was viewed. We peeled back the layers and developed a branding blueprint and USP (unique selling proposition), a document that describes the core of our brand.

This written blueprint was then transformed into a visual concept, beginning with the logo development process. After

more meetings and composite drawings, the borough logo was finalized and instantly became the iconic visual that would drive all marketing and promotional efforts moving forward.

The new logo incorporates pleasing graphics infused with soft, earthy tones that visually depict the relaxed, inviting mood here; it serves as an immediately recognizable identifier for the community—a valuable tool and an asset for residential properties, businesses, and tourism. The logo also visually represents what the Borough of Keansburg is and our USP: a square-mile, coastal town on the rise that offers affordable, convenient opportunities for young couples, families, and first-time home buyers to live in a bayside resort town that feels like home; for businesses and entrepreneurs to do business where there is strong foot traffic and sense of loyalty; for visitors to enjoy a day at the vibrant beach with beautiful views, recreational fishing, and amusements; and for retirees and vacation home owners seeking a great place to affordably downsize and reside at Jersey Shore.

• **Website: www.keansburgnj.gov** With the logo in place, a new, technology savvy window to the world was developed at www.keansburgnj.gov. This website incorporates virtually everything

a Keansburg resident, visitor, new business interest or developer needs to know about the town via an updated interface and the latest technology—and reflects the new branding and logo for the Borough. This fresh online presence is a perfect representation of the overall Keansburg experience—packed with new features and user-friendly updates, making it a most unique web experience for visitors.

• **Official Logo Unveiling/Publicity** An official logo unveiling event followed at the opening of La Playa restaurant in Keansburg, attended by Lieutenant Governor Kim Guadagno. This initiated positive media coverage of our town, its new branding initiative and assets. Today, with the help of our rebranding efforts, we work every day to build on the positive momentum that our new branding has established for our town; and preliminary talks have begun on starting a homebuyer recruitment campaign and expanding our public relations efforts to keep the new Keansburg top of mind for media and the public alike.

So if you think your town could use a fresh image, or if your existing image needs polish, branding is the way to go. Dedicate yourself to repositioning your town. The results will be well worth the effort. 🍷

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Brownfields Reauthorization Revitalizes, Renews and Reinvents Municipalities

By J. Christian Bollwage, Mayor, City of Elizabeth

Found in most New Jersey municipalities, brownfields pose as much opportunity as they do challenges. Defined as an abandoned or underutilized property that remains undeveloped due to real or perceived environmental contamination, brownfields can be potential sites for economic development, recreation, and housing. Cities, both large and small, are always looking for space to introduce new services, improve and expand existing programs, as well as attract businesses to their community. Delivering quality options and growing the local economy are vital to the success of our communities. I reiterated this sentiment during my testimony before the U.S. House of Representatives Transportation and Infrastructure Subcommittee on Water Resources and Environment, where I offered support in favor of reauthorizing the Brownfields Law.

Where brownfields are concerned, prospective initiatives do not rely solely on the availability of a site. The level of contamination, how much remediation is needed to restore viability, as well as liability in relation to clean-up, are also critical. Complicating matters further, the majority of these properties lay dormant for some time, contaminated from their previous use. In addition, once properties are cleared for development, consideration must also be given to financial resources available for the proposed project, ease of access to the site as well as need and demand. Therefore the questions become, who is responsible and where will the funds come from to create something from what has become nothing?

The City of Elizabeth is similar to many of the nation's older communities; it holds the distinctions of being historic as well as having roots as an industrial and manufacturing destination. Although former factories and municipal landfills provided areas for new construction, they were classified brownfields, requiring assessments and remediation before they could be returned to active parcels. Costly and time consuming, this process produced fiscal obstacles and difficulty in meeting deadlines; creating roadblocks to transformation for towns throughout the country. Concerns have been conveyed over time and although tremendous progress has been made through the Small Business Liability and Brownfields Redevelopment Act, The Brownfields Law and Environmental Protection Agency (EPA) Programs, more has to be done.

For over two decades, I have worked alongside the U.S.

Conference of Mayors, advocating the importance of increased brownfields funding. From supporting legislation to modifying current laws, the issues raised have focused upon the lack of clean-up funds, need for more environmental assessments, and how to effectively address liability issues. Current brownfield grants do not allow dollars to be used for administrative costs; therefore, towns without the significant staff and financial resources needed to move forward and remain compliant with paperwork obligations continue to struggle even when money is designated. Expenses associated with the management of a federal grant are substantial. This requirement also prevents many small communities from applying for funding, resulting in a significant part of the population's exclusion from this financial assistance.

Brownfield redevelopment not only alters municipal landscapes, it improves the quality of life throughout the community. According to the EPA, there have been over 24,000 assessments, more than 1,200 cleanups completed, nearly 110,000 jobs generated, and over \$23 billion dollars leveraged. Although a significant number of these properties have been restored to viable sites, many brownfields, which are more difficult to remediate due to their level of contamination, remain. The success of municipalities throughout the country depends upon the ability of local and state government to work within a structure that removes barriers as well as addresses difficulties pertaining to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)—more commonly known as Superfund.

Within Elizabeth, brownfield redevelopment has equaled success. The federally-funded HOPE VI program enabled hundreds of affordable housing units to be completed, with a portion on former brownfields. Built upon a former landfill in 1999, the Jersey Gardens Mall created new employment opportunities, assisted in the stabilization of property taxes through a new tax ratable, and continues to exceed expectations. Now known as The Mills at Jersey Gardens, a 411,000 square foot expansion is expected to start in 2016 and be completed in 2018.

Brownfield revitalization has the potential to renew pride in neighborhoods, generate new energy in business communities, and create opportunities for growth as well as revitalization. However, the resources have to be available and accessible for municipalities to do the work that needs to be done. Fully funding the Brownfields program, creating multi-purpose grants to increase flexibility in redevelopment as well as increasing cleanup grant amounts is a start. Making a difference on one parcel is important, but implementing effective change that can be measured by continual impact, satisfaction and the quality of services that can be provided—that is the ultimate return on any investment. ♣

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Millennials on the Move

The Next Generation's Take on Somerset County

By Mike Kerwin, President/CEO, Somerset County Business Partnership



Division Street in Somerville has been transformed into a pedestrian gathering place and arts district.

A roadmap to lead the millennial generation to Somerset County, New Jersey, was outlined in a recently released report, *Somerset County Development Opportunities: A Millennial Perspective*.

Millennials, defined as individuals born between 1982 and 2004, make up the largest, most diverse generation in American history. Numbering more than 80 million, they are now entering the housing and jobs market in droves. How and where millennials live will have a big influence on what areas will prosper in coming years, both in population and in jobs.

Conventional wisdom holds that millennials prefer to live in neighborhoods with urban characteristics, a high degree of walkability, transportation alternatives, and access to shopping, entertainment, and restaurants.

In New Jersey, we see these generational trends being played out, sometimes with startling results. For the first time in 50 years, population growth is centered in our more urban counties led by Hudson, while New Jersey's western counties are losing population.

This puts Somerset County in an interesting position. Somerset continues to grow in population and leads New Jersey in many critical economic indicators, including average wages per employee. Companies continue to locate and invest in Somerset, attracted by a superior workforce, transportation infrastructure,



TD Bank Ballpark in Bridgewater is home to the Somerset Patriots of the independent Atlantic League of Professional Baseball.

and great quality of life. Yet other companies have left Somerset as the single-use office complexes built along our interstates in the 1980s are seen as less attractive from an employer's perspective.

How and where millennials live will have a big influence on what areas will prosper in coming years, both in population and in jobs.

Building the Future The mission of the Somerset County Business Partnership is to lead the business community to a prosperous and sustainable future. How can we achieve this mission in light of these rapidly changing demographic waves? As New Jersey's quintessential suburban county, can we make ourselves attractive to the millennial workforce? Are there economic development strategies we can implement that would improve our competitive position? If so, what are they? And where can we go to help us get answers to these questions?

In the fall of 2014, the Business Partnership, in collaboration with the Somerset County Freeholders and Planning Board, commissioned the Rutgers Bloustein School of Planning & Public Policy to examine the potential of Somerset County as a place that

appeals to millennials—from the perspective of millennials. A class of graduate students in urban planning (all millennials) worked under the direction of professors Bob Burchell and Larry Burrows to produce the report: *Somerset County Development Opportunities, a Millennial Perspective*.

The study focused on providing the study team's perspective of what the county should do to attract their generational peers; identifying growing sectors within residential and commercial markets; interpreting trends and actions in

Millennials in Somerset County

downtown and suburban markets; and developing strategies for the county to maximize development opportunities and remain on the cutting edge of new residential and commercial growth.

Generation Parallels The report confirms that the residential market in Somerset County is expected to be dominated by millennials in the age cohort 20 to 34 and baby boomers age 55 to 65 plus. The millennials are a mobile generation with more than half expected to move in the next five years. Two-thirds of the baby boomers are anticipated to age in place or proximate to their current residence.

The report finds that millennials prioritize three A's: affordability, amenities, and access. The generation values affordable housing options and access to walkable and bikeable places, as well as healthcare and recreational/entertainment amenities.

Here is the crucial point: these same values are shared by Somerset County's baby boomers who desire to age in place in Somerset County. Therefore, the best strategies for private and public sector leadership to implement are those that brand Somerset County as a healthy and sustainable place to live, work, raise children, and retire.

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Millennials in Somerset County



Somerville's NJ Transit rail station, along with stops in Raritan and Bridgewater provide day and evening one seat rides to Manhattan.



Somerville's Robert Wood Johnson University Hospital at Somerset provides world class health-care to Somerset County residents.

The specific strategies the report recommends include a variety of consideration.

- Affordable housing options for millennials and boomers that accommodate their changing lifestyles.
- Building transportation linkages throughout the county including a direct NJ Transit ride into Manhattan.
- Create health and wellness districts to create synergies between medical and health institutions.



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- Support agri-tourism through Duke Farms and Somerset County.
- Foster an arts district in Somerville.
- Foster intergenerational communities bringing together millennials and boomers through recreational and cultural activities.

This is the first time a comprehensive study has addressed this issue in New Jersey. The good news among the report's conclusions is that Somerset County is in a positive position to serve the needs of the millennial generation by implementing strategies that will brand the county as a healthy and sustainable

place to live for all generations

The research and conclusions of the *Millennial Perspective* provides us with a valuable resource for planning Somerset County's future and maintaining and increasing our competitive advantage. Through creative and effective leadership, Somerset County will enhance its attractiveness to millennials and to baby boomers. As Somerset County attracts the millennials, employers will follow.

The complete report may be found at: [scbp.org/images/uploads/file/Economic % 2 0 Development / Millennial % 2 0 Perspective.pdf](http://scbp.org/images/uploads/file/Economic%20Development/Millennial%20Perspective.pdf)

In-Depth: LEAGUE WHITE PAPERS

Want to know more about planning for the future? The League Executive Board retained two expert consulting firms to provide an analysis of the State's affordable housing policies and a report issued by the Fair Share Housing Center, and the resulting white papers are available for your review.

The first report, *Demographic and Economic Constraints on the Inclusionary Zoning Strategy Utilized for the Production of Low and Moderate Income Housing in New Jersey*, is authored by Robert S. Powell, Ph.D., and Gerald Doherty, M.A., of Nassau Capital Advisors, LLC. The report intends, "to analyze the factors that determine how effective the inclusionary zoning strategy is likely to be in delivering privately-financed affordable housing units in New Jersey over the next 10 years."

The analysis comes to the conclusion that the State economy is, "...likely to continue to struggle over the next 10 years to achieve a level of growth needed to fuel a robust housing market." The report also notes the economic effect of recent shift in "locational preferences" as residents shift increasingly away from suburban and rural areas back to the State's urban centers.

To download, visit www.njslom.org/legislation/NCA092815.pdf

The second report, *Review of New Jersey Affordable Housing Obligation Methodology*, is authored by the team of researchers and analysts at Econsult Solutions, Inc., which includes, Richard P. Voith, Ph.D., and Peter A. Angelides, Ph.D. Econsult concludes that, "The report prepared by Dr. Kinsey appears to contain a series of such decisions that result in a systematic increase in the final calculation of affordable housing obligations...[f]urther, the consequences of these choices create logical and analytical problems that further upwardly bias the final calculation."

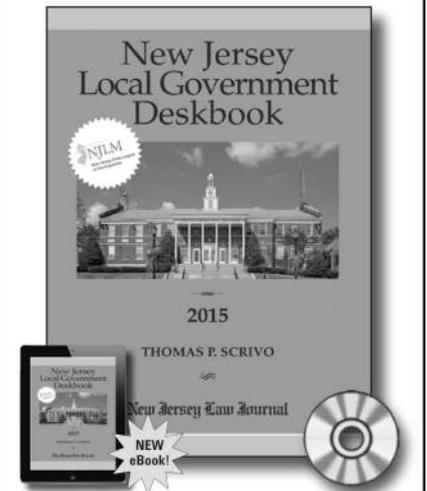
It is important to note that the report is not intended to determine or allocate municipal housing obligations. Rather, Section 2 of the report by Econsult identifies and analyzes the methodological issues identified in Dr. Kinsey's report.

To download this report, visit njslom.org/legislation/econsulto92815.pdf



Want to learn more? Attend the 100th Annual New Jersey State League of Municipalities Conference education session: **3:45 p.m., Tuesday, Nov. 17:** How to Encourage and Enhance Investment in Your Downtown (Co-sponsored with Downtown New Jersey)

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Keeping Fitness Up as the Temperature Drops

Tips for keeping your Mayors Wellness Campaign in tip-top shape year round

By Joetta Clark Diggs, 4-Time Olympian; member, NJ Hall of Fame; Spokeswoman for the Mayors Wellness Campaign



As we head into the thick of winter, we have to say goodbye to barbecues and pools and say hello to mittens and hot chocolate. In these colder months, it can be especially difficult to maintain a healthy lifestyle, which is why it is even more important that you keep your local Mayors Wellness Campaign (MWC) calendar full of fun activities. Help your residents continue to stay fit, stay healthy, and have fun. Here are some basic strategies to help you keep your MWC thriving and your residents fit, well into the coldest seasons.

Fitness and Health For over three decades I have been educating, motivating, and inspiring people to take care of themselves regardless of the season, their age, or their fitness levels. We all know that obesity has become rampant in this country in people of all ages, ethnicities, and socioeconomic statuses. What you might not know is that the daily exercise rate is below 25 percent.

We can't let winter cold get in the way of our regular exercise. Last winter, Stone Harbor's Mayors Wellness Campaign organized a 10-week Wellness Challenge for residents involving

weekly specials at local gyms and restaurants, instructor-led fitness sessions at the Recreation Center, walks led by Mayor Suzanne Walters, and more. I was able to attend the closing ceremony of the program, and I saw firsthand that the Challenge not only brought the community together, but also inspired residents to make fitness a lifestyle regardless of the weather. Even if you do just one of these things—lead walks, rally local gyms to offer specials, or organize free fitness sessions—you will be helping your residents a great deal.

Morning Workouts If you can, it is great to get up early and workout in the morning before work and school. You get done early, feel invigorated, and are ready to handle the challenges of the day. This habit is especially important in the winter, when the dark and cold evenings can make it hard for people to motivate themselves to exercise after work. I always enjoy morning exercise outside because the fresh air revitalizes my soul, and I can also appreciate the beauty of nature. When I'm outside, I like taking a steady brisk walk, run, bike ride, or exercise in the park. These are also great activities to do as a group.

Consider leading a "Walk with the Mayor" one morning a week in your community, or hiring a fitness instructor to lead a light exercise session one morning a month. If you want to see what this is like, come exercise with me during the League Conference this month in Atlantic City—I will be leading a morning fitness session with the Mayors Wellness Cam-



Mayor Pasquale Menna of Red Bank (center) and community residents being led through a fitness ses-

paign. (details at the end of the article.)

Another great option to inspire morning fitness is leading a "Walk to School" day once a month. You can lead a walking school bus, which will not only be great exercise, but will also be a great way to get to know the families and children in your community.

Old Fashion Fun What is Old Fashion fun? The answer is: PLAY. Remember the

days of kickball, stick ball, hide & seek, Frisbee, jump rope, and relay races? These activities are fun for kids and adults alike. Why not rent out the local high school gymnasium for a day to host a kickball tournament or a medley of relay races? These kinds of activities are fun, healthy, and will bring the entire community together for a very memorable event. You may even make a tradition out of it!



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Keeping Fitness Up

Drink Water Getting enough fluids is important for staying healthy, even during the cooler months when the sun is hiding. Proper hydration has been associated with energy levels, concentration, physical endurance, and other factors that help us get the most out of life.

When we don't get enough to drink, we risk becoming dehydrated, a condition



A group of residents in Stone Harbor are on the road to good health after their fitness activity during Week 1 of the Stone Harbor Mayors Wellness Campaign 10-Week Wellness Challenge.

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that can range from mild symptoms to severe heat-related illnesses, such as cramps, heat exhaustion, and heatstroke. It's important to drink at least half of your body weight in ounces—if you weigh 120 pounds, you would drink 60 oz. of water each day—and replenish your fluids.

When the sun's not out, it can be especially easy to forget the importance of regular hydration, which is why it's helpful to put up flyers in frequented locations reminding people to drink water, put up signs directing people toward water fountains, or even distributing water bottles to MWC participants in your community. Simple steps like this can help everyone in the community stay hydrated and healthy.

Until we meet, remember these tips for staying healthy during the winter. Remember it is never too early or late to take control of your health, because "Fitness is Fun!" 🍷



If you are interested in working with the Mayors Wellness Campaign or Joetta, please contact Janan Dave at jdave@njhcqi.org or visit njhcqi.org/MWC



You can meet Joetta at this year's annual NJ League of Municipalities Conference in Atlantic City. Joetta will join the Mayors Wellness Campaign for the Day of Wellness on **Wednesday, Nov. 18**, leading a morning fitness session, giving tips and signing headshots at the Mayors Wellness Campaign Booth. All are welcome to join the fitness session at **7:30 a.m. in the Convention Center Galleria area**. We will be doing light exercise, so dress comfortably!



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Weathering the Storm...And Preparing for Whatever Comes Next

By Donald Norcross, Congressman, First District

As an electrician, my instinct is to put on my gear and get the power on again when the lights get knocked out. That same instinct kicked in on the heels of the June 23 storms that struck South Jersey, leaving hundreds of thousands of people in the dark. Only this time, this “electrician in a tie” is also a United States Congressman. That meant urgent action—but, a different kind of action than I’m used to.

Three days after the “macroburst” that battered my congressional district, I stood in disbelief outside Washington Township’s combined OEM and fire station as it remained without power. It should never have to take a call from a Congressman to get the lights back on at such a critical resource. And yet, there we were.

While local officials were working overtime to clear trees and address the immediate public safety concerns of residents in the dark, a perceived lack of action and communication with both utility providers and our state officials made things that much more difficult. Those first few days were a mad scramble as the frustrations of mayors and OEM coordinators grew by the hour, made even worse by spotty cell phone service throughout the area. As a result, the Board of Public Utilities has since announced that it will conduct a comprehensive audit of the response carried out by our state’s utility providers.

But as power slowly came back and communication lines both literally and figuratively were repaired, we returned to a sense of normalcy. It was at that point that my new responsibilities came into focus. While the best thing for me to do in the immediate aftermath was simply to stay out of the way and let our outstanding first responders, utility linemen, and OEM professionals do their jobs, my role now is to ensure that the cleanup, recovery, and public reimbursements are carried out as efficiently and effectively as possible.

Less than 48 hours after the storm, I called on the state to issue a disaster declaration that would make our area eligible

for aid from the Federal Emergency Management Agency (FEMA). Then my staff and I followed up with calls, letters, and emails to FEMA and the White House. We relayed what we learned from the top, right on down to the county and local governments. Mayors were clinging to hope that federal disaster funds would be approved. Their already strained budgets were only stretched further by the overtime hours necessary to clear storm debris and remove weather-related hazards created by the storm.

Weeks after the storm many towns were still cleaning up and paying out. They needed relief. Finally on July 22, we received official word that Atlantic, Burlington, Camden, and Gloucester Counties would be in line to recoup up to 75% of their disaster-related costs.

At that moment, a new phase of our recovery effort began. Applying for and getting those federal funds is a complex and multi-faceted process. I intend to see it through so our affected communities get the funding they need to weather the financial storm created by the physical one.

This is the first natural disaster to strike my district since becoming a United States Congressman, and the first major weather event to affect the region since Superstorm Sandy in 2012. In this case, thankfully, there was no loss of life and property damage was far less extensive. While there were lessons learned from Sandy, we’ve learned lessons from this latest experience, too.

I’ve been a part of storm responses from both sides now: on the ground-level doing electrical repairs with the IBEW, and as a Federal elected official often taking a bird’s-eye view of the response. Regardless of the vantage point, the takeaway is clear: coordination and communication are key.

Even if the power is out, it’s our collective duty to make sure our neighbors, workers, and coordinating officials are not “left in the dark” when it comes to the flow of vital information.

With winter approaching, we must remain vigilant and ready to react. We must also hone our proactive response protocols for disasters like the macroburst that struck South Jersey.

In the months ahead, I’ll continue to lead the effort to ensure we’re ready for those challenges. 📌



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The Importance of Upgrades

Is it time to update your public safety operations buildings?

By Tom Duch, City Manager, Garfield



Rendering of the Garfield Police Headquarters, on which work began this summer and is expected to finish around fall 2016.

The decision to build or renovate will look different for each individual municipality, and may be influenced by mandates, compliance, or other unique issues that your town needs to address. Garfield, NJ, has a population of 30,487 that has been steadily increasing over the past several decades. With a larger population, along with changing technology, security, and personnel needs over the past half century, we realized that our police station building, which was constructed in the 1960s at 411 Midland Ave., had become woefully inadequate.

While we chose to rebuild, similar goals can be achieved working with existing structures, so engaging the right architect is a key to success.

If you answer 'yes' to any of these questions, it might be time to consider upgrading your buildings.

Q: *Do you have enough space for all your current needs?*

A: Garfield's original building was bursting at the seams, housing the Traffic Bureau, Patrol Division, Detective Bureau,

the Office of Emergency Management, and more were housed in less than 7,700 square feet. Our current police station also includes several unsightly smaller additions. It has long outlived its usefulness; it's over-crowded, dark, and challenging to function in.

The new building, designed by DMR Architects, will be more than twice the size at 19,588 square feet, and will have ample and separate spaces for all these functions, as well as a third floor that will accommodate extensive records and evidence storage that are currently being housed in cramped quarters. It

will be state-of-the-art, carefully planned, updated to current technology, and designed to support tremendous day-to-day functional improvements.

Garfield's new police station plans will result in a structure in which the city can be proud. The new police headquarters will be a landmark in the city with significant aesthetic improvements to the entire Midland Avenue area.

Q: *Are your police department's telecommunications needs being met effectively?*

A: Like in any other community, Garfield's police department is a specialized building needing to operate 24/7/365. The new design incorporates state-of-the-art telecommunications, data, voice and cable infrastructure, audio visual applications, security, technology, enhanced fire protection, and custom lighting design that would not have been possible if we had simply decided to retro fit the current building.

Q: *Can you get your prisoners to their cells easily?*

A: Garfield's original police station housed the cells on the top floor, requiring police to take prisoners from the parking lot in the back of the building,

through the main building, into a processing room, through a series of steps, and into the cells.

The new plans include a 1,279 square foot secure sally port to transfer prisoners to cells that are housed on the same floor without entering the main building—solving a safety concern for the building's staff and visitors, as well as providing a bit of dignity for the prisoners.

Q: *Are you proud of the building that houses your public safety operations?*

A: Hundreds of people enter your police station—employees, residents, retailers and other businesses looking for the right location to set up shop—and even more will pass it throughout the year.

Garfield's new police station plans will result in a structure in which the city can be proud. The new police headquarters will be a landmark in the city with

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Mayor Samson D. Steinman, City of Rahway
Mayor Jimmy Davis, City of Bayonne

Importance of Upgrades

significant aesthetic improvements to the entire Midland Avenue area.

Our architect took a basic plan we had for the building and brought it to life

Q: *So you need a new public safety operations building. Now what?*

A: You need an architect that specializes in public safety operations that will listen to you, act as your creative partner, and help you determine if you need to renovate or add onto your existing building, or start again with a new building, so that you can comfortably

Project at a Glance

Size The current building, housing the Traffic Bureau, Patrol Division, Detective Bureau, the Office of Emergency Management, and more is less than 7,700 square feet.

The new building will be more than twice the size at 19,588 square feet, and will have ample and separate spaces for all these functions as well as a third floor that will accommodate extensive records and evidence storage which are currently being housed in cramped quarters.

The new plans include a 1,279 square foot sally port to transfer prisoners to cells that are housed on the same floor without entering the main building

Project features/Scope The design incorporates state-of-the-art telecommunications, data, voice and cable infrastructure, audio visual applications, security, technology, enhanced fire protection and custom lighting design

Town benefits Garfield's new police station plans will meet public safety needs and result in a structure in which the city can take pride. The new police headquarters will be a landmark in the city with significant esthetic improvements to the entire heavily trafficked Midland Avenue area.

grow and upgrade over the next half century or more.

Our architect took a basic plan we had for the building and brought it to life, creating a beautiful design which will result in a structure in which the city can take pride.

They have spent extensive time including safety enhancement to the building, making the new police headquarters into a landmark in the city.

Q: *How will you keep "business as usual" during construction?*

A: Our interim plan includes relocating the entire police department to a temporary facility during the construction. The current location includes the entire public works operation, ambulance and EMS services, and a dispatch center.

Adding the construction personnel for demolition and then for construction would simply bring too many people to the site.

Construction on the Garfield Public Safety Operations building at 411 Midland Ave. began in summer 2015 and is expected to be completed April 2016. 🚧



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Growing Vulnerability

Facing Natural Hazard-Related Environmental Liability

By Nicholas Santella, Ph.D., Specialist, BSTI, Member, DEP-SRP Technical Guidance Committee-Planning for and Response to Catastrophic Events at Contaminated Sites



Hurricane Sandy Recovery Underway at South Monmouth Regional Sewerage Authority (SMRS). Credit: Michael Ruppel SMRSA

As we experienced during Hurricane Sandy, as well as other severe weather events, New Jersey is increasingly vulnerable to the effects of natural hazards. The financial losses associated with natural hazards have grown as our population and development expands in vulnerable areas. The intensity and frequency of North Atlantic hurricanes, severe winter storms, extreme precipitation events, and flooding are increasing, particularly in the Northeast United States (3rd National Climate Assessment Report). Furthermore, the ability of our communities to weather these storms has diminished because our mean sea level in New Jersey has risen a foot over the past century.

Changing climate will accelerate this trend as it is predicted that sea level will rise an additional one to four feet by 2100. This article focuses on common sense steps to reduce environmental risks in our communities and ensure they remain resilient in the future.

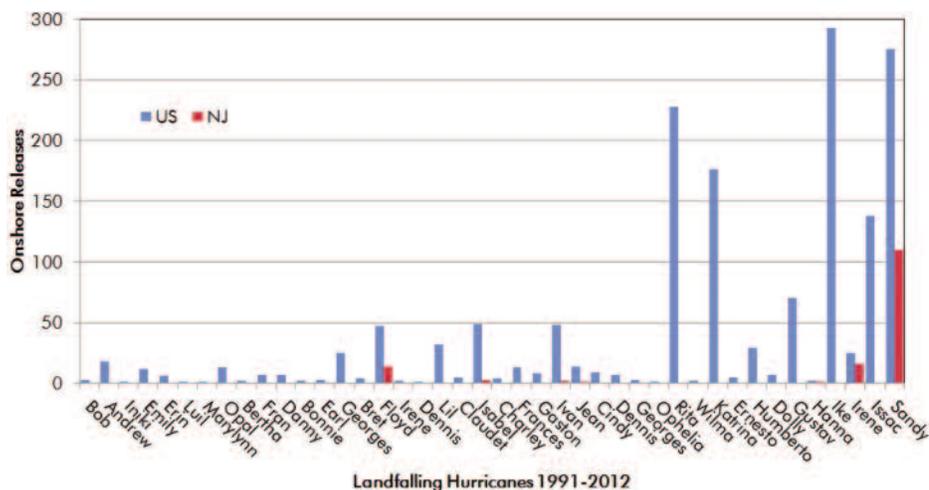
Environmental Risks Linked to Natural Hazards Property risk posed by extreme weather has understandably received significant attention in the wake of Hurricanes Irene and Sandy. But, these storms also dramatically illustrated that the resulting petroleum,

chemical, and sewage releases, seen in large numbers during Gulf Coast hurricanes, are a real threat in the Northeast as well.

Over 1,000 releases of petroleum and hazardous materials caused by natural hazards are reported to the federal National Response Center every year. These releases have multiplied in the last decade, primarily as a result of increased hurricane activity, sometimes with serious consequences. For example, in a single oil spill caused by flooding during Hurricane Katrina, almost 2,000 homes were impacted.

Onshore Releases Due to U.S. Hurricanes 1990-2013

Growing Vulnerability



On a smaller scale but with greater frequency, floods disperse many small unsecured chemical, petroleum, and propane storage vessels. Without proactive planning and mitigation, greater hurricane activity, extreme precipitation events, and sea level rise will make such releases of hazardous materials more common in New Jersey.

Controlling Municipalities' Environmental Liability Municipalities face many environmental liabilities associated with properties such as contaminated sites, water and wastewater treatment facilities, landfills, maintenance yards, and salt domes. Many municipalities have not evaluated how natural hazards

exacerbate these liabilities. The presence of natural hazard risk within a municipality is typically well known, with many resources (e.g., flood maps) readily available to evaluate risk. However, additional analysis is required to evaluate the vulnerability of specific municipally owned sites to these hazards.

Analysis can be as simple as an in-house review of hazmat storage and environmental health and safety procedures or as complex as an engineering analysis of the probability and consequences of potential accidents. Ideally, preparing for natural hazards will become integrated into normal asset management and environmental health and safety decision making.

Regardless of assessment methodology, the goal is to identify cost effective interventions to reduce environmental liability. These interventions can range from low or no cost actions like improved housekeeping or additional emergency planning to capital intensive hardening or relocation of facilities requiring external funding. Some adaptations, for example the substitution of less hazardous substances, may even result in savings on maintenance or regulatory compliance costs during normal operations.

Examples of Public Sector Action Due to infrastructure in low-lying areas and their critical public health role, wastewater authorities are highly exposed to natural hazard-induced environmental liability. As a result, they have been in the forefront of public sector efforts to assess and mitigate natural hazard-related property and environmental liability.

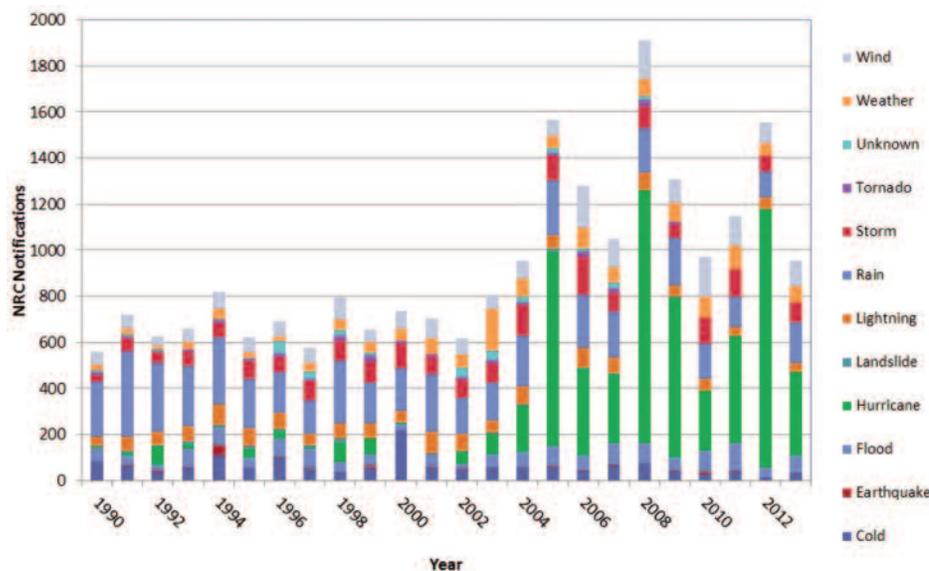
- **South Monmouth Regional Sewerage Authority** As an example, well before Hurricane Sandy, the South Monmouth Regional Sewerage Authority (SMRSA) recognized its repetitive losses and service interruptions due to coastal storms and anticipated the likely threat posed by a major hurricane. In response, they integrated extreme weather preparation into their routine asset management program.

In 2006, a vulnerable pumping station was replaced by a trailer-mounted system, which in the face of an oncoming storm could be relocated while operations continue with less expensive sacrificial systems. This pump station was the only one in the SMRSA system without a loss of service during Hurricane Sandy and use of this technology saved an estimated \$1.5 million in repair costs.

Subsequent to Hurricane Sandy, SMRSA began use of the EPA Climate Resilience Evaluation and Awareness Tool (CREAT) to assess risk to their systems and evaluate adaptation options. Based on these evaluations, an additional mobile pump station has been installed and another is being contracted, while a third facility has been hardened and a fourth relocated.

- **Linden Roselle Sewerage Authority** Likewise, the Linden Roselle Sewerage Authority (LRSA) integrated hazard

Releases Due to Natural Hazards Reported to the National Response Center 1990-2013



Growing Vulnerability

mitigation into its operations. Due to experience with flooding during prior storms and close coordination with the Linden Office of Emergency Management, the severe impacts of Hurricane Sandy were anticipated.

Ideally, preparing for natural hazards will become integrated into normal asset management and environmental health and safety decision making.

When the course of the storm was known, operation managers identified and implemented preparations such as installing additional sump pumps, disconnecting UV disinfection systems while activating backup disinfection, topping-off emergency fuel supplies, and deploying additional staff.

These actions, along with some good luck, allowed the treatment plant to

operate without interruption despite a five-day power outage and damages to the plant approaching a half million dollars.

Subsequent to the storm, and with the technical assistance of their insurance company and consulting engineer, additional mitigation and hardening efforts have been implemented, including elevating transformers, installing flood doors, and upgrades to control systems.

In part, due to successful management of environmental hazards in Hurricane Sandy's aftermath, the authority's environmental liability insurance has remained stable while in contrast, property insurance coverage lowered dramatically and deductibles increased substantially.

Governance of Natural Hazard-Related Environmental Risk Municipalities should also play a leadership role in reducing environmental hazards in the broader community through good governance and thoughtful implementation of emergency services. For example, based on local conditions, some municipalities choose to enact ordinances addressing fuel or hazmat storage in vulnerable areas that go beyond the requirements in The Flood Hazard Area Control Act Rules (NJAC 7:13).

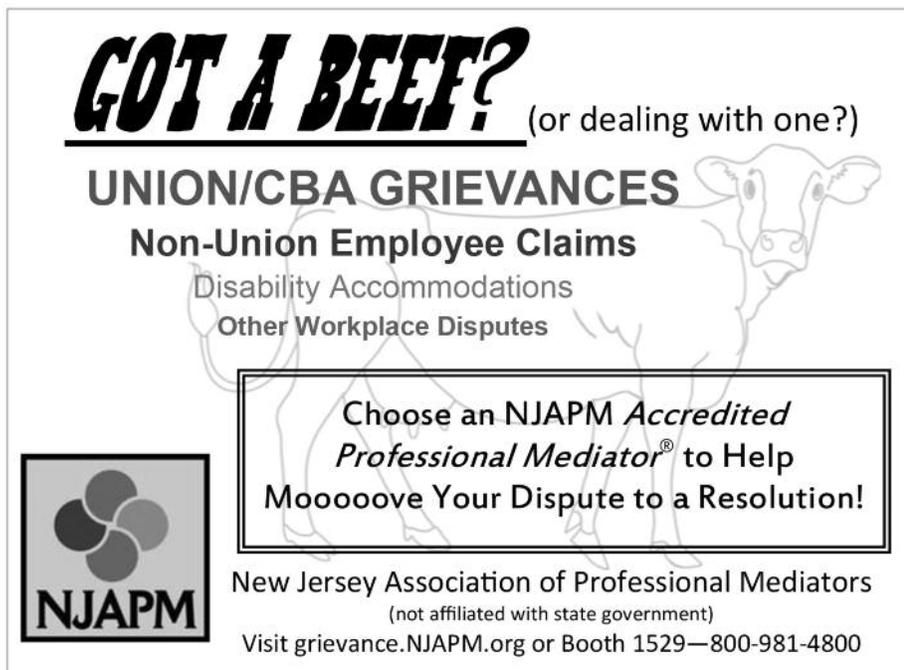
The state of Delaware, which faces many of the same flooding issues as New Jersey, recently updated its model floodplain ordinances to include specific requirements on the design and restraint of above and underground storage tanks; and these requirements have been adopted by many Delaware coastal communities. Similarly, municipalities with significant natural hazard and environmental risks may adopt zoning and permitting practices which take this into consideration. For example, buffers zoning may help to protect residential areas from the hazards posed by the effect of catastrophic events on industrial or commercial operations utilizing hazardous materials.

Should a natural hazard result in hazardous environmental conditions, emergency responders at a municipal level will have initial responsibility. However, the response will be challenging when large areas are affected simultaneously and the availability of access, power, water, and communication are restricted.

Furthermore, during a natural disaster, other emergency response needs will divert resources from hazmat response. These unique challenges should be incorporated into hazmat response planning and training, particularly in regard to planning for evacuation or sheltering in place. Engaging with local industries in a cooperative fashion may be the best way to ensure that these hazards and planning needs are fully understood. Full municipal support for maintaining an active Local Emergency Planning Committee, made up of local officials, response personnel, regulated facilities, and other community stakeholders is a key way to address these needs.

A Safer, Cleaner Future Through greater awareness of how natural hazards increase environment risk, and implementing cost effective planning and mitigation, the upward trend in these types of releases can be reversed.

Effective planning and mitigation can start immediately with simple internal audits performed by educated staff followed by additional measures as circumstances permit. Taking action now will serve to reduce the risks posed by these events to municipal employees, finances, and residents now and in the future. ♻️



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How far The New Jersey State League of Municipalities Conference has come over the years—and the event continues to grow, living up to its theme:

The Foundation for a Bright Future

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

In 1916 League leadership held a one-day meeting to gather its membership and educate them on current issues. The convention consisted of an early morning session devoted to a business meeting and the afternoon portion consisting of addresses by three out-of-state municipal leaders.

Out of the success of this first meeting it was decided that it should become a yearly event, and over the years the size of the League's Annual Conference has grown immensely. What started as a one-day meeting is now a three-day conference with over 15,000 attendees, 600 companies exhibiting, and over 170 League educational sessions and additional affiliate sessions occurring. The Conference is also host to the Mayors Box Lunch and Delegates Luncheon, awards ceremonies, and the Women in Government Breakfast. (Information on these ticketed functions may be found at njslom.org/100thconf/delegates.html.) The

NJLM Business Meeting, to which all members are invited, is also held during Conference week.

For its first 20 years, the League's Conferences were held in various cities around the state. By the late 1930s, increasing hotel and meeting room requirements made Atlantic City, with its many accommodations, the most feasible location. Atlantic City has been home to the conference ever since, with the exception of the war years when coastline defense activities required a shift to New York City hotels.

Throughout the 1950s, 1960s, and into the mid 1970s, the League conference was housed in the Chalfont-Haddon Hall. From 1977-1996, the Conference was headquartered in the Atlantic City Convention Hall, and in 1997 the Conference moved to the newly constructed Atlantic City Convention Center.

The only year the Conference was not held was in the year 2012. On October 29, 2012, Hurricane Sandy devastated New Jersey, forcing cancellation just 13 days before the conference was scheduled to commence.

The celebration of 100 years includes looking back on the way things were... and into the future.



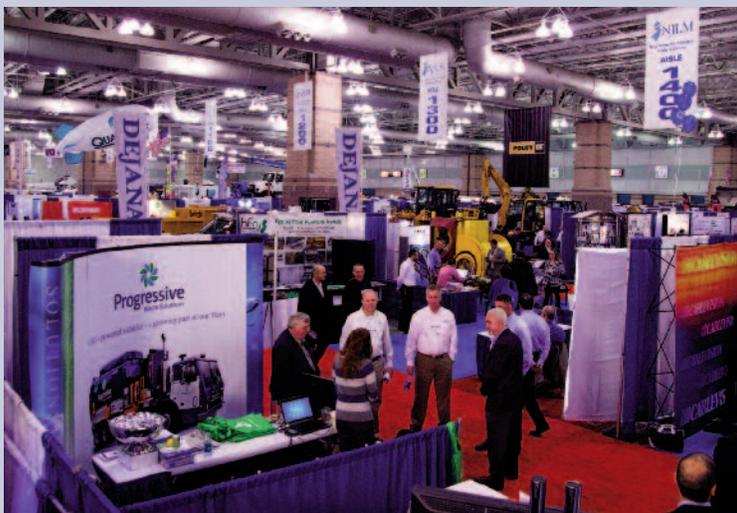
The first Conference was held at Trenton City Hall.



2015 NJLM President Brian Wahler, Mayor Piscataway speaks at the Legislative Leaders session during the 99th Annual Conference. (L-R) Mayor Wahler, Assembly Republic Leader Bramnick, Assembly Speaker Prieto, Senate Republic Leader Kean, and Senate President Sweeney.



Today, women take center stage at the Women In Municipal Government events and beyond.



The exhibit floor has gotten larger and more sophisticated over the years.

This event has become a workshop and clearing house for the exchange of ideas on strengthening the structure of government. Speakers of note and authorities in their field contribute suggestions and relate their experiences, often helpful in arriving at solutions.

Due to the efforts of one of the first members of the League staff, Madeleine Frost Freeman (serving the League from 1917-1957), exhibit booths entered the scene around 1930. Adding

this element to the Conference enabled local government officials and businesses to convene in one place to find the products and services needed in their municipalities.

What started as 30 booths in 1930 reached a record high of 1,158 booths in 2008. (An interactive floorplan of exhibitors participating in the 2015 Conference may be found at www.map-dynamics.com/NJLM2015.)

In 2015 Conference attendees will see a change made to a long-standing feature of the Conference, the Consulting Period. For many years, the Consulting Period has been an in-person event held at a set time during Conference week, which presented a chance for attendees to speak face to face with over 60 state program directors and experts. Striving to meet the



League Executive Director Michael J. Darcy, CAE, ushers the League and its Conference into the next 100 years of success.



In 1965, the League celebrated its Golden Anniversary at that year's Conference.



A total of 20,580 people attended the 91st Annual Conference, which has been held in the Atlantic City Convention Center since 1997.

growing interest in utilizing technology and focusing on individualized opportunities, the League staff has developed a creative new way of providing this valuable service.

This function is riding the new wave of communications tools; and for the first time, the new “Consulting Meetings” will be available. A list of contacts have been made available on the League’s website and in the onsite Session Program, allowing Conference attendees the opportunity to schedule face-to-face meetings with state program directors, area experts, and grant givers. Conference attendees are encouraged to set-up meetings with participating consultants before Conference week to occur at a mutually agreeable time during Conference week. Take advantage of the ample space for one-on-one and small group meetings in the exhibit hall lounges and atrium lobby. The list of 2015 Consultants can be found at njslom.org/100thconf/consulting.html.



In 1932, the event drew attendees to its sessions.

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Be sure to follow the League on Facebook and Twitter during Conference week for up to the minute news and schedule changes using #njleague. 📱



Visit njslom.org/100years for information on NJLM’s history and upcoming events.



Follow the celebration using #njlm100 on Facebook and Twitter. Visit the League’s Centennial booth on the Exhibit Floor this Conference for a display of photographs and historic artifacts.



The event grew over the years and moved to Atlantic City where hotel and conference space was plentiful.

Exhibitor page to go
after insert!

Not done!

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www.InSightTelepsychiatry.com



Inpathy is a marketplace for connecting with behavioral health providers for online behavioral health sessions. The Inpathy platform allows individuals anywhere to securely access providers who fit their schedule, needs and personality. The Inpathy platform offers a virtual private practice opportunity for providers as well as models for insurance companies, EAPS and other organizations.

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Planning for the Worst

After the hurricane, the Township Committee met with the volunteers to analyze our efforts and plan for the future. It was decided that we must do more in a proactive fashion to ensure that another storm event does not impact our electrical system based on identified weaknesses. Therefore we established a team of volunteers for a Utility Hazard Inventory and Remediation Project.

The Hazard Inventory was conducted to:

1. Document potential threats (hazards) to the townships electrical delivery system.
2. Report the hazards to the utility companies (JCP&L, PSEG).
3. Develop and implement a remediation plan to address the hazard list.

More than 250 miles of the electrical system were reviewed. As a result of the hazard inventory conducted during the fall of 2013, 351 hazards were documented and reported to the utility companies. The Warren Township Utility Advisory Committee was assisted by Dr. Janne Lindqvist,

Planning and Preparation

An MCSP is a written document that outlines the resumption of government services in the event of a disaster. This document, if properly initiated and managed, is part of your day-to-day administration and continually evolves.

The document includes three major steps:

1. **Assessment of Exposure.** Identify and define the components of properties, services, and personnel essential to the maintenance of local government. For each of these components, analyze the vulnerabilities and potential backups. When disaster strikes, what property, services, and staffing might be impacted? Where will you relocate and will you have the staffing, equipment, and systems to continue providing essential services? Early in the process and continuing throughout the event, communication is essential. What is the backup and how do you inform residents? If you wait for a disaster to begin this assessment, you may not be able to function adequately.
2. **Improving Security.** This includes providing proper training of all government personnel and ensuring critical resources are available. The plan needs to allow for protection not only from a potential physical loss but also from cyber criminals where damage can be immeasurable. Your staff must be trained in emergency procedures so that they have the knowledge to react to any potential disaster. The essential resources, such as water, power, medical care, and policing must be incorporated into a backup and distribution plan.
3. **Testing and Practicing Plans and Procedures.** Just as schools conduct fire drills to ensure that the children are prepared, you must test and evaluate your plans in order to measure results, identify deficiencies, and make necessary changes.

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Planning for the Worst

Department of Electrical and Computer Engineering, School of Engineering at Rutgers University in the development of a “Hazard Tracker Application” used to conduct the hazard inventory.

Through the development of a collaborative relationship with both JCP&L and PSEG, 95% of the identified hazards were immediately reviewed and corrected

by the utility companies. Jersey Central Power & Light serves approximately 85% of Warren Township and Public Service Electric & Gas serves 15%.

The hazards included damaged or leaning polls, trees or branches with potential for impairment or damage to lines, and loose or dangling wires.

The Township received the 2014 Sustain-

able Jersey Creativity Award for this work.

Ebola Virus Two years later, we were faced with another crisis in New Jersey and the nation. On October 8, 2014, Thomas Eric Duncan of Liberia died in a Dallas hospital from Ebola. The nation was shocked and citizens wanted to be assured that they were safe from this horrible disease. Soon after Duncan’s death, two healthcare workers who had been in West Africa arrived in New Jersey. Shortly after, they were isolated after developing a fever. The media was questioning our ability to control a potential epidemic and local as well as state offices of emergency management were evaluating capabilities and instituting a strategy.

Warren Township immediately pulled together a team from the Board of Health, Office of Emergency Management, Police Department, Rescue Squad, and the Board of Education. We discussed worst and best case scenarios. It was determined that we did not have the proper protective equipment for emergency services nor the capability of servicing sick individuals if quarantine were established.

At that point, we gave our head of OEM the authority to purchase necessary equipment to protect police, firefighters, and our emergency medical technicians. We communicated to the public regarding proper hygiene and the identification of symptoms. Due to prior flu and virus scares, a stockpile of Tamiflu was available and emergency allocations planned. With no proven medical treatment for Ebola and few hospitals prepared, we planned on providing food and shelter within our town if necessary.

Conclusion There are many other emergencies and disasters that must be anticipated, regardless of the probability of the event. Preparation and practice is the only solution to handling these events. Many of the scenarios have overlapping mitigation procedures. Therefore, the more planning that is conducted, the less the impact to the community when a disaster strikes. They may be small, such as a fire in a home or a car accident at an intersection, or major, such as a toxic chemical spill or riot—a good Municipality Continuation of Service Plan (MCSP) allows you to confidently respond and control. 📌

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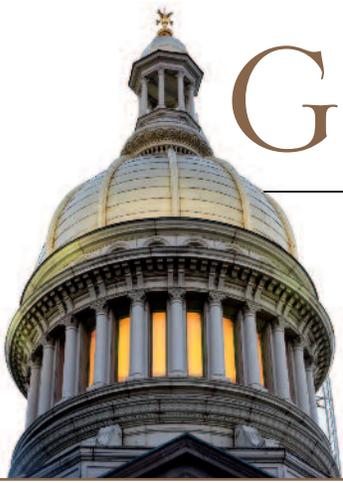
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GOLD DOME

The Irony of Mount Laurel

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

When politicians decry the “activist” New Jersey Supreme Court, the Mount Laurel rulings on affordable housing are usually Exhibit A. In 1975, New Jersey’s high court ruled in *Southern Burlington County NAACP vs. Township of Mount Laurel* (known as Mount Laurel I) that exclusionary zoning—zoning regulations that effectively prohibit the construction of affordable housing—was unconstitutional.

The decision was an affront to the state’s strong political tradition of home rule. The alternative was, according to the court, also an affront to the rights of New Jerseyans to be free from discrimination based on income.

In what might be considered an act of judicial restraint, rather than activism, the court provided no specific remedy or enforcement of its ruling. It was left to the political process to figure that out. Unfortunately, legislative efforts to deal with the decision failed. The practical effect of this historic ruling was negligible.

Following Mount Laurel I, the courts were inundated with zoning cases as interested parties sought clarification of the new rules. By 1983, the lack of a political solution spurred the Supreme Court to engage in a far-reaching judicial enterprise involving local housing policy known as Mount Laurel II.

Under the new ruling, special “Mount Laurel courts” were established to hear these cases. Municipalities were required to build a specific number of low and moderate-income housing units. The court also created a “builder’s remedy” by which developers—a potent political force then, as now—would be able to build even higher density housing than local ordinances permitted if they included affordable housing units.

Then-Governor Thomas H. Kean called it a “communitistic” decision emanating from a “judicial dictatorship.”

It took two more years before the state Legislature—beset by complaints from a multitude of interests—passed the Fair Housing Act of 1985. The new law established the Council on Affordable Housing (COAH) to oversee local affordable housing obligations. The following year, the Supreme Court validated the Act, describing it as the “kind of responsible remedy” from government that it had been seeking all along.

Thus, 30 years ago, the era of judicial appointees making local housing decisions was eliminated. Or so we thought.

Over the years, COAH has become a political hot potato,

beset by dysfunction. To be sure, the decisions that COAH is asked to make are difficult, but the whole idea behind its establishment was to ensure that a political process, not a judicial one, made those decisions.

Upon taking office in 2010, Governor Chris Christie attempted to abolish the agency altogether—an effort repeatedly blocked by the courts. While the Governor argued that New Jersey should “get the hell out of the business of telling [municipalities] how many [affordable housing] units they’re supposed to have,” it was unclear if anyone had a viable alternative that would pass constitutional muster.

Thus, 30 years ago, the era of
judicial appointees making local
housing decisions was eliminated.

Or so we thought.

In March of this year, the Supreme Court ruled that COAH was “moribund” and “nonfunctioning.” To make sure that towns follow the Fair Housing Act and all of the various judicial precedents, Superior Court judges, and not COAH, would now have the power to implement the law.

The irony of the Mount Laurel legacy is that while our state’s political process found a way to eliminate unelected judges from making municipal housing decisions, the same political process made COAH so impotent that the courts are back in charge.

For local officials, “it can’t be any worse than what we have right now,” said Piscataway’s Mayor and League President Brian Wahler. “No one knows what we have right now.”

Legislators from both sides of the aisle agree that COAH needed reform, but the inability to find a solution has brought the state full circle. As New Jersey moves forward, both political vision and courage will be needed to forge a workable compromise. Otherwise, those who complain about an activist judiciary will raise their voices again in protest; but this time, it will be the politicians who will need to accept some of the blame. ❧

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Creating a Regional Animal Shelter

The process included a hurricane, shared services, and a successful diversion from the Green Acres restrictions

By Joanne Veech, Mayor, Randolph Township



For many years, the Randolph Township animal shelter was nothing more than an oversized shed filled with love and hope. Despite its shortcomings, the town staff and a group of dedicated volunteers managed to turn the shelter into a regional facility serving four other communities in addition to Randolph. In 2011, in response to the growing demand and inadequacies of the existing facility, community leaders began to seriously explore the development of a new facility. Simultaneously the leadership in neighboring Mendham Township acquired the former Seeing Eye Breeding Center as an open space preservation project. The acquisition allowed Mendham Township to preserve the former Seeing Eye property as a 104-acre public park.

The only problem was three old kennel buildings that the State Green Acres Rules would not permit to be used for the purpose for which they were created. That's where the story begins.

Acquiring the Kennels, the Buildings, and the Property In 2002, The Seeing Eye, Inc., based in Morristown, announced that they would be moving their breeding facility from Mendham Township to a new state of the art facility in Chester Township. Mendham Township was notified of the Seeing Eye's intent and offered an opportunity

Regional Animal Shelter



Joanne Veech, Mayor, Randolph Township, was joined by Assemblyman Anthony Bucco, current and former members of the Council, members of Friends of the Randolph Pound, and staff members for a ribbon cutting for the new shelter.

The regional shelter is a testament to what can be accomplished with vision, persistence and, most importantly, teamwork.

to acquire the property before it was listed on the open market. Mendham Township negotiated the purchase of the property in 2003, using its newly established local open space trust, state Green Acres funding, and a Morris County Open Space grant. The purchase included two residential structures and three kennel buildings, an access road and parking area, and 104 acres of property.

Over the next several years, Mendham developed a plan to use the property for a ballfield area and associated parking and to reuse the existing structures. The plan for the existing structures, however, was stymied by regulations associated with the Green Acres rules. Consequently, the buildings sat vacant and unused until Hurricane Katrina hit the Gulf Coast.

The hurricane created the need for hundreds of dogs and cats to be temporarily relocated. In response to the crisis, the Morris County Office of Emergency Management and the County Animal Control Officers coordinated with Mendham Township to use the kennel buildings on the former Seeing Eye property as an emergency shelter. The emergency use of the facility illustrated the kennel's potential.

Randolph Needs a New Animal Shelter

In 2010, Randolph Township began to outgrow its old animal shelter, located behind the Township Public Works facility.

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Regional Animal Shelter

At the same time, a volunteer group known as the “The Friends of the Randolph Animal Pound” began working to create an improved facility. The town and the “Friends” joined forces in 2011 to create a more modern home for the regional animal shelter.

The cost of expanding and improving the existing facility was deemed too expensive, particularly since it was the height of the economic recession. A creative solution would be required for the effort to be successful. Recalling how well the kennels at the former Seeing Eye property performed post Katrina, the leaders decided to explore a joint venture with Mendham Township. They found an enthusiastic partner and discussions quickly evolved into a redevelopment plan for the former Seeing Eye kennels that both communities would ultimately support.

Establishing a Regional Animal Shelter

In order to use the kennel at the former Seeing Eye property, Mendham and Randolph established a long-term lease



In 2010, Randolph Township began to outgrow its old animal shelter, located behind the Township Public Works facility.

arrangement. The lease permitted Randolph operational rights to one of the kennel buildings and the option to use a second building.

The next step was to gain permission from the New Jersey Statehouse Commission for a diversion from the Green Acres restrictions on the use of the kennel buildings. In conjunction with a consultant, Natural Resources, Inc., the towns set out to develop a diversion application. The application ultimately

became a proposal to exempt (divert) the 3.5 acre footprint of land surrounding all physical structures on the preserved open space in return for a replacement parcel in Randolph Township (a 90-acre property that Randolph would acquire from a local developer).

The process was time-consuming because it required extensive documentation, numerous meetings with Green Acres staff to discuss the benefits of the application, and ultimately an appearance before the State House Commission (the state board with the authority to

approve diversions). After nearly two years of persistent effort, the diversion was approved and the authorization was granted to convert the kennels into the Regional Animal Shelter.

Completing the Shelter With the lease executed and the Green Acres diversion complete, the last step in the process was to renovate the kennel building. A team comprised of township staff from a cross section of departments was tasked with overseeing the project. A budget for the project of \$200,000 was established with the goal of completing the project by the end of 2015. The in-house team designed all of the improvements and managed the construction effort. They performed all of the improvements with township labor, with the exception of the roof replacement and the heating-ventilation system.

The project will be completed in December 2015, just under the year-end deadline and with a balance of roughly \$10,000 remaining in the \$200,000 project budget. A ribbon-cutting for the new shelter was held, and the facility has drawn rave reviews from all who have visited.

The Randolph Regional Animal Shelter is more than just another municipal facility. It is a testament to what can be accomplished with a little vision, a great deal of persistence, and, most importantly, teamwork. It illustrates the good that can be accomplished when neighboring municipalities work together. 🐾

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LEGISLATIVE UPDATE

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

S-3144



Recovering Excess Contributions

Status: Senate Community and Urban Affairs
Committee

S-3144 was introduced in response to a report issued by the Office of the State Comptroller, dated June 30, 2015, concerning weaknesses in local oversight of the State's Emergency Services Volunteer Length of Service Award Program (LOSAP).

LOSAP has minimum and maximum contribution requirements. The minimum contribution for each participating active volunteer member is \$100 per year of active emergency service and the maximum contribution for each active volunteer member is \$1,150 per year of active emergency service. The minimum and maximum are subject to periodic increases based on enabling language and CPI.

The local government unit which adopts a LOSAP, also known as the sponsoring agency, must deposit all contributions made to a participant, pursuant to a length of service award program, into a single account, even if the participant receiving the contribution serves in more than one emergency service organization under the jurisdiction of the sponsoring agency.

Under S-3144, if the sponsoring agency is a county or municipality, the Chief Financial Officer (CFO) must receive an audit, which must be posted on the municipal website, of each participating emergency service organization's personnel and financial records for the current year and certify that such records are being maintained in accordance with the "Emergency Services Volunteer Length of Service Award Program Act." If the sponsoring agency is a fire district, the Board of Fire Commissioners must receive the audit. The audit must be performed by a CPA, RMA, or certified governmental auditing professional.

The governing body must certify that the CFO, or in the case of a fire district the Board of Fire Commissioners, has reviewed the audit and determined that the emergency service organization is maintaining its personnel and financial records in accordance with the "Emergency Services Volunteer Length of Service Award Program"

If it is discovered that a sponsoring agency contributed an amount in excess of the limit to a volunteer member of an emergency service organization, then the sponsoring agency shall take action to recover the amount of the contribution paid in excess of the limit. If the excess amount paid was less than five times the

amount authorized, then the sponsoring agency shall withhold future contributions under LOSAP to that active volunteer member until the difference between the amount paid and the amount the sponsoring agency was authorized to pay is recovered.

If an active volunteer member terminates their relationship with an emergency service organization prior to the sponsoring agency recovering the funds paid in excess of the limit or paid an amount five times the amount authorized, then the sponsoring agency shall demand, in writing, that the individual return the amount paid in excess of the amount the sponsoring agency was authorized to pay. If the individual does not return the excess funds within 30 days of the demand, then the sponsoring agency shall initiate an action in Superior Court against the individual to recover the amount paid in excess of the amount the sponsoring agency was authorized to pay.

The League supports S-3144 as it provides an appropriate checks and balances and gives municipalities a mechanism to recoup overpayments. -LB

A-4455



Requires Certain Gas Companies to Use Existing Right-of-Way

Status: Assembly Telecommunications and
Utilities Committee.

The League supports legislation which will implement a statewide policy to assure utilities exercise their due diligence on pre-existing rights-of-way and encourage collocation whenever possible.

Specifically, A-4455 requires that a gas company to use an existing public right of way when constructing a new transmission to the extent practical. The company must develop a plan, subject to approval by the Board of Public Utilities, to reduce the impact of the new line on residential areas, again to the extent practical.

Further, the legislation will require a gas company which is proposing to construct, lay, maintain, or use a distribution or transmission line to first gain the consent of the municipality.

This is common sense legislation that supports good planning, efficient use of public resources and encourages public participation. The League thanks the sponsors and urges the Assembly Telecommunications and Utilities Committee to advance this legislation in a timely fashion. -MFC

S-425



Approval of New Municipal Free Public Library Capital Projects

Status: Senate Community and Urban Affairs Committee

S-425 would require that any capital project of the free public library must be approved by resolution of the municipal governing body. A copy of adopted resolution by the municipal governing body approving the capital project must be forwarded to the State Librarian.

This bill would prevent a municipal free public library from circumventing the requirement in current law that excess library funds be transferred to the municipality. Under current law, library funds restricted for capital projects are not considered excess funds subject to this transfer requirement. Accordingly, a municipal library may establish new capital projects to avoid having to transfer excess funds to the municipality, without significant local oversight.

The League supports S-425 as it provides the municipality with more control over a municipal improvement of a municipal department. -LB

S-3132



Allows Mayor/Municipal CEO School Board Appointments

Status: Senate Education Committee

The League's Legislative Committee has voted to support S-3132. This bill would authorize the Mayor or other Chief Executive Officer of a municipality (depending on the form of government in effect) to appoint two members to the Board of Education in a Type II school district.

Currently, the Board of a Type II district consists entirely of elected members, while the Board of a Type I district consists entirely of members appointed by the Mayor or other Chief Executive Officer of the municipality. This legislation provides

that Board members appointed to a Type II School Board pursuant to this bill will serve a three-year term, as do all other Board members. They would enjoy all the rights, powers, and privileges of their elected peers. Appointments would be made in the month prior to the date on which the annual school election would be held in the district, and the appointed members will take office at the same time

as do elected members of the board.

The bill provides that all Board members in office on the effective day of the bill will continue in office for the terms for which they were elected. However, the first two positions on the Board, the terms of which expire after the effective date of the bill, will be filled with appointments made by the Mayor or other Chief Executive Officer of the

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municipality. This bill does not alter the size of the Board of Education.

As things now stand, a municipality with a Type II School Board has no say in the deliberations of that body, even though the municipality will be responsible for providing the District with 100% of the local funding that it plans to expend. Appropriately, this bill will allow for the expression of the municipality's perspective in all School Board deliberations.

We salute the sponsor and support S-3132. -JRM

A-4565/S-3138



Contract Bid Threshold Amounts

Status: Assembly State and Local Government Committee, Senate Community and Urban Affairs Committee

A-4565/S-3138 would change the threshold for Pay-to-Play from \$17,500 to the local bid threshold and the Prevailing Wage threshold for municipalities from \$15,444 to the local bid threshold and for boards of education and counties from \$2,000 to the local bid threshold.

The local bid threshold is up to \$40,000 if the municipality has a Qualified Purchasing Agent (QPA) and without a QPA it is \$17,500. The quote threshold is up to \$6,000 if the municipality has a QPA and without a QPA it is \$2,625.

The Pay-to-Play law is an Election Law Enforcement Commission law that directly impacts the Local Public Contracts Law (LPCL) with no consideration for the LPCL. When N.J.S.A. 19:44A-20.4 was enacted the LPCL bid threshold was \$17,500, therefore, the threshold in N.J.S.A. 19:44A-20.4 became \$17,500. What was not considered was that pursuant to N.J.S.A. 40A:11-3 (c) the LPCL bid threshold increases every 5 years in direct proportion to the rise or fall of the index rate and rounded to the nearest \$1,000. The LPCL bid threshold has increased while the Pay-to-Play threshold remains the same. As a result, there are now times when a local unit could solicit quotes for a particular good or service but, because of the \$17,500 Pay-to-Play threshold, there must be formal action by the governing body in the award of the quotation.

The Prevailing Wage Act is a Department of Labor and Workforce Development law that directly impacts the LPCL. The Act requires the payment of minimum rates of

pay to laborers, craftsmen and apprentices employed on public works projects. Covered workers must receive the appropriate craft prevailing wage rate as determined by the Department's Commissioner. Prevailing wage rates are wage rates based on the collective bargaining agreements established for a particular craft or trade in the locality in which the public work is performed. In New Jersey, these rates vary by county and by the type of work performed. Public works projects subjected to the Act are those funded in whole or in part with the funds of a public body. As a result, a project under the bid threshold but over \$15,444 will have to comply with the Prevailing Wage Act and the reporting requirements.

A-4565/S-3138 addresses concerns that the League has testified before the Red Tape Review Commission and will alleviate some of the confusion during the procurement process. -LB

A-4384/S-3145



Timely BPU Decisions Following Final Public Hearing

Status: Assembly, Second Reading, and Senate Economic Growth Committee

We support these companion bills, which will require the Board of Public Utilities (BPU) to adopt a final decision or order within 12 months of the final public hearing held to determine whether a telecommunications service is a competitive service. If the BPU has not adopted a final decision or order within 12 months of the final public hearing, it will need to hold an additional public hearing before adopting a final decision or order. The BPU is to make no determination as to whether a telecommunications service is a competitive service unless a public hearing has been held in the previous 12 months to determine whether a telecommunications service is a competitive service.

This bill also requires the BPU to adopt a final decision or order on an application to increase rates charged by public utilities to their customers within 12 months of the final public hearing held to review an application. If the board has not adopted a final decision or order

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Legislative Update

within 12 months of the final public hearing, it will need to hold an additional public hearing before adopting a final decision or order. Under the bill, a final decision or order is not to be adopted with respect to an application unless a public hearing to review an application has been held in the previous 12 months.

We salute the sponsor for trying to ensure that BPU decisions makers are aware of the most current facts relevant to a pending application. We support these companion measures. –JRM

A-4501



Public Comment at Public Meetings

Status: Assembly Telecommunications and Utilities Committee

Our Legislative Committee has voted to support A-4501, which amends the Open Meetings Act and requires the Board of Public Utilities (BPU) to hear public comment during open meetings. Under current law there is no requirement for public comment.

The sponsor, Assemblyman Ronald Dancer, has ably noted, “One thing the public deserves is more participation in

the process, People should have their say, and questions answered. They should have a role in the conversation, especially when the discussion is about a 300 psi high-pressure natural gas transmission pipeline, which is one of the highest pressurized intrastate gas mains to ever be installed in New Jersey.”

This bill will help to protect residents and communities from the potential dangers of natural gas pipelines. The first bill includes the public in the process, and two bills pertain to running gas main routes through communities and towns.

Our Committee was shocked to learn that these hearings could be conducted without giving the public any voice in the proceedings. We salute the sponsor. We support the bill. We only ask that it be amended to require public comment at all BPU open meetings, not only those dealing with natural gas installations. –JRM

S-2748/A-4178



Restricts Eminent Domain by Private Pipeline Companies

Status: Senate Environment and Energy Committee (for S-2748) and Assembly Telecommunications and Utilities Committee (for A-4178)

We support these companion bills, which would limit the use of eminent domain by private pipe line companies to those companies that demonstrate to the New Jersey Board of Public Utilities (BPU) that a proposed pipeline is in the public interest and that the company agrees to be subject to the same eminent domain and condemnation rules as are applicable to public utilities regulated by the BPU. Currently, pipelines that are public utilities may exercise eminent domain, subject to certain oversight by the BPU.

Under R.S.48:10-1, however, private pipeline companies that are not public utilities are also permitted to exercise eminent domain, but it is not clear whether they are subject to the same BPU oversight as public utility pipelines when exercising eminent domain. This bill would ensure that a private pipeline use is in the public interest for which the exercise of the power of eminent domain is appropriate.

We commend the sponsors and support this proposal, which is needed to advance the common good. –JRM

S-3033



Public Utility Pole Removal

Status: Senate Economic Growth

The League supports S-3033, sponsored by Senator Brian Stack and referenced to the Senate Economic Growth Committee.

This legislation addresses a long-term, recurring concern of local officials. S-3033 requires a public utility to remove from a right of way any utility pole no longer in use within 14 days of the replacement of the pole. If the utility does not do so, it may be fined \$100 per day.

While on face value such legislation should not be necessary, the recurrence of this problem throughout the State demands a legislative requirement to ensure public safety. S-3033 is referenced to the Senate Economic Growth committee and, to date, there is no Assembly companion. –MFC

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April, 2014

N.J.S.A 40A:11-1 et seq.

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Got Litter? The NJCCC Can Help!

Plan to tap into the \$20 million in grants available through the New Jersey Clean Communities Council

By Sandy Huber, Executive Director, New Jersey Clean Communities Council



Certified Clean Communities coordinators celebrate their “graduation” on the beach in Long Branch following the May 21 Clean Communities Seminar. Clean Communities expects to certify between 60 and 100 coordinators in 2015.

As you drive around town, do you see discarded water bottles, plastic bags, and even the occasional old toilet seat poking out of the weeds? Keeping trash from accumulating requires a constant effort in every town. Yet paying to have litter picked up can trash your town’s bottom line. Your money will go further if you work with the New Jersey Clean Communities Council (CCC).

Created by the Clean Communities Act in 1986, our nonprofit organization is best known for its “Adopt a Highway” and “Adopt a Beach” programs. But this grassroots group also seeks to eliminate litter throughout the State of New Jersey with litter abatement grants.

The CCC is supported by a litter tax on the manufacturers, retailers, and wholesalers of 15 categories of litter-generating products (such as bottles, cans, cigarette butts, and tires). In 2015, the litter tax generated about \$20 million, which was placed in the state Clean Communities Program Fund for statewide litter abatement programs. Eighty percent of the funding is disbursed to the 565 municipalities, 10 percent is

disbursed to the state’s 21 counties, and 10 percent supports the state parks service.

By using this funding to support the efforts of local volunteer groups, your town’s investment in litter cleanup money will go even further. Consider making this the year your town takes advantage of this tremendous resource.

Grants Available This money is distributed based on a formula established by the Clean Communities Act. Counties receive money based on the number of road miles they have, compared to the number of road miles stretching across the entire state. The municipal allocation is based on a ratio of municipal road miles to municipal housing units, compared to the state total.

Over the past three decades, the program has thrived. There was a hiccup in 2000, when the Act was permitted to sunset. By 2001, however, the Clean Communities Council received a more secure footing thanks to an outcry from public officials.

In 2002, Gov. Jim McGreevey signed an extension and also removed the sunset clause, which had required state legislators to amend the legislation every five years.

This change has made it easier for our program to expand and form partnerships. We can now pursue our goal of an “uncluttered landscape” for generations to come.

Partnership for Coordinator Certification Last year, for example, the NJCCC was pleased to launch a partnership with the Rutgers Office of Continuing Professional Education.



Students remove a tire during the Clean Communities Environmental Student Exchange on March 19, 2015, at Waterloo Village. In addition to tire removal, the group also cleared an oil drum and other debris from an illegal dump site in the village.

Clean Communities funds make it possible for local governments to clean up a seemingly endless stream of trash.

Together we are offering a certification training program for Clean Communities coordinators. The training program requires 20 credits, a final assignment, and recertification every two years. This spring, the first class graduated at a formal ceremony held in Long Branch. A second class began this summer in Margate.

The certification raises the bar for best practices, not only for Clean Communities coordinators but also for the many public officials who participate. NJCCC is especially proud to be affiliated with Rutgers University on this project.

Serving Municipalities with Tight Budgets Clean Communities funds make it possible for local governments to clean up the endless stream of trash that finds its way onto streets, public areas, and waterways.

However, municipalities and counties need to be careful how Clean Communities funds are spent. Specific requirements are in place. The money can be used to fund activities related to cleanup, enforcement, and education, as well as for administration.

There are plenty of benefits for local elected officials who become involved with the NJCCC program. We recommend that mayors closely track expenditures and use strategic budgeting. Clean Communities money can serve as the missing piece for larger municipal projects.

Money needs to be used in close accordance with Clean Communities grant guidelines and must be spent, not accumulated. NJCCC requires statistical reports submitted by June 30 of each year for the grants received the previous year to ensure compliance.

Consider the experience of the following four Clean Communities municipalities.

- Paterson had an incredibly productive year in 2014. Local teams cleaned 389 vacant lots, organized six community cleanups involving 1,000 volunteers,

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and reached 2,900 people with educational messages. In addition to cleaning up after litterbugs, Paterson also focused on prevention. For example, in August of 2015, public works employees caught an illegal dumper unloading a whole U-Haul truck of litter.

Paterson receives about \$160,000 annually and uses every penny by the close of the grant year. Paterson uses Clean Communities money to clean vacant lots; purchase supplies such as rakes, shovels, brooms, bags, and gloves; host volunteer cleanups; clean graffiti; purchase cameras to catch illegal dumpers; and to hire educators to spread anti-littering messages in the schools. According to Paterson Mayor Jose “Joey” Torres, the city would be a very different place without the funding provided by the Clean Community Council.

- **Atlantic City** officials also credits the NJCCC with helping them stay ahead of litter. “Atlantic City has enjoyed a long and productive relationship with the New Jersey Clean Communities Council, as we continually coordinate cleanups of our beaches, parks, and other public spaces,” said Paul Jerkins, director of the city’s Public Works department. “We are looking forward to hosting the organization’s spring conference next year, in which we can showcase how our involvement with Clean Communities has enhanced this city.”

- **Buena Vista** Mayor Chuck Chiarello, past president of the New Jersey League of Municipalities, notes his community has always worked to maximize the use of Clean Communities dollars.

“It also helps offset costs that would otherwise come out of our Public Works budget for employees and equipment needed to fund these clean ups,” the mayor said. “Our Public Works employees are able to facilitate cleanups, buy necessary equipment, tools, and supplies that help them do their job, leaving the resources of the regular Public Works budget for other purposes.”

Buena Vista also sponsors mini-grants that help local community groups clean up streets and public areas. The program enables Buena Vista to help community

How to Make the Most of a NJCCC Grant

- Host at least one community cleanup each year involving all segments of the population.
- Recognize Clean Communities volunteers at public meetings.
- Set the example by rolling up your sleeves, putting on gloves and a vest, and picking up litter during a volunteer cleanup.
- Visit the schools and read stories to kids about litter. Teachers love to have public officials in their classrooms.
- Appoint a Clean Communities coordinator via resolution at a public meeting and recognize the work throughout the year.
- Encourage your coordinator to attend the Clean Communities Coordinator Certification Course and become certified.

organizations lend a helping hand, adding partnerships allow the town to get the most mileage out of the grants.

“Clean Communities helps us stretch our budget without putting additional burdens on our taxpayers,” Chiarello said. “Clean Community funding is derived from other resources than our normal tax dollars.”

- **Old Bridge**, another model municipality, is where Mayor Owen Henry leads the charge in partnership with the NJCCC. Each year, Old Bridge Township holds a Clean Communities carnival that attracts thousands of kids. The township uses the grant to buy gloves, vests, garbage bags, rakes, and safety cones for its volunteers. Funding also supports curbside leaf pickup, street sweeper repairs, salaries for Clean Communities Coordinators and summer help, trash cans in public places, publications, and even a vehicle used strictly for litter cleanups.

“It is my pleasure to meet with volunteer groups that are fighting litter in Old Bridge on their spare time,” Henry said. “Old Bridge has one of the most robust programs in the state, and I am pleased to play a role.”

Other Opportunities NJCCC is always looking for venues to host regional work-

shops and conferences. It is the ideal way to showcase the beauty of a town, while sparking some local tourism dollars from attendees. Towns can also help promote our “Adopt a Highway” and “Adopt a Beach” programs.

Local officials are also warmly welcomed at our annual spring conference, May 25-27 in Atlantic City. You can sponsor a worthy school to attend our Kids-Teens Awards—scheduled for May 25 at Boardwalk Hall. Or consider nominating a business, community organization, or individual for an award to be presented at our banquet on May 26 at the Tropicana.

Involvement in Clean Communities provides endless opportunities for local officials. We appreciate all you do to fight litter in New Jersey. To more information, please visit NJClean.org.



Want to learn more? Attend the 100th Annual New Jersey State League of Municipalities Conference education session:

2 p.m., Tuesday, Nov. 17: How Clean Communities Funding Can Help Strained Municipal Budgets.

Also, visit New Jersey Clean Communities Council at Booth #2200

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OPRA Requests: A Cottage Industry in New Jersey

By Jerard Murphy, Mayor, Sparta

Hundreds of thousands—perhaps millions—of taxpayer dollars are being awarded to attorneys representing requestors whose Open Public Records Act (OPRA) requests have been denied by custodians of government records. If the requestor challenges access denial to a governmental record, turns to the court for a decision, and prevails, then the burden of payment of the award falls on the local government, known as “fee-shifting.” If the public agency prevails, no monetary award comes back to the local governmental unit and the local unit is still saddled with the expense of defending its actions in court regardless of the outcome.

How is this possible and why are the awards to attorneys representing requestors in the tens of thousands of dollars? The answer is in P.L.1963, c. 73 (C.47:1A-1 et seq.) as amended and supplemented, specifically 47:1A-6. The abuse of this statute has led to a burgeoning cottage industry.

The above-mentioned section states:

“A person who is denied access to a government record by the custodian of the record, at the option of the requestor, may: institute a proceeding to challenge the custodian’s decision by filing an action in Superior Court which shall be heard in the vicinage where it is filed by a Superior Court Judge who has been designated to hear such cases...or in lieu of filing an action in Superior Court, file a complaint with the Government Records Council (GRC)...the right to institute any proceeding under this section shall be solely that of the requestor. Any such proceeding shall proceed in a summary or expedited manner...A requestor who prevails in any proceeding shall be entitled to a reasonable attorney’s fee.”

With the right of proceeding solely in the hands of the requestor and expedited monetary awards at stake, it is apparent to this author the GRC is now playing second fiddle to the Court. Additionally, given the option, why would anyone waste time with the GRC, which is backlogged with cases and only meets once a month, when an attorney can file an Order to Show Cause to get an expedited hearing?

One might also ask, “Who is the arbiter of ‘reasonable attorney’s fee’”? It’s the judge in the vicinage where the case was filed. The problem is the huge disparity in the amounts given to the requestors’ attorneys for virtually the same case involving the same legal research. With the same attorneys representing the same requestors time and again, this is a boilerplate operation with the same legal format and research being used repeatedly to the point that attorneys are now filing OPRA requests with custodians of records for lists of OPRA requests. Plain and simple: OPRA is an opportunity to make money.

A revision of OPRA has been proposed, but an Executive Order could rescind and replace those portions of OPRA that have led to the torrent of abuses associated with this cottage industry. Specifically, in the opinion of this author, Governor Chris Christie should consider:

1. Eliminating redundant OPRA requests of government record(s) by the same requestor unless it directly impacts the health and/or safety of the public. General welfare would create a loophole.
2. Rescinding and replacing 47:1A-6 Proceeding to challenge access denial; hearing.
3. Capping the attorney fees awarded by the judge in the vicinage where the requestor of government records prevails in court. The fee per hour should mirror the rate paid to the municipal attorney/solicitor in the municipality where the OPRA request was filed and shall not exceed three hours.
4. Eliminating fee shifting.

The first proposal would eliminate retribution by requestors and fishing expeditions by commercial enterprises. The second, if crafted properly, should eliminate requestors from exercising their option and “in lieu of filing an action in Superior Court, file a complaint with the Government records Council.” The third and fourth points would level the playing field in this boilerplate operation that has become New Jersey’s cottage industry.

We need to stop the “OPRAIDERS.”



Want to learn more? Attend the 100th Annual New Jersey State League of Municipalities Conference education sessions:

- 3:45 p.m., Tuesday, Nov. 17:** OPRA and Privacy, OPRA and Body Cams—Imperfect Together
- 3:45 p.m., Wednesday, Nov. 18:** Elected Officials Primer: Ethics, OPMA, OPRA and Civility
- 2:00 p.m., Thursday, Nov. 19:** A Review of the Open Public Records Act (League Joint Session with the Municipal Clerks’ Association of New Jersey)



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Residential Rental Properties

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

Local government, it should go without saying, has a lot to say about local issues. Whether it is through licensing or through general regulation, local ordinances touch on areas of health and public safety, roads, and even residential rental properties. Given some recent court rulings, we should discuss that last issue, the ability of municipalities to license and regulate residential rental properties (rentals).

A word about licensing and regulating is needed. Webster's defines a license as a "permission granted by competent authority to engage in a business or occupation." The term "regulate" is more broadly defined as "to make rules or laws that control." Taken together one could read a license as a specific type of regulation. Why is this important? Because this last summer the Appellate Division issued a decision which means, going forward, that municipalities cannot license certain residential rental properties under one statute but it could regulate them under others.

In brief, the Appellate Division issued an important decision related to the ability of municipalities to enact ordinances to oversee residential rental properties pursuant to the state's licensing act (N.J.S.A. 40:52-1). *Timber Glen Phase II v. Township of Hamilton* Docket No. A-1775-13T1 (N.J. App. Div. 2015). The licensing act lists a number of specific areas over which municipalities can "license and regulate." A few points should be taken away from this decision.

The thrust of *Timber Glen* was that a 1998 amendment to the licensing act amended the law so that municipalities "may not mandate by ordinance licensure of residential rentals [which have been leased] for 175 days or more." Slip. op. at 25.

The municipal defendant in this case had adopted an ordinance which required, among other things, an annual licensing requirement for all residential rentals. So, put simply, we won't be able to *license* long-term residential rentals.

But, what about *regulating* long-term residential rentals? This decision would appear to only impact the licensing statute and does not affect a municipality's ability to regulate housing pursuant to the Hotel & Multiple Dwelling Law (HMDL) at N.J.S.A. 55:13A-13a or the certificate of inspection provisions for residential rental properties at N.J.S.A. 40:48-2.12m. While the licensing act uses the words "license and regulate," the court's decision only pertains to the term "license." In a footnote, the court stated that:

Our opinion is confined to the authority to license and does not address defendant's regulatory or inspection authority granted by other statutes designed to assure rental premises remain safe, building and fire code compliant and structurally sound. See *Devine v. Mantua Twp.*, 28 N.J.Super. 299, 305 (Law Div. 1953). Slip. op. at 25.

Thus, this decision does not appear to implicate a municipality's authority under the HMDL for "multiple" dwellings that include "three or more units" or provisions which require a certificate of inspection after a change of occupancy occurs for all residential rentals pursuant to N.J.S.A. 40:48-2.12m. It is worth reviewing this latter provision which states:

The governing body of a municipality may adopt ordinances regulating the maintenance and condition of any unit of dwelling space, upon the termination of occupancy, in any residential rental property for the purpose of the safety, healthfulness, and upkeep of the structure and the adherence to such other standards of maintenance and condition as are required in the interest of public safety, health and welfare. Such ordinances

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shall require the owner of any residential rental property, prior to rental or lease involving a new occupancy of any unit of dwelling space in such property, to obtain a certificate of inspection or occupancy for the unit of dwelling space. Such certificate of inspection or occupancy shall be issued by the municipality upon the inspection of the unit of dwelling space by a municipal inspector and his findings that such unit meets the standards provided by law. The municipality may charge a fee to fund the costs of the inspections and the issuance of the certificates. For purposes of this act "owner" means the person who owns, purports to own, or exercises control of any residential rental property. N.J.S.A. 40:48-2.12m

Timber Glen does not appear to limit the authority of this provision. There may be some policy issues lurking in the weeds though.

Section 2.12m only allows for inspections when there is a change of occupancy. Some people live in rentals for years without leaving. And there is a real suspicion that some landlords will evade the inspection by refusing to notify the municipality when there is a change of occupancy. Also, one or two unit dwellings would not be subject to the HMDL's five-year inspections. Conceivably, without the ability to do an inspection every year like clockwork, some properties could go years without inspection. Clearly, this raises serious health and safety concerns for tenants who may be living in properties owned by unscrupulous landlords.

I would urge you to review *Timber Glen* and speak with your municipal attorney about it. There may be creative ways to deal with these policy issues described above. If there are, I look forward to hearing about them. 📌

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

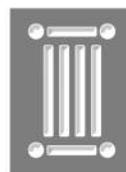
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Utilizing DEPTCOR Products and Programs

From signage to uniforms and more, the Bureau of State Use Industries provides training AND quality products

By Gary M. Lanigan, Commissioner, New Jersey Department of Corrections

Does a site in your town need a sign to identify itself as a location of interest, such as a museum? Might a government entity be able to use a new or refinished desk, office chair, sofa, or all of the above? How about storage lockers, clothing, graphics services, or even baked goods?

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The Bureau of State Use Industries was created in 1918 with the passage of the State Use Law that came about through the cooperation of industry, labor, and the public sector. The State Use system was established in principle within the Department of Institutions and Agencies under

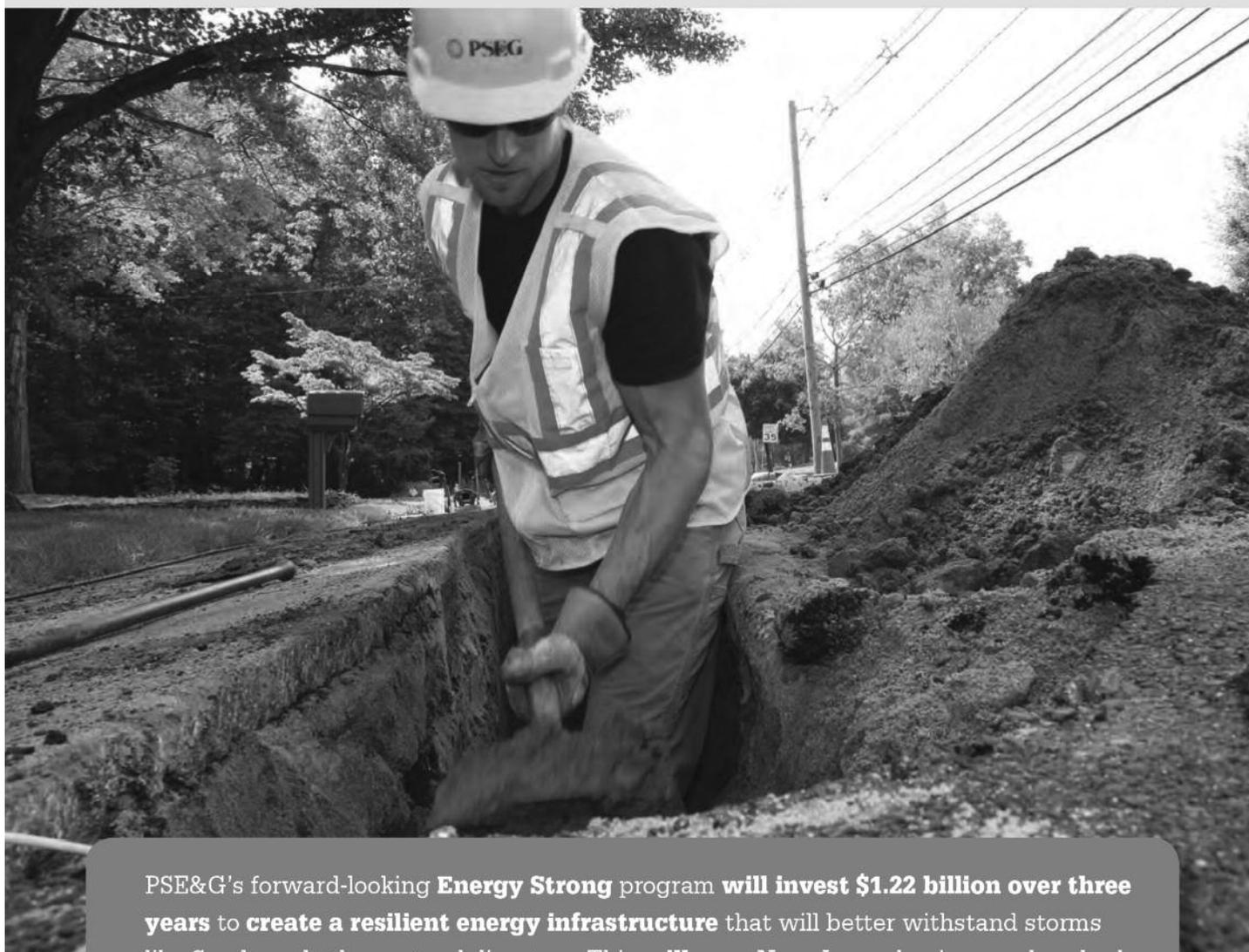


An inmate works at a sewing machine in the DEPTCOR shop at Edna Mahan Correctional Facility for Women. Photo by Al Trach

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the State Board of Control. Activities involving large-scale production of items competitive with the private sector were curtailed, and the process of adapting selective production to the needs of the available tax-supported governmental market was started, hence the name "State Use."

DEPTCOR operates 21 shops and offices employing approximately 1,000 inmates from correctional facilities across the state.



Building with a Mission The State Use Industries program operates under the

An inmate carefully constructs a chair in the DEPTCOR shop at Mountainview Youth Correctional Facility. Photo by Al Trach

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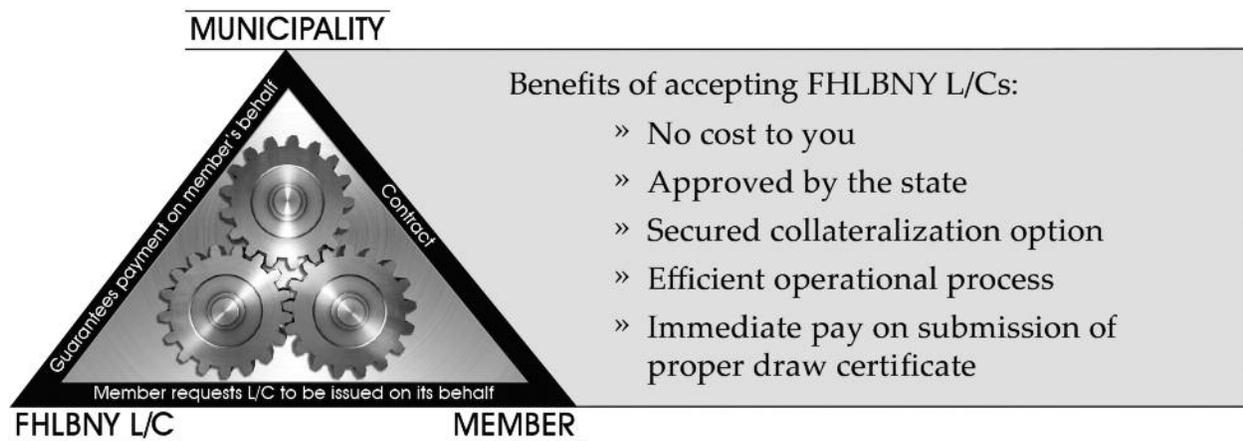
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trade name of DEPTCOR, whose mission is to educate, train, and provide marketable skills to the state's offender population through the operation of various manufacturing and service enterprises. Through DEPTCOR, inmates produce quality, cost-effective products. DEPTCOR operates 21 shops and offices employing approximately 1,000 inmates from correctional facilities across the state.

On-the-job training under the close supervision of experienced supervisors enables inmates to gain practical experience while learning teamwork, responsibility, and marketable skills—qualities that can continue to be applied after offenders make the transition back to the community.

Indeed, DEPTCOR places the same demands on inmates that any business or industry requires of its employees: doing the best job possible in the fastest and most efficient manner. Inmates typically develop a sense of pride in their jobs, along with a feeling of self-worth. Providing job training and character building to offenders who eventually will be released back into society saves tax dollars, since an individual who is able to earn a living and become a productive member of his or her community is less likely to return to a life of crime that ultimately will necessitate a return to prison.

Not surprisingly, the NJDOC relies on a wide array of DEPTCOR services, ranging from the use of metal, wood, and concrete products to clothing. And then, of course, there is food; DEPTCOR is responsible for roughly 60,000 meals daily in NJDOC facilities. So when those

of us in the Department of Corrections extol the virtues of DEPTCOR, we speak from first-hand experience.

Shops Around the State Nine of our prisons house one or more DEPTCOR shops. All three of our facilities in the Southern region of the state have DEPTCOR shops. In addition to a bakery and a clothing shop, Bayside State Prison in Leesburg has the shop that is perhaps most closely associated with inmate labor: an auto tag shop that makes license plates.

Nearby Southern State Correctional Facility in Delmont (wood and concrete) and South Woods State Prison in Bridgeton (clothing, signs/graphics, shoe warehouse, industrial warehouse, and print) are well-established DEPTCOR locations.

Across the state, Northern State Prison in Newark houses a clothing shop, the Adult Diagnostic and Treatment Center in Avenel is home to a textile and flag shop, and East Jersey State Prison in Woodbridge has clothing, metal, panel and furniture shops. Albert C. Wagner Youth Correctional Facility in Bordentown has a metal shop, while the two facilities in Hunterdon County—Edna Mahan Correctional Facility for Women (clothing) and Mountainview Youth Correctional Facility (mattress/pillow)—both house DEPTCOR shops.

Why DEPTCOR? Because of the quality products, competitive prices, outstanding service, an unconditional guarantee on all purchases and the importance of offender reentry.

DEPTCOR Director Kennedy O'Brien sums it up when he says, "Anything you can think of, we can build—and we can build it well." 🛠️



Products can be ordered through the DEPTCOR Web site—www.nj.gov/deptcor—or by calling DEPTCOR at 1-800-321-6524.



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PERC Lays Foundation for Negotiations Over Health Insurance Premium Contributions

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

In this column, we have previously explored the issue of what will occur once Chapter 78 contributions are fully implemented. The main questions on this issue have been (1) at what time do Chapter 78 contributions become negotiable and (2) once negotiable, at what point do the parties begin when negotiating these benefits? While we have opined based on the reading of the legislation and other interpretative devices, the Public Employment Relations Commission (“Commission”) has settled these issues for now in a decision in the matter of *Clementon Board of Education and Clementon Education Association*, P.E.R.C. 2016-010. This decision helps set the landscape for public employers and employees in handling upcoming negotiations once the Chapter 78 contributions are fully implemented.

To review, Chapter 78 of P.L. 2011 established the four-tier system to phase-in employee health insurance premium contributions. While the statute was effective June 28, 2011, contributions began for existing unionized employees upon expiration of their collective negotiations agreement that were in effect on June 28, 2011. So for example, if a collective negotiations agreement was effective from January 1, 2010 through December 31, 2013, then the four-year phase-in did not begin until January 1, 2014. Using that same example, Tier 1 would be January 1, 2014 through December 31, 2014, Tier 2 would be implemented on January 1, 2015 and continue through the end of 2015, Tier 3 would be effective for 2016 and Tier 4 would begin on January 1, 2017 and would be fully implemented, i.e., the fourth year would be complete on December 31, 2017. The question that both public employers and employee representatives alike have questioned is when are the parties legally obligated to negotiate the benefit contributions that are mandated by Chapter 78.

In *Clementon*, the parties Board and the Association were parties to a collective negotiations agreement with a term of July 1, 2011 through June 30, 2014. The employees began Tier 1 payments on July 1, 2011. As such, Tier 4 payments began on July 1, 2014 and would have been fully implemented on June 30, 2015. Under the facts of the case, Tier 1 Chapter 78 payments were not fully implemented until the end of the first year of the successor contract that the parties were negotiating. The Association argued that the parties could negotiate health insurance premium contributions for the contract they were negotiating, i.e., the contract beginning on July 1, 2014. The Board argued that negotiations of health insurance contributions were preempted by Chapter 78 and could not be negotiated until the successor contract expired. The Board’s position was negotiations of health insurance premiums could not take place until the contract *after* the one the parties were negotiating.

The preemption argument used by the Board was based on N.J.S.A. 18A:16-17.2, which stated:

A public employer and employees who are in negotiations for the next collective negotiations agreement to be executed after the employees in that unit have reached full implementation of the premium share set forth in section 39 of P.L. 2011, c.78 (C.52:14-17.28c) shall conduct negotiations concerning contributions for health care benefits as if the full premium share was included in the prior contract...

After full implementation, those contribution levels shall become part of the parties’ collective negotiations and shall then be subject to collective negotiations in a manner similar to other negotiable items between the parties.

The Commission read the above provision to expressly, specifically, and comprehensively set forth that health insurance contribution levels do not become negotiable until the next collective negotiations agreement after Tier 4 has been implemented. The Commission explained that this meant that

if the parties negotiated a multi-year agreement that concluded on June 30, 2017, then the parties would not be required to negotiate this issue until the next agreement effective July 1, 2017.

The Commission also addressed the important question of what is the status quo for negotiating health insurance contributions once negotiations do begin. Again, the Commission reasoned that the statute also expressly, specifically, and comprehensively answers this question. The article in question in *Clementon* set forth that employee health benefit contributions will be made at 1.5% base salary. The Association argued that this is the status quo for negotiations. The Board took the view that N.J.S.A. 18A:16-17.2 again answered this question for the parties. The statute reads, “negotiations concerning contributions for health care benefits [shall be conducted] as if the full premium share was included in the prior contract...” The Commission reasoned that Tier 4 levels

are the status quo for negotiating health insurance contributions once contributions become open for negotiations.

This decision is significant for public employers to understand in approaching their current or upcoming negotiations. It is likely that these negotiations will confront Tier 4 contributions and its full implementation. It is therefore important to know that public employers are not required to pre-negotiate health insurance contributions below Tier 4. The *Clementon* decision and the analysis from the Commission must be used by public employers in its negotiations.

Therefore, public employers should be certain of the following when approaching negotiations concerning health benefits. First, employers must know when Chapter 78 payments are fully implemented for each of its bargaining units. (Remember, full implementation occurs when Tier 4 payments have been made for a full year, not the day Tier 4 payments begin.)

Second, once this is known, then public employers should be aware of the terms of all collective negotiations agreements in connection with the full implementation. In the collective negotiations agreement in which Tier 4 is fully implemented, *Clementon* holds that health insurance contributions are not negotiable. Public employers should therefore be mindful of these dates and understand that they do not have to pre-negotiate these benefits. Term of contract therefore becomes an important issue to be aware of when approaching negotiations and developing a strategy.

Finally, public employers must remember that Tier 4 is the starting point for future negotiations once health insurance contributions become negotiable. That is, Tier 4 Chapter 78 payments become part of the collective negotiations agreement and the parties must negotiate from that point once negotiations can begin.

Please consult your labor counsel on this issue for any further developments. ♣

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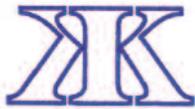
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