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Official Publication of the New Jersey State League of Municipalities

October 2015

ROCKING OUT in Seaside Heights

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100th Annual Conference Preview

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“Your League is dedicated to assisting you in whatever way we can.”

The New Jersey League of Municipalities is just beginning its second century of service to you—the people who serve the people at the local level of New Jersey government. I am grateful for the opportunity to direct the work of your League staff. We remain committed to the goals of the League’s founders, who successfully urged state policymakers to enact a law, which “authorized municipalities...to form and join an organization of municipalities for joint municipal action upon questions affecting the general welfare of such municipalities.”

Their vision, cooperation and energy built the foundation for much of what has been accomplished over the past 10 decades. Our Annual Conference, to be held next month in Atlantic City, embodies the spirit that guided their efforts. And our theme—“The Foundation for a Bright Future”—describes their contributions and the ongoing efforts of the generations of municipal officials who have followed them.

Benjamin Franklin once said that, “Without continual growth and progress, such words as improvement, achievement and success have no meaning.” We know that you are dedicated to the growth and progress of your municipalities. We want

you to know that your League is equally dedicated to assisting you in whatever way we can.

The challenges are both familiar and novel. We will continue to battle the diversion of municipal revenues to balance the state budget. We also plan to advocate for much-needed infrastructure investment and clarity on matters concerning affordable housing. And we are committed to working with you to meet the challenges and opportunities created by evolving technologies.

At the federal level, the League is committed to similar goals, such as increased investment in local transportation; ending the preemption of local prerogatives, and protecting the municipal bond tax exemption. Our long history of unity and credibility makes the League an effective voice in New Jersey and beyond.

I’m looking forward to building on the accomplishments of the past and supporting you amidst the challenges that we will no doubt face in the years to come. Please know that my door is always open to you. I’m hoping to meet as many of you as possible during the Conference next month. But in the meantime and going forward, and for as long as I’m in this position, don’t hesitate to contact me if I can ever be of service. 🍷

Michael Darcy



Duran to Retire as Managing Editor

Kyrá Z. Duran, who has served as *NJ Municipalities*' Managing Editor since 1995, will leave the post following this issue. She shepherded the award-winning publication through two major design changes. The magazine won two APEX Awards for Publication Excellence during her tenure.

She'd like to thank both the readers and the authors she has had the privilege of working with over the years. She also extends her appreciation to Editors in Chief Michael Darcy and Bill Dressel, NJM's creative director Dawn Becan, and members of the League staff for their support and encouragement.

"I'm sad to leave, but after 20 years, I'm also looking forward to new challenges and opportunities," said Duran. "I appreciate all that you've done to help me make *New Jersey Municipalities* a useful and enjoyable publication for our state's municipal officials."

Duran joined the League following her employment as a Communications Specialist with the New Jersey School Boards Association. ❧



Spiezio Named Managing Editor

Amy Spiezio has joined the League staff as Managing Editor of *New Jersey Municipalities*. Her primary duties will include managing the production of *NJ Municipalities* magazine and the league's written communications.

Coming from the eye care industry where she was the executive editor of *Eyecare Business* magazine, Spiezio brings more than 20 years of editorial experience to her new role.

Part of *Eyecare Business*' editorial team for 13 years, Spiezio was promoted from managing editor to executive editor in 2013. She was the recipient of the Optical Women's Association's Pyxis Award in 2015 for contributions to the group's growth and development.

Prior to joining the optical industry, she edited a variety of publications, starting as a staff writer at Greater Media's weekly newspapers in Central New Jersey. Moving into the magazine world, Spiezio enjoyed tenures at trade and consumer magazines, writing about everything from zoning laws to claw foot tubs and Caribbean getaways. She has had several stage and radio plays produced and was selected as a New Jersey Young Playwright.

Spiezio holds a B.A. in English from Immaculata University in Immaculata, PA, and a Masters of Arts in Strategic Communications and Leadership from Seton Hall University in West Orange. ❧

The Crime is Down in Middletown



Middletown's crime rate dropped to its lowest level in more than 25 years. These statistics are based on records dating back to 1989. Police attribute the decrease to a combination of proactive policing, strong public support and a close working relationship between the community and police.

The township's overall crime rate decreased by over 15 percent in 2014

compared to 2013. The crime rate for 2014 was 8.57 incidents per 1,000 inhabitants compared to 10.17 in 2013. In 1989 the rate was 16.4 incidents per 1,000 inhabitants, a 48 percent drop since 1989.

Statistics were compiled from the annual New Jersey State Police Crime Report, which is based on numbers submitted to the New Jersey Uniform Crime Reporting System by law enforcement agencies, and can be found at njsp.org/info/stats.html. ↴

Bradley Named Legislative Affairs Administrator



Ciara Bradley joined the staff of the League of Municipalities in August as Legislative Affairs Administrator. Her primary duties will involve coordination and communication of legislative messaging; and logistics of legislative programs and meetings.

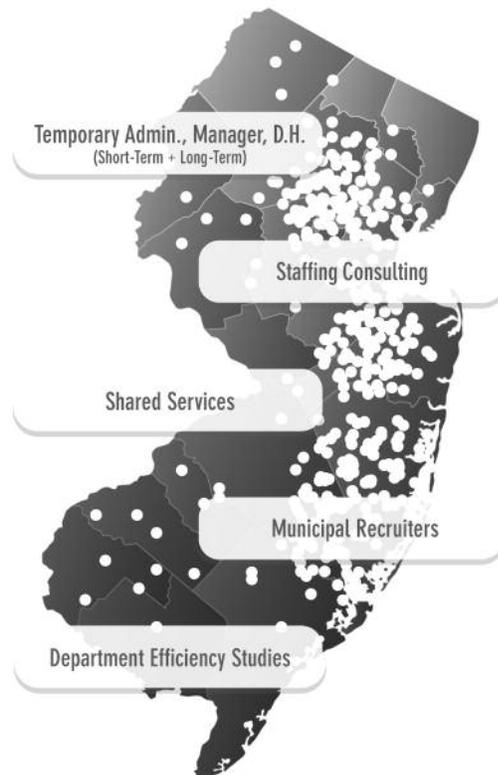
Bradley has eight years of Legal and Administrative experience as a paralegal and will use these skills to assist with the legal functions of the League. She also previously worked for The New Jersey Office of Attorney General, The Superior Court of Monmouth County Vicinage, and The New Jersey Office of Public Guardian.

Before working in government, she served in several law firms that focused on different areas of the law.

She holds a B.A. in English Literature and Communications with a minor in Spanish from Georgian Court University in Lakewood. She received her Paralegal Certification from Brookdale Community College. Bradley is active in her community and a mother of two. She plans to attend law school at night to further her education and career goals. ↴

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Louis Bay 2nd Future Municipal Leaders Scholarship Competition

League Announces Winning Essayists

The three winners of the 21st Annual Louis Bay 2nd Future Municipal Leaders Scholarship Competition were Francesca Marie Costa of Closter, Ryan P. Grant of Egg Harbor Township, and George Swoyer of Lower Township.

The winners, who are either high school juniors or seniors from New Jersey, each received a \$1,000 scholarship check from their mayor, courtesy of the New Jersey League of Municipalities.

The theme for this essay competition was “What My Municipal Government Does Best.” To read the essays, visit njslom.org.

The essays go through three rounds of judging at the local, state and winner levels. The final judges were League Past President and Mayor of Buena Vista Chuck Chiarello and League Executive Board Member and Deputy Mayor of Hampton Township Daniel Coranoto (deceased); and League 2nd Vice President and Mayor of Bridgeton Albert Kelly.

The competition is named in honor of Hawthorne Mayor Emeritus Louis Bay 2nd who actively participated in local government and the League of Municipalities for more than 60 years. The purpose of the competition is to advance the virtues of elected municipal office while raising consciousness and encouraging our future municipal leaders.

The list of winners, finalists and semi-finalists for 2015 appears below.

WINNERS

- Francesca Marie Costa, Closter Borough
- Ryan P. Grant, Egg Harbor Township
- George Swoyer, Lower Township

FINALISTS

- Taylor Morgan, Brick Township
- Kara Barone, Deptford Township
- Siddharth Challani, East Windsor Township
- Joseph Baldofsky, Fair Lawn Borough
- Leah Matari, Hawthorne Borough
- Daniel Visone, Manalapan Township
- Austin Verissimo, Newark City
- Gabriela Cevallos, Newton Town
- Mercy Griffith, Ocean City
- Andrew Sengupta, Old Bridge Township
- Daniel Martin Hurley, Plainsboro Township
- Megan Burns, Point Pleasant Borough

- Neidelyn Pina, Weehawken Township
- William Flosdorf, West Cape May Borough
- Jessica Bergbauer, Winslow Township

SEMI-FINALISTS

- Patricia Morales, Bergenfield Borough
- Brooke Niedermaier, Bordentown Township
- Chelsea Fossett, Dennis Township
- Shoshana Stahl, East Brunswick Township
- Melani Dimperio, East Orange City
- Sarah Srour, Eatontown Borough
- Samantha McCallion, Fanwood Borough
- Connor O’Toole, Folsom Borough
- Nicholas Stefaniak, Hamilton Township (Mercer)
- Miriam Rosenbluth, Highland Park Borough
- Erica Suraci, Hillsborough Township
- Erricka Leopardi, Hope Township
- Grace Johnson, Lafayette Township

- Eli Alfieh, Lakewood Township
- Seamus Ulmer, Longport Borough
- Katherine Chinery, Manchester Township
- Amar Naboulsi, Marlboro Township
- Joshua Hall, Metuchen Borough
- Brittany Liscoe, Middletown Township
- Kathryn Hicks, Morris Plains Borough
- Marc Vicente, North Bergen Township
- Debra Greenstein, Ocean Township (Monmouth)
- Rachael O’Reilly, Rahway City
- Camilo Alvarez, Ridgefield Park Village
- Rima Patel, Roseland Borough
- Kevin Gill, Upper Township
- Ralph Angolemmo, Jr., Wantage Township
- Lottie Shrem, West Long Branch Borough
- Jonathan Gelb, West Windsor Township
- Konnor Porro, Wyckoff Township



Francesca Marie Costa receives the Louis Bay 2nd Scholarship Certificate and \$1,000 award from Closter Mayor John Glidden.



Mayor James “Sonny” McCullough presents Ryan P. Grant of Egg Harbor Township High School with a certificate and \$1,000 check for winning the Louis Bay 2nd Future Municipal Leaders Scholarship competition.



George Swoyer (third from right) of Lower Township, who received a \$1000 scholarship for his winning essay, poses with (l to r) his parents Allan and Joann Swoyer, Deputy Mayor Norris Clark, Township Manager Jim Ridgway, and Mayor Mike Beck.

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League Past President and Elmer Mayor Herbert D. Stiles, Jr. Remembered



With great sadness, we regret to report the death, on May 21, of League Past President and long serving Mayor of Elmer, Herbert D. Stiles, Jr.

Elected to the League's Presidency at our 2005 Conference, Mayor Stiles was asked to describe the role of a local elected official. "Citizens want honest representation by officials who care....Like a good neighbor, you have got to really care about your fellow citizens—their welfare, their happiness, their sorrows and even their dreams. That's really the heart of the matter. And I think that's why most of us get involved, and stay involved, in this business."

For 25 years, Herb Stiles gave the people of Elmer caring, honest and honorable service. He also brought to his efforts an untiring work ethic, the highest of ethical

standards, genial humility, warmth and a subtle sense of humor. He often noted losing his first run for office by four votes. "But, thanks to God, good fortune and the sound judgement of the people of Elmer, I haven't lost since," he said.

He served on the Borough Council from 1981 until he won the Mayor's Office in 1992. He continued to serve as Mayor until 2007. An Air Force veteran, Herb served as a radio and television specialist for the North American Air Defense Command and the Armed Forces Radio and Television Service. After his honorable discharge, he applied his talent and training as a program director in radio broadcasting for 25 years, and as a public affairs specialist for 10 years after that. In addition to his service to the people of Elmer, those careers were followed by time spent as Deputy County Clerk for Salem County.

A life-long son of Elmer, Herb was an active and faithful member of Elmer United Methodist Church. He also served as a member of the Salem County Steering Committee for the March of Dimes annual WalkAmerica, the Salem County Utilities Authority and the Salem County Advisory Solid Waste Committee.

During his year as League President, Mayor Stiles helped to inaugurate the Mayors Wellness Campaign. And bipartisanship was a hallmark of his Presidency. Along with his predecessor as League President, Mayor Peter Cantu of Plainsboro, he fought for reform and replenishment of the Transportation Trust Fund. Along with League Board Member Mayor Gary Passanante of Somerdale, he fought to advance a Citizens Convention for Property Tax Reform. And with mayors and local governing body members from all around our Garden State, he led our efforts during and after the state's Budget deadlock, leading to Governor Corzine's Special Legislative Session for Property Tax Reform.

Predeceased by his wife, Lucy, he is survived by his sister Kathryn McAllister, by his brother Robert Stiles, and by many more family members and scores of friends. We will miss his wise counsel and genial wit. 🍷

NJLM Legal Team Members Recognized

John L. Kraft and Edward J. McManimon III Named Lifetime Achievement Award Winners

The New Jersey Law Journal has included two members of the League's Legal Team on its first list of Lifetime Achievement Award winners.

According to the publication, those selected "represent the figures who have helped to shape the law in New Jersey, whether through their work on the bench, assisting those in need of legal services, building a firm or any other means."

Kraft and McManimon are among a list of 25 people selected for the honor. John L. Kraft is an attorney with Kraft & Capizzi, LLC. Edward J. McManimon III is an attorney with

McManimon, Scotland & Baumann, LLC.

The winners were profiled in the May issue of the Law Journal and honored at a dinner.

To suggest someone for a future Lifetime Achievement Award, contact Andre Sutton at asutton@alm.com. 🍷



John L. Kraft



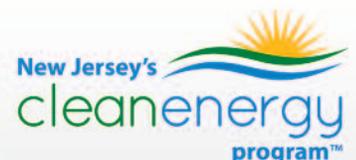
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Three Generations Shaped Woolwich

Current Mayor Samuel Maccarone, Jr. was preceded by both his father and grandfather

By Matthew Blake, Director of Community Development, Township of Woolwich

Woolwich Township Mayor Samuel Maccarone Jr. is feeling nostalgic. Elected to the Township Committee in 2007, he has served as Mayor since 2011. He will soon be leaving his post to seek a higher office.

As a third generation Mayor, Maccarone's departure from local service not only leaves a legacy of personal accomplishments, but also a genealogical one. Members of his family held the top post in Woolwich for a total of 24 years.

Mayor Maccarone followed in the footsteps of his father Samuel Maccarone, Sr. (deceased), who was elected as a member of the Woolwich Township Committee in 1992. He served for nine years, two of as Mayor.

After serving for one year as a member of the Woolwich Township Committee in 1957, the family patriarch Joseph Maccarone was the mayor for the next 17 years.

In total, this family legacy represents a total of 36 years of public service to Woolwich Township.

The township has undergone many changes throughout those years. It grew from a town of just over 1,000 to the current 11,783. It went from the tomato capital of New Jersey, if not the entire Eastern Seaboard, to one of the most desirable places to live and raise a family within the Philadelphia



Greater Metropolitan Area.

With incredible growth came growing pains and new challenges that required bold ideas and a steadfast commitment to comprehensive planning and smart growth. Many farms were turned into new developments. Mayor Samuel Maccarone, Jr., spearheaded an effort to preserve over 1,500 acres of farmland and open space over the past eight years.

Woolwich also boasts highly rated schools and an expanding park system. Generations of Maccarone mayors can-do enthusiasm is rooted in a deep love for their community. Whatever the future brings, Woolwich Township is a better community because of the service and example of three generations of Maccarone mayors. 🍷

A Block by Block Revitalization



The Orange Housing Corporation (OHC), created by the Orange Housing Authority (OHA), has been responsible for redeveloping and rehabilitating properties designated as distressed throughout the city, improving the quality of living for residents living in Orange. The group is revitalizing the city's East Ward one block at a time.

The project began with the Walter G. Alexander public housing complex, a 140-unit property built in the 1950s and riddled with drug activity, prostitution and theft. Police were called to the area an average of 20 to 40 times per day. The OHA tore down the complex in 2010 and new townhomes were built with private entrances for each unit; a mix of 48 affordable housing units for seniors and 66 units for families.

After a fire destroyed seven attached row homes in 2010, the OHC leveraged money to rebuild homes for the displaced families. At one time rebuilding the homes would not have been a priority; because they were in a poor, high crime area. But the OHC has helped to change that. On June 24 a ribbon-cutting ceremony was held to present the new Oakwood Avenue Development. 🍷

October is Cyber Security Month NJ-GMIS Provides Resources to Stay Safe Online

We now live in a world that is more connected than ever before. The Internet touches almost all aspects of everyone's daily life, whether we realize it or not. Recognizing the importance of cybersecurity to our nation and to organizations, President Obama designated October as National Cyber Security Awareness Month (NCSAM).

Local governments heavily rely upon the Internet to conduct business each day, especially when sharing information with constituents. As a local government official, you can play a pivotal role in helping your community stay safe and secure online.

Whether you are able to show your support for just one day or every day this month, there are many ways you can make a difference to raise cybersecurity awareness. See the things you and your organization can do in one minute, an hour, a day, all month and all year long at staysafeonline.org/ncsam/get-involved/local-governments.

The site includes a sample proclamation template and ideas for bringing cyber security information to small businesses, parents, schools, seniors. The site also has links to tool kits for other groups, including law enforcement, seniors, students, parents and educators. If you pass a proclamation, please let the League and NJ-GMIS, its technology support organization, know about it by emailing a copy to info@njgmis.org.



Tech Update

Don't Fall for Phishing Scams

By watching for the telltale signs of a scam, you can minimize your risks. Here are some scenarios you may encounter:

- An email appearing to be from a bank, credit card company, or other financial institution requests that you “confirm” your personal account information.
- A phony email from the “fraud department” of a well-known company asks you to verify your information.
- A scammer may take advantage of a current event, such as the Anthem data breach, to send phishing emails with malicious links for “free credit reporting.”

Ways to Protect Yourself

- Do not send any sensitive personal information via email.
- Do not follow links embedded in an unsolicited email. Instead type in the institution's name.
- Only open attachments you're expecting. Be cautious about .zip files, as malicious files could be packed inside.
- If you want to verify a suspicious email, contact the organization directly—but don't call the number which is provided in the email.
- Use discretion when posting personal information on social media. It can be a treasure-trove to spear phishers who will use it to feign trustworthiness.
- Use antivirus software to detect and disable malicious programs.

For More Information

- Anti-Phishing Working Group: www.antiphishing.org

- Internet Crime Complaint Center (IC3): www.ic3.gov/default.aspx
- Federal Trade Commission: www.consumer.ftc.gov/articles/0003-phishing
- MS-ISAC (Center for Internet Security): <https://msisac.cisecurity.org/resources/guides/>

NJ-GMIS, an affiliate of GMIS International is New Jersey's organization of local government technology managers. Information on affordable membership for municipalities of any size is at www.njgmis.org. This article is adapted from material provided for public distribution by MS-ISAC.

If your community has a unique program or story, write to Amy Spiezio c/o The League of Municipalities, 222 West State Street, Trenton, NJ 08608 or via email at aspiezio@njslom.org.

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Keeping Public Works 'Public'

Barrington Borough's 10-member Public Works Department delivers value for taxpayers

By Kelly Crost, *Public Works* magazine



Barrington crews lower a trenchbox into an excavation to repair an offset storm pipe. (Credit: Borough of Barrington Public Works Department)

“Borough” comes from the medieval word “barrow,” which means “fortified place.” Surrounded as they are by communities that entirely outsource public works, the 10 employees of New Jersey’s Barrington Borough could be forgiven for feeling besieged.

But year after year they prove their value to this Philadelphia suburb, saving 7,500 taxpayers about \$200,000 annually by providing all services except solid waste/recycling collection.

In the 22 years Foreman Kenny Broome has been with the department, public works has never had a layoff.

“New residents are shocked when they go on our website and see the amount of work we do,” he says.

They shouldn’t be. Given their 1.7-square-mile service area, and that about two-thirds of the borough’s 26 roadway miles belong to the city, crews are visible daily. When they’re not doing the usual—inspecting and maintaining signs, signals, sidewalks, drains, right of way, parks and buildings—they’re plowing, sweeping and repairing streets; televising 22 miles of sewers and checking out two pump stations; or maintaining fire, police and emergency vehicles.

Even so, they occasionally have to remind elected officials and the public of all they can do.

Training is key to employee retention and keeping public works a public service in an era of cynicism toward government.

One example is how they eliminated an ice hazard due to sump pump discharge into a street. Tired of endless call-outs every winter to salt and scrape, public works consulted with Greg Evans at KEI Associates in Berlin on a \$160,000 solution. Then they told the mayor and city council they’d deliver the job for half that.

“We got all the details on the job from our engineer and began site work,” Broome says. They installed 1,285 linear feet of 8-inch PVC pipe, cleanouts and connections; tied into inlet boxes; and replaced sidewalks and aprons. “We haven’t been called out to this street for icing since installing a storm sewer collection pipe and having residents tie into our system.”

Training is key to employee retention and keeping public works a public service in an era of cynicism toward government. Though he started with the department in high school through a co-op program, the city later paid for Broome to complete a certified public works management course.

“The most challenging component of overseeing the department is managing so many tasks at one time and keeping your employees accountable,” says Broome. “Every day is a new learning experience.”

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Hurricane Damage Repair Required Careful Timing

New Providence officials balanced numerous deadlines and requirements to replace storm drains

By Allen Morgan,
Mayor, New Providence

It's always a challenge, as well as a learning process, to find ways to pay for unanticipated repairs to infrastructure that is damaged by a storm. It also takes time. Every governmental agency has its own requirements and deadlines. Even though the funding for this project took several years, once we got the final approvals, construction was completed in 30 days. The primary reason this worked so smoothly is because we maximized the use of our timelines and resources.

The extent of Hurricane Irene's destruction in 2011 reached further into the future than anyone imagined at the time. The severe flooding experienced by municipalities along the Passaic River in Union County wreaked as much havoc on stormwater systems as it did on fixed annual infrastructure budgets. In New Providence, Hurricane Irene completely destroyed several stormwater outfalls discharging into the river including the pipes, headwalls and outlet protection.



After re-grading, the slopes were stabilized by installing a 100 percent coconut fiber erosion control blanket held together with 100 percent biodegradable jute netting and 100 percent biodegradable stakes made of bio-plastic resin.



Flooding in municipalities along the Passaic River wreaked as much havoc on stormwater systems as it did on fixed annual infrastructure budgets.

During the hurricane, high velocity stormwater carved out channels that were between 20-30 feet wide and 10-15 feet deep. In the two most severely eroded outfall systems, located in residential neighborhoods, the damage was begin-

The primary reason this worked so smoothly is because we maximized the use of our timelines and resources.

ning to impact the roadways. These channels also fell within the boundaries of the Passaic River Parkway, a recreational greenway that is part of the Union County Master Plan, and intersected some of the popular walking trails, creating a safety hazard.

Since the damage was caused by a declared disaster (Hurricane Irene) we were eligible for a FEMA Public Assistance Grant to reimburse the Borough

for 75 percent of the cost of engineering and construction to rebuild both stormwater outfalls to their pre-disaster condition, with a stable bank. However, after working with the NJDEP, we realized that our reconstruction plans would require a Flood Hazard Area Individual Permit (FHA IP) in addition to a wetlands General Permit 11 (GP11). Additionally, it would be expensive to rebuild within the Flood Hazard Area. Using the plans as they were, we would have to apply for the FHA IP, which meant extensive engineering and permitting costs. This would have taken time that risked not meeting the FEMA grant deadline. It also didn't guarantee that the NJDEP would approve an FHA IP. Therefore, we modified our design to relocate the outfalls out of the Flood Hazard Area and Riparian Zone of the Passaic River, to avoid impacts on the sensitive ecology of the Passaic River. The outfalls were relocated as close to

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Hurricane Damage Repair

the Flood Hazard Area as feasible in order to minimize future erosion and satisfy FEMA requirements that a facility be reconstructed to its pre-disaster condition. We also received Somerset-Union Soil Conservation District (SUSCD) certification, which allowed us to disturb soil for construction activities and ultimately stabilize the area.

Another hurdle we had to address was the NJDEP determined that the construction had potential to affect a federally listed species or habitat (Indiana Bat). Therefore, we were not allowed to clear trees from April 1 to November 15. With the FEMA funding deadline looming on August 31, and knowing we had to perform the construction within this summer window, we had our DPW have the trees cleared prior to mobilization of the contractor.

Bank Stabilization Each site had an approximately 25 foot deep eroded area with exposed soil and was on a relatively steep slope with stormwater discharging into the eroded area. This made it unstable and caused expansion as soil continually washed into the Passaic River. With the help of Doug Marvin, our Borough Administrator, and Andrew Hipolit, PE our Borough Engineer from Maser



New Providence Mayor Allen Morgan looks over a completed storm drain.

Consulting P.A., our design included the replacement of the previously washed-out manholes, stormwater pipes and headwalls with new ones, backfilling the eroded areas, and re-stabilizing the areas with rip rap at the outfalls.

The outfalls had to be relocated outside of both the Flood Hazard Area and Riparian Zone of the Passaic River, which otherwise would have triggered additional NJDEP permits beyond the already required wetlands permit. Stabilization of these areas also made it safer for hikers on the wooded paths that run parallel to the Passaic River. At Pine Way we used gabion basket walls to stabilize

the slope and installed locust post and rail fence as fall protection.

After re-grading the slopes (up to 2:1), we stabilized them in the most environmental friendly way possible by installing a 100 percent coconut fiber erosion control blanket held together with 100 percent biodegradable jute netting and 100 percent biodegradable stakes made of bio-plastic resin to hold the blanket to the ground. This blanket protects the seed, increasing the germination rate, while providing temporary stabilization until vegetation is permanently established. Since the site is in a wooded area, we specified a Conservation Shade Mix specifically composed of grasses that are shade tolerant, which helped stabilize steep slopes.

Although the process for permitting allocation for this project was a little complicated, all agencies cooperated. The approval of our design modifications saved us over \$50,000 and helped us meet the funding deadline, which saved us an additional \$200,000 in construction costs. Even though the paperwork process was lengthy, we used our time as proactively and efficiently as possible by clearing the trees ahead of time, modifying our design to fit the GP11 instead of submitting for FHA IP and working around the Indiana Bat restriction.

The ultimate success of this project depended on timing, effective decision making, the ability to get the job done, knowledge of the permitting parameters and creativity. We, and our residents who live nearby and use the area for recreation, are pleased with the results. ♻️

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Creating Beauty and Safety in One Day

What started as a small volunteer effort has grown into a dynamic community collaboration

By Thomas "Ace" Gallagher, Hanover Township Committeeman
& Sue McCluskey, President, Morris County League of Municipalities;
Council Member, Borough of Morris Plains



East Hanover students work with school and municipal officials to plant shrubs during the October 2014 One Day/One School Project at the East Hanover Township Middle School.

“**W**hat a Difference a Day Makes!” proclaims a popular song. Never more so than when you’re talking about “One Day, One School,” a program that brings together volunteer business owners, public and school officials, and students to beautify school property and enhance safety. Since 2008, the initiative has saved Hanover and East Hanover Townships, and Florham Park Borough taxpayers over half a million dollars in tree work and landscaping. Equally important, the collaboration fostered unity in these neighboring Morris County towns, and empowered students to take pride in and ownership of their school grounds.



Retired school superintendent Scott Pepper and team of volunteers do the planting.

The program’s objective is simple: one day of volunteer teamwork at one school to remove dangerous tree limbs and landscape school grounds. However, the results have been substantial.

It’s the team effort that makes the program especially rewarding. “It’s great to see all of the municipal departments, school officials, and volunteers working

together to achieve the same goal,” he notes. The program is expanding to Morris County.

The idea for One Day/One School struck Thomas “Ace” Gallagher—almost literally—as he was walking his children to school in 2007. Glancing up, he was alarmed by dead branches threatening to fall from the tree canopy. Recognizing the danger to school children, he contacted the district’s superintendent and offered to donate his professional tree care services and enlist volunteers from among his industry peers and from the community at large to make the school path safe. He proposed organizing this project as a one-day event to clean up the grounds of the school, remove debris, trim trees and do landscaping. Given the high cost, specialized skill and safety considerations associated with tree maintenance, the school district welcomed the opportunity.

From that project, One Day/One School (1D/1S) has moved each year to a different location and has grown to a pool of over 200 volunteers working hand-in-hand with school and municipal officials. This was Ace Gallagher’s intention all along. He realized the importance of designing a comprehensive plan by transforming his initial idea into an

It’s great to see all of the municipal departments, school officials and volunteers working together to achieve the same goal.

“One Day, One School takes municipal shared services to another level with the many professional private sector contractors donating their services, saving school districts thousands of dollars,” states Hanover Township Mayor Ron Francioli. For Hanover Township Public Works Superintendent Brian Foran,

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* Since 2014, Dennis Galvin has been the author of *Local Government Law, 4th, New Jersey Practice (Volumes 34-35 A)*, published by Thomson Reuters.

Creating Beauty and Safety

annual program that would continue to benefit Hanover Township, and at the same time, would provide a model for other communities. Using the guidelines below, any town can launch its own “One Day, One School” initiative and achieve tangible benefits from the program.

Get Started Pick a date (and a rain date), allowing nine months to a year to plan. Solicit volunteers and assemble your 1D/1S Team, get School Board approval, engage the municipal officials, research local ordinances, contact the NJ DEP for approval and ask for the support from the local Police and Public Works Departments and local emergency responders.

Ask local nurseries to donate plant materials, enlist the help of local landscape companies, contractors with dump trucks, and local restaurants to donate food for the volunteers. Local civic groups, Home and School Associations, sports clubs and athletic organizations are a valuable source of volunteers. Perhaps a local DJ will provide music. They all have children in the school system and will most likely help—especially since it is only a day!

Select a Project Arrange for the 1D/1S Team to tour school grounds in your municipality to see where tree work is needed. Look closely where the buses park and the children enter the building. Examine every entrance to the property. Are tree branches or plant material obstructing any lighting or hanging over the bleachers or playgrounds? Have any of the plantings become so overgrown they’re limiting sight distance for cars and buses entering and moving around the premises? This is when the 1D/1S Team puts their notes together for one large work order.

Assign Tasks Assign preliminary duties to your tree professionals, matching the scope of each task with the expertise of the company performing the work. Some partners are experts at full hazardous removals while others have special skills in trimming ornamental



DK Tree Experts provide equipment and expertise in tree maintenance at the East Hanover Township Middle School during the One Day/One School Project in October 2014.

trees, or pruning overgrown plants. The Hanover, East Hanover, Florham Park program has had as many as 11 top tree companies on site at one school at one time. Give student volunteers the tasks of collecting litter and planting shrubs and flowers with assistance from adults knowledgeable in landscaping. Area residents can help by spreading mulch, removing trash, serving food and cleaning up. Track progress on assignments by scheduling periodic meetings.

Stay Safe Remember to make safety your number one priority for the event.

Make sure all volunteer vendors provide insurance certificates—an absolute must. New tree maintenance companies wanting to participate should also provide 5 to 7 years of loss forms to allow the 1D/1S Team to assess their safety track records before they come on board.

Make a Site Map of the property identifying the work to be accomplished in each zone. Designate where the Command Center will be, appoint a communications manager, decide which equipment is needed in each zone and

make sure a Safe Zone with a secure perimeter is conveniently located and manned by volunteers to enforce safety rules. No equipment is permitted in the Safe Zone. This is where the rest area is designated, food is served, the DJ entertains and the press is stationed. Volunteers must sign in and be accounted for at all times.

The Site Map should include color-coded Work Zones along with the Safe Zone. Write a Safety Plan and distribute it with the Site Map to all participants. Post the plan and map prominently during the event. Make sure water is available to participants.

Before, During and After Two months before the event, the 1D/1S Team should meet to ensure that all the preliminary preparations have been completed. These include ordering signs, staging of the trucks and equipment and determining locations for parking, restroom facilities, delivery of plants and

mulch, trash/garbage trucks and a first aid station. Assign the volunteers to their specific duties, and remember to designate a clean-up crew.

Arrive early the day of the event. Nothing begins without a check of the properly marked zones, a final review with the 1D/1S Team, the municipal team, and the school administration. Review the safety rules with all the contractors and other volunteers. At the end, confirm with the municipal and school administration that the entire site is safe and all equipment is accounted for and removed from the site. Volunteers need to do a final “sweep” of the site for safety.

What have you accomplished in One Day at One School? You’ve raised environmental awareness, empowered youngsters and parents to take ownership of their schools and led a team of private and public sector volunteers in making one school more beautiful and safe. The savings to taxpayers? Significant. Discovering the unity in your community? Priceless! 🌱



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Association Supports Public Works

The APWA-NJ supports Public Works professionals and local leaders with education and advocacy

By Paul D. Wnek, President, American Public Works Association–New Jersey Chapter

Most people never think about Public Works until there is a problem—a street is unplowed, the garbage is not picked up on time, there’s a pothole, or a budget issue. We, the New Jersey Chapter of the American Public Works Association (APWA-NJ), think about public works and public works employees all day, every day. The APWA-NJ is proud to be an Affiliate member of the New Jersey State League of Municipalities, and we are here to support the public works profession.



For those unfamiliar with the American Public Works Association (APWA), it was established in 1937, and has 29,000 members in 64 chapters across the United States and Canada; members whose communities rely on them 24 hours a day, 7 days a week. APWA is dedicated to serving the public works segment of government. The New Jersey Chapter was established in 1989 to develop the people, agencies and organizations that plan, build, maintain and improve our communities. We are working together for a better, sustainable quality of life.

APWA-NJ is proud to work with all New Jersey State League of Municipalities members, during its 100th anniversary and beyond. We are having our third joint education session at this year’s annual conference in Atlantic City. Our program, “Traffic Safety for Elected Officials: What you need to know and what your constituents expect you to know,” addresses an issue that touches every one of our lives. We ask interested local officials, and especially public works professionals, to attend this seminar and the annual meeting and awards



During the annual awards presentation APWA-NJ honors public works representatives, elected officials and improvement projects that demonstrate exemplary commitment and leadership to the community. (above) Paul D. Wnek presents a merit award to Ed Gottko.

presentation we hold on Thursday morning during the conference. During the annual awards presentation we honor public works representatives, elected officials and improvement projects that demonstrate exemplary commitment and leadership to the community. Each year, a leader from the APWA national office provides an update on local and national news, and we host board elections and other membership business.

funding for shade tree and DEP programs, winter storm preparedness, transportation safety, public project inspection, worker safety, and infrastructure maintenance. Throughout the year, our Chapter partners with the New Jersey Local Technical Assistance Program at Rutgers' Center for Advanced Infrastructure and Transportation, as well as the New Jersey Water Environment Association, to offer additional educational opportunities.

In addition to many local programs, membership also includes free access to online "Click, Listen, and Learn" webinars and a library of more than 300 pre-recorded programs on a variety of technical subjects. There are also many educational sessions held at the annual APWA International Public Works Congress and Exposition and at the annual North American Snow Conference. Our members receive training, earn continuing education credits, and network with other professionals without excess registration fees.

To compliment educational activities, members receive valuable information for their immediate needs in every facet

APWA is dedicated to serving the public works segment of government.

APWA-NJ offers opportunities to its members at the state and national levels. Education is our primary focus. Our members receive training, earn continuing education credits and network with other professionals, typically with no registration fee to burden public agencies. Past program topics included public



This resolution honors the APW A-WJ.

of public works, including emergency management, right-of-way issues, solid waste disposal, waste water treatment, snow and ice removal, operations issues and more. The networking opportunities allow access to sound professional advice from those who deal with similar challenges. APWA offers "infoNOW" communities which are email networks where public works professionals answer questions and discuss real-life experiences. This network is available at no additional cost to members.

APWA-NJ is an advocate for the interests of the public works community, at the local level through the League of Municipalities and at the federal level through the national organization.

To learn more about APWA, visit our national website at www.apwa.net and the Chapter website at <http://new-jersey.apwa.net/events/chapter/>. Please send questions to APWANJ@Yahoo.com or contact Membership Chair Carl Bowles at 973-445-6183 or Chapter President Paul Wnek at 732-685-0120.



Protecting Drug Patents Benefits

By Joseph Tempesta, Jr., Mayor, West Caldwell
Founding Member, NJLM's Mayors Committee on Life Sciences

An experimental drug from New Jersey biopharmaceutical startup Actinobac Biomed could improve the lives of 40 million Americans suffering from white blood cell diseases like asthma, psoriasis, lupus and cancer. The medicine has proven effective in animal testing and will soon enter clinical trials.

As Congress debates intellectual property law, it is important for our legislators to consider the impact these laws will have on patients, especially those that risk access to this potentially revolutionary treatment and dozens of others like it. New Jersey's representatives in Washington should work to ensure a healthy environment for Garden State medical research.

It's no secret that biopharmaceutical research powers New Jersey's economy. Roughly 350 drug research firms, including 15 of the world's top 25, call New Jersey home. New Jersey's biopharmaceutical industry generates \$87 billion in economic output and supports more than 226,000 jobs.

Much of this work involves clinical trials, which allow scientists to test the safety and effectiveness of potential new treatments. In 2013, New Jersey was home to over 1,200 clinical trials. Researchers tested life-changing treatments for asthma at the Atlantic Research Center in Ocean; cancer at the Goryeb Children's Hospital in Morristown; heart disease at Our Lady of Lourdes Medical Center in Haddon Heights; and mental illness at the Women's Health Research Center in Plainsboro. More than 25,000 patients participated in trials throughout the Garden State.

Clinical trials are the lynchpin of the drug development process. That process—which costs an average of \$2.6 billion and can take over a decade—depends on strong intellectual property rights, such as patents. These protections give drug developers the right to sell their medicine for a set number of years without competition from rivals. That gives developers a chance to make their investment back if they invent a successful drug.

Recent assaults on patent protections are causing concern regarding the return on investment in the drug development process. A 2011 law created a way for companies to challenge their rivals' patents before an extrajudicial review board instead of a district court. By reducing the need for expensive legal battles, the board was supposed to benefit both the challengers looking to overturn a patent and the patent defenders.

But the board has shown such favoritism towards challengers that it has been labeled a patent "death squad." This bias could lead to funding cutbacks for drug research and development, as biopharmaceutical companies avoid expensive development projects that vulnerable patents depend on.

In its current session, Congress hopes to deter "patent trolls"—people who sue businesses on trumped-up charges of patent infringement. These trolls prey on companies who would rather settle cases out of court than waste money on a long legal battle. Lawmakers are right to target these trolls, who cost the economy almost \$30 billion annually. However, these new regulations should not create new obstacles for patent holders defending legitimate patents or expose inventors to expensive legal costs, which divert money from productive activities like research.

New Jersey's representatives in Washington should work to ensure a healthy environment for Garden State medical research.

Measures like this would discourage innovative research, since inventors will hesitate to fund expensive new R&D efforts if they can't defend their inventions from patent infringers.

Additionally, research universities will also suffer, as they often help biopharmaceutical companies carry out clinical trials to test new drugs. Rutgers University alone has hosted 27 clinical trials in the past decade. Lab instructors and doctors at research universities and hospitals benefit from the chance to access and test new drugs. Schools often license their patented research discoveries to private sector companies, including biopharmaceutical firms. Actinobac Biomed's experimental drug arose from research conducted at Rutgers.

Such cooperation provides universities with substantial royalty fees. That revenue could disappear if the value of patents and the inventions they safeguard are diminished. That's why more than 100 universities throughout the country, including Rutgers, have urged Congress to scrap the overly broad patent troll legislation.

New Jersey's biopharmaceutical firms and universities are conducting lifesaving—and economy-boosting—medical research. New Jersey's elected officials must protect this activity from misguided federal tinkering. 📌

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A photograph of the Old City Hall building in Trenton, New Jersey. The building is a grand, classical-style structure with white columns and arches. An American flag is flying from a pole on the left side of the building. The words "OLD CITY HALL" are visible on the facade above the entrance. The number "45" is visible on a pillar to the right of the entrance. The image is partially obscured by a white and blue gradient overlay on the right side.

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Seaside Heights Hosts a Major Music Festival

Over 25,000 extra visitors—including over 4,000 beach campers—brought a multitude of challenges and rewards

By Harry Smith, Borough Council President
& Christopher Vaz, Borough Administrator,
Seaside Heights



We estimate that 25,000 people visited Seaside Heights each day of the music festival. (photo: @Kathy Cacicedo)

Early in September 2014, we started planning the Seaside Heights 2015 summer program. Our focus on the beach was driven by the belief that the Seaside Heights beach is an asset with considerable potential beyond the 9 to 5 beach chair crowd. We agreed that if we carefully design events and concerts to appeal to our target guests, based generally on age and income demographics, we could transform the beach into an extraordinary event venue.

Further discussions resulted in “Bonfire On The Beach,” “Family Olympics On The Beach,” “Throwback Thursday Tribute Band Concerts” (using the Borough’s mobile beach stage), “Full Moon Beach Camping” and “Wine On The Beach”—a wine festival with a unique beach setting.

While these events were taking shape, we reached out to a friend at Sirux XM satellite radio who introduced us to national concert promoter AEG Live and its subsidiary Madison House Presents. Phone conferences and onsite meetings were quickly arranged. Within a month we were introduced to

representatives of internationally acclaimed folk-rock band Mumford & Sons. The band was secretly vetting American sites to host its renowned Gentlemen of the Road Stopovers in support of the band’s new album.

Stopovers in 2012 and 2013 were hosted by Dungog, Australia; Monterey, CA; Dixon, IL; Bristol, VA; Portland, ME; Galway, Ireland; Huddersfield, UK; St. Augustine, FL; Guthrie, OK; Troy, OH; Simcoe, Ontario, Canada; and Lewes, UK.

Finally, after numerous site visits and meetings, the band announced on March 2 that Seaside Heights had been selected

to host a Stopover on June 4-6; joining 2015 Stopover cities Waverly, IA; Aviemore, Scotland; Walla Walla, WA; and Salida, CO.

Seaside Heights and other municipalities and agencies that provided services during the event were reimbursed for expenses.

Public Support and Cooperation

Until the borough's press conference on March 2 the name of the band was kept secret at the band's request. This complicated our communications with residents and business operators. However, we shared the information with several



Seaside's Major Music Festival

The band Mumford & Sons selected Seaside Heights to host its Gentlemen of the Road Stopovers in support of the band's new album. (photo: @Kathy Cacicedo)

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Seaside's Major Music Festival

key individuals from the community in whom we had confidence.

After the press conference, we immediately engaged in a social media campaign directing the public to the bands' websites and YouTube videos. It helped immensely that Mumford & Sons and Friday night headliner Alabama Shakes both released new chart-topping albums and were making frequent appearances on "Saturday Night Live" and other late night entertainment programs.

The proverbial "icing on the cake" was a visit by Mumford & Sons on a rainy April afternoon for a private meet and greet with local residents, business operators and first responders. The band mingled with the crowd at Spicy Cantina on the Boardwalk and cheerfully posed for photos. The crowd was won over.

Logistics With its barrier island location, limited parking, and absence of a definable downtown, Seaside Heights presented Stopover planners with unique logistical challenges.

To minimize parking congestion, the production team leased Toms River School District parking lots on the west side of the Tunney Bridge and hired a bus service to shuttle guests to and from the festival site. Overflow parking lots



Unlike other Stopover cities that had large empty fields for tent camping, Seaside Heights made a pivotal decision to allow Stopover planners to use the beach. (photo: ©Kathy Cacicedo)

were provided by the Ocean County Board of Chosen Freeholders and Ocean County Utilities Authority.

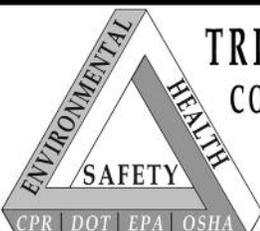
Unlike other Stopover cities that had large empty fields for tent camping, Seaside Heights made a pivotal decision to allow Stopover planners to use the beach. Over 4,000 people camped

on the beach between Thursday and Sunday. Campers were provided parking as part of their ticket purchase, so we reserved hundreds of on-street parking spaces on the north side of the borough for the campers. A parking service company was hired to control traffic and parking. Seaside Heights residents and business operators received parking passes.

The usual Downtown area of the Stopover was replaced in Seaside Heights with a temporary "Boardwalk Downtown." A downtown stage was set up on a gravel lot west of the Boardwalk. Entry to the Boardwalk Downtown was free and guests could buy food and beer, shop the vendor booths and watch bands perform on the downtown stage. However, entry to the main stage on the beach and seven blocks of the Boardwalk required a paid festival wristband. We believe that the Stopover was the first time such a large section of the Boardwalk was closed to the general public for an event.

Likewise, the Stopover was the first time that the sale and consumption of beer was permitted at a major event on the beach and Boardwalk.

Finances Seaside Heights and other municipalities and agencies that provided



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services during the event were reimbursed for our expenses. Seaside Heights was reimbursed for police department overtime, beach patrol and public works services, and volunteer firefighters were given complimentary festival tickets. The production company hired an independent company to provide trash collection and perform post-festival cleanup.

Collaboration We recognized early on that the music festival would have a broader impact on Ocean County, so we asked Ocean County Freeholder Joe Vicari, Ocean County Sheriff Mike Mastronardy, and Ocean County Director of Tourism & Business Development Dana Lancellotti to join our Gentlemen of the Road Stopover team. The county's willingness to help Seaside Heights was critical to the success of the festival.

We also collaborated with elected officials, administrators, public safety and school district representatives, and tourism leaders from Seaside Park, Toms

River, Lavallette and Berkeley Township.

One of the most important relationships we developed involved the artist community. We reached out to artists to help create the "music festival vibe." Carol Kane, Seaside Park resident, and Patty Hershey, Seaside Heights business owner, oversaw the "Painting the Town" project. Dozens of art students from Rutgers University, Caldwell University, Drew University, and the University of the Arts, Philadelphia painted banners, walls and sidewalks and created wire sculptures in the Gentlemen of the Road theme.

Similarly, Jesse Pomeroy, an art teacher, led a group of high school students who painted banners. Local artist Josie Whetsel Olivier painted three pianos that were positioned on the Boardwalk to serve as both art pieces and working musical instruments.

Results We estimate that 25,000 people visited Seaside Heights each day of the

music festival. Tickets for the Seaside Heights Gentlemen of the Road Stopover were sold to fans from 46 states, multiple provinces of Canada, Puerto Rico, Chile, Costa Rica, Qatar, Brazil, Germany, Sweden and Australia.

Many businesses on the Boardwalk and Boulevard, as well as motels and campgrounds in Ocean and Monmouth Counties reported a positive economic impact. Other businesses that did not benefit as significantly reported to Borough officials that they were nonetheless happy about the quality of the crowd and the positive spirit of the festival.

There were no music festival related arrests and only minor medical problems. In the words of Seaside Heights Police Chief, Thomas Boyd, "I've been in town 53 years, been a police officer for 31 years. This was the nicest group of people I've ever seen here. It was phenomenal. Everything was done with the utmost professionalism." ❧

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A Green City is a Healthy City

New Brunswick's Environmental Commission uses the city's open space to promote wellness

By Jim Cahill, Mayor, New Brunswick



New Brunswick is often referred to as “The Healthcare City.” We are home to many world-class organizations, including Robert Wood Johnson University Hospital, Saint Peter’s University Hospital, Rutgers Robert Wood Johnson Medical School, PSE&G Children’s Specialized Hospital, Johnson & Johnson, the Child Health Institute of New Jersey and the Rutgers Cancer Institute of New Jersey.

However, in addition to hosting these prestigious institutions, the city is committed to promoting healthy living for all our residents through a variety of approaches, including better eating, exercise and access to health services. And, as it turns out, what is good for the health of our citizens is also good for our economic health.

Our plan for a healthier city includes a commitment to preserving open space; improving parks and recreational facilities for all ages; and ensuring access to healthy, fresh food. Our environmental commission has played a key role in these efforts.

Making Great Use of Open Space Our 272-acre parks system includes playgrounds, athletic fields, gardens and recreational



Young people prepare their garden bed for planting.



areas for all to enjoy. Among our most prominent open spaces is Boyd Park, on the banks of the Raritan River. Twenty acres, with views of the river and the New Brunswick skyline, Boyd Park hosts a variety of festivals and special events each year, including the Raritan River Festival and Hub City Sounds.

While the river is a precious asset, increasingly severe storms in recent years have made flooding a major concern. Preserving open space along the river has helped to protect New Brunswick's lower-lying neighborhoods. This preserved land

also affords our residents better recreational access to the river bank.

Our Environmental Commission recently secured a \$25,000 grant from the New Jersey Department of Environmental Protection to develop a Coastal Vulnerability Assessment and Municipal Public Access Plan for the Raritan River. The plan will guide our future open space purchases to enhance both recreational opportunities and flood mitigation. The Environmental Analysis and Communications Group at Rutgers University's Edward J. Bloustein School of Planning and Public Policy will

be assisting the commission and funding a Health Impact Assessment as part of the Access Plan.

Pollinator Partnership Another Open Space project that will add to the beauty and utility of our green spaces is a “pollinator partnership” with the Lower Raritan Watershed Partnership, New Brunswick Community Garden Coalition, New Brunswick Parks Department and the Middlesex County Department of Planning.

The pollinator partnership studied the foraging distance of native bees, butterflies and other pollinators in relation to New Brunswick's open spaces. They are currently planning a pollinator garden for Buccleuch Park, 78 acres of rolling terrain that attracts residents and visitors for recreation, fitness, day camps, picnicking, and visits to historic Buccleuch Mansion.

Next spring middle school students will plant the garden.

The group is also conducting “citizen science” pollinator counts to examine the impact of these types of enhancements on pollinators in our community. The gardens are being designed by Rutgers Landscape Architecture students.

Growing Healthy Food Good nutrition is vital to healthy living. Unfortunately, many urban areas around the country are food deserts, where residents have little or no access to fresh, locally-grown food.

Fortunately, New Brunswick has worked with a number of groups to keep this from happening here. Strong local partnerships and collaborations have made these community gardens possible, including projects with the New Brunswick Community Garden Coalition, the New Brunswick Community Food Alliance, the New Brunswick Community Farmers Market, the New Brunswick Parks and Planning departments and the Rutgers Landscape Architecture Department, to name a few.

In addition, the city, the New Brunswick Board of Education and the Food Alliance worked together to bring Breakfast After the Bell to New Brunswick to ensure our children are fed nutritious meals at the start of every school day.

Thanks to their efforts, New Brunswick residents have access to a dozen community

Green City is a Healthy City

gardens scattered throughout the city. By the end of the summer, our residents' plots are bursting with ripe tomatoes, squash, herbs, green beans, melons and other fresh produce. The gardens also help to beautify the city, while supporting wildlife and insects.

And the benefits extend beyond the delicious meals. In a densely-developed city, where many people don't have a backyard plot, community gardens offer people a chance to work the land and get to know their neighbors.

A Parks and Gardens Map To raise awareness of our open spaces, parks and gardens, the New Brunswick Environmental Commission has obtained a Sandy Batty Open Space Stewardship grant from ANJEC (the Association of NJ Environmental Commissions) to create and publish the "New Brunswick Parks and Gardens Map." We have distributed the maps at City Hall and at events like the annual Rutgers Day celebration.

Thanks to the support of community volunteers and the work of our partner organizations, we were able to accomplish quite a bit with ANJEC's \$1,500 grant. For example, the city hosted a garden tour in April.

With the new map as a guide, I toured the gardens along with community members.

We learned the history of each unique garden and enjoyed planting and composting activities. Delicious appetizers, donated by Elijah's Promise, were served at each stop. An anti-hunger organization based in New Brunswick, Elijah's Promise serves over 300 meals per day to those in need. Elijah's Promise also contributes food for the tour's culminating event.

The Environmental Commission played an important role in bringing all the players together and putting a lot of information into one user-friendly tool that encourages visits to our community parks and gardens.

By working with such a wide variety of outside groups and connecting the city with grants and other resources, the efforts of our Environmental Commission have helped to improve the health of the people of New Brunswick. These efforts lend themselves to New Brunswick's continual growth as it strives to be a healthy, vibrant community offering a great quality of life for all residents. ♻️



You can download the New Brunswick Parks and Gardens Map at thecityofnewbrunswick.org/wp-content/uploads/2014/04/Parks-and-Gardens-April-2015-Final-Brochure.pdf

How We Use Our Environmental Commission

The New Brunswick Environmental Commission is one of hundreds of similar all-volunteer boards in New Jersey, appointed by mayors to advise local government and inform residents on environmental issues, laws and programs. The NBEC is also tasked with:

- Making recommendations concerning the use and possible use of open space preservation, water resources management, air pollution control, solid waste management, noise control, soil and landscape protection, environmental appearance, marine resources and protection of flora and fauna within the City of New Brunswick.
- Conducting public education, public service projects and outreach to the community on environmental issues.
- Maintaining an index of all open areas, publicly or privately owned, including open marshlands, swamps and other wetlands in order to obtain information on the proper use of such areas.
- Developing a sustainability strategy for the City of New Brunswick, including identification of appropriate environmental policies, strategies, practices and programs.
- Providing recommendations to all city agencies related to operation and functions, such as solid waste management, recycling, energy conservation, natural resource conservation, environmental inspections, toxic waste and materials urban agriculture/forestry and nature resources, habitat restoration and hazardous materials.

For more information about environmental commissions in New Jersey, contact ANJEC at info@anjec.org or 973-539-7547.

ANJEC is a statewide nonprofit organization working to protect natural resources and foster sustainable land use in New Jersey municipalities (anjec.org).



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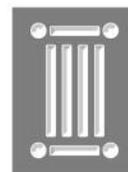
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NJLM's Conference Resolutions

Identifying the Municipal Agenda for 2015 and beyond

By Michael F. Cerra, Assistant Executive Director;
Director of Government Affairs

With unprecedented challenges facing nearly every municipality, in areas as diverse as affordable housing and budgeting, the League's advocacy in Trenton has never been more important. One way local leaders guide these efforts is by submitting resolutions to the League Resolutions Committee. This year's submission deadline for proposed resolutions is October 2.

As you read the following updates of our accomplishments toward past resolutions, consider making the League Resolutions Committee aware of an emerging issue of concern.

On August 10, Governor Christie signed S-2454, "Division of Local Government Services Modernization and Local Mandate Relief Act of 2014." P.L. 2015, c. 95, which took effect immediately, updates outdated policies and procedures and provides much-needed mandate relief and flexibility for municipalities. Many of the amendments will result in cost savings. The League supported this legislation. Many of the reforms are issues that the League raised before the Red Tape Review Commission in previous years' conference resolutions and in testimony on various pieces of legislation. A summary and analysis of this important legislation is available at njslom.org.

Resolution 2014-01 Urging Governor and Legislature to Recognize and Preserve Strength of Local Pension Funding Considering the recommendations of the Governor's Pension and Health Benefit Study Commission Report, "A Roadmap to Resolution," is a top League policy priority. This issue of NJM includes a status report on the work undertaken by the League Officers, Management Reform Chair and Perth Amboy Mayor Wilda Diaz, representatives from 10 of the League affiliate groups, five subcommittees and League staff (page 64).

Resolution 2014-02 Permitting Limited Inter-Municipal Transfers of Retail Liquor Licenses This resolution created a special Mayors Task Force, chaired by Lawrence Township (Mercer) Mayor Cathleen Lewis, who also sponsored the resolution. The task force has met frequently and is working closely with legislators on legislation that is expected to favor municipalities and support economic development.

Resolution 2014-05 Calling upon the Federal and State Government to Clarify Volunteer Positions Do Not Impact Retirement Benefits for Public Employees This resolution encourages the state to clarify this confusing issue. In August the Division of Pensions and Benefits issued guidance on Post Retirement Employment Restrictions. Their fact sheet provides general information concerning employment restrictions for retired

members of the pension systems (PERS, PFRS, TPAF, SPJR and JRS). The fact sheet focuses mainly on post-retirement employment or volunteering with public employers. Post-retirement employment with a private employer will not affect pension retirement benefits, with exceptions for disability retirements and JRS members.

Likewise, Assemblyman Ronald Dancer has introduced A-4648, which would allow public employees in state-administered retirement systems who continue a preexisting volunteer relationship with their employer to continue their volunteer status without jeopardizing their pension. The bill, which the League supports, is referenced to the Assembly State and Local Government Committee.

Resolution 2013-15 Calling for Immediate, Substantial and Ongoing Investments in State Infrastructure The replenishment of the Transportation Trust Fund (TTF) remains a top priority for the League. League President Brian Wahler, Past President Timothy McDonough and Montclair Mayor Robert Jackson have taken the lead in advocating on behalf of the League and municipal government. The TTF has been a major source of funding for local transportation projects for almost 30 years. Long-term reauthorization of the TTF, with assurances of sufficient, sustainable and dedicated funding for state and local needs will need to be a top Legislative priority, after the November General Assembly elections.

Resolution 2012-08 Urging the State Legislature to Extend the 2 Percent Cap on Police and Fire Arbitration Contract Awards Was the League's top legislative priority for the first half of 2014. P.L. 2014, c. 11, signed by the Governor in June, reinstated the 2 percent cap on interest arbitration awards that has helped provide needed relief for our taxpayers.

Resolution 2012-19 Expanding the Use of Snow Removal Trust Funds to Respond to Natural Disasters Following Superstorm Sandy, Governor Chris Christie signed Executive Order 111 permitting municipalities, by resolution, to use money from their "Snow Removal Trust Funds" for storm recovery efforts. Essentially, this resolution sought to make the Governor's Executive Order permanent in order to provide needed flexibility for municipal emergency response. The resolution resulted in PL 2013, c. 271, which permits counties and municipalities to use snow removal reserve funds to clear debris following a Declaration of Emergency by the President or governor.

We encourage our member municipalities to submit their ideas for resolutions for consideration at the 2015 Annual Conference. A summary of a resolution should be provided by October 2. The full draft of a resolution should be provided by October 16. Questions can be directed to Mike Cerra at either mcerra@njslom.com or 609-695-3481 ext. 120. 📧

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A Century of Learning

The Emergence of an Educational Program

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

The League's founders felt that knowledge was essential to good government. An understanding of changing guidelines, new technologies and ways of increasing efficiency were important avenues that could improve the effectiveness of local governments.

As a result, the League began to sponsor a series of workshops in cooperation with Rutgers University. For over 60 years, the League's educational seminars were offered in this fashion. Then in 1950 NJLM helped to create the Bureau of Government Research at Rutgers University.

In the 1980s, in response to the growing complexity of local government, the League launched a training and education program on its own to supplement the League's annual conferences.

In the early 2000s, licensing and professionalization of many critical municipal positions led to an increased requirement for formal continuing education as part of professional certification. The League's training program responded by tailoring special training that met the needs imposed on local officials. Continuing education credits are also available for selected sessions during the Annual Conference.

The League's training programs have continued to evolve in response to changing trends and technology. In February 2014, the League held its first online webinar, which brought the benefits of an educational program to members' computers.

Currently, the League offers over 25 half day training seminars and webinars on a range of issues including an annual fiscal update, orientations for newly elected officials and programs on ethics, labor relations, personnel policies, grant writing, the Open Public Records Act and shared services. Bookmark the seminar calendar at

njslom.org/seminars in your internet browser and be sure to visit it often. New programs are always being added.

In 2007, to further expand its educational offerings, the New Jersey League of Municipalities Educational Foundation (NJLMEF) was created. Since its inception, the NJLMEF has conducted numerous educational programs, on diverse topics such as affordable housing, energy infrastructure, and civility in public meetings.

In September 2008, the Foundation teamed up with the National League of Cities Institute for Youth, Education and Families to create the Mayors Book Club literacy initiative in New Jersey. This program, through the mayors' offices, shows New Jersey municipalities how to promote literacy in families and young children.



A speaker from the State of New Jersey discusses Cooperative Contracts at last year's Mini-Conference, June 13, 2014.



Danielle Holland-Htut, Association Programs/Meeting Specialist for NJLM, moderates a webinar on how to find grants for over 50 attendees on October 21, 2014.

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In 1950 NJLM helped to create
the Bureau of Government Research
at Rutgers University.

In January 2009, the Foundation partnered with other public policy-oriented organizations to publish “white papers” on issues of interest to local government. These white papers, published quarterly, are part of the “Friends of Local Government Series” and available free online. For more information on the NJLMEF visit NJLMEF.org.

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

Follow the celebration using #njlm100
on Facebook and Twitter.



Douglas Palmer, former Mayor of Trenton, reads to children at a Mayors Book club event on January 27, 2011.

Recognizing Outstanding Leadership

The League's Constitution designates the Executive Board to serve as the policy setting body for the state's 565 municipal governments. In recognition of their time and effort, and the knowledge they share to improve municipal government throughout the Garden State, we're publishing their photos below.



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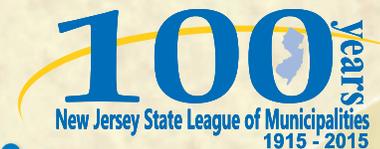


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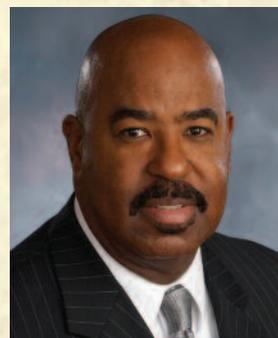
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NJLM Announces New Leadership Team

Longtime Staff Members Darcy and Cerra Appointed to Top Posts



Following a five-month recruitment process to fill the role of retiring Executive Director Bill Dressel, NJLM's Executive Board announced the appointment of Michael J. Darcy, CAE, as the League's new Executive Director on April 29, 2015. At the same time, they voted to appoint Mike Cerra as the new Assistant Executive Director. The change was effective July 1, 2015.

After 100 years, the mission of the League remains the same. It is a voluntary association created to help communities do a better job of self-government by pooling information and brain power. Authorized by state statute, the organization has served local officials throughout the Garden State since 1915. All 565 municipalities are members of the League. Over 560 mayors and 13,000 elected and appointed officials of member municipalities are entitled to all of the services and privileges of the League.

NJLM Educational Foundation and 222 West State Corporation In addition to being League Executive Director, Michael Darcy will also serve as Executive Director of the NJLM Educational Foundation and the 222 West State Corporation, which owns the League headquarters building. Likewise, Mike Cerra is now the Assistant Executive Director and Secretary to both the NJLM Educational Foundation and the 222 West State Street Corporation.

Darcy will lead the League's highly regarded staff of 18 that consistently provides local government officials with a spectrum of services that includes legislative advocacy, educational programming, research, publishing, coalition building and the nation's largest municipal government conference.

A team approach will be critical to assuring an unwavering focus on the needs of local government leaders and the people they serve.

The Educational Foundation (njlmef.org) develops and accesses coalitions, funding and programming that goes beyond

the focus of the League but still benefits the knowledge base of local officials and New Jersey citizens.

The 222 West State Street Corporation (njslom.org/city_mansion.html) was responsible for restoring the Roebling Mansion and expanding it to a 15,000 square foot modern office building that serves as the League's headquarters and provides rental space for 11 tenants.

Experience Michael Darcy has been with the League 26 years, 21 of those as Assistant Executive Director. In his new role, he will guide the League's work on key issues such as pension and benefit reform, transportation funding, state diversion of local energy revenues, and the League's centennial celebration.

As a longtime member of the League's executive management team, Darcy spearheaded the move of the Annual League Conference to the new Atlantic City Convention Center in 1997. He also played a pivotal role in establishing

statewide cable franchising legislation in 2006 and in the 2007 renovation of the Roebling Mansion. In addition, he coordinated the League's response to Superstorm Sandy.

Michael Darcy earned both his B.A. and M.A. in Political Science from Rutgers University. He joined the League in 1990, and has worked in every program and service area over the years. In 1999, he achieved the designation Certified Association Executive, conferred by the American Society of Association Executives. He has served as president of the New Jersey Society of Association Executives and is a 2010 Fellow of Leadership New Jersey. Born in New York, Darcy moved to New Jersey in 1983 and has lived in Perth Amboy, New Brunswick, Edison, Hamilton (Yardville), and currently Clinton Township.

New Assistant Executive Director Mike Cerra has been with the League 18 years and, as the Director of Government

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New Leadership Team

Affairs, works to keep all branches of government informed of the municipal perspective.

Cerra earned a B.A. from Fordham University and a M.P.A. from Rutgers. He served for five years as Chief of the League's Bureau of Municipal Information and 13 as a legislative agent. His primary focus has been land use, economic development and environmental issues.

Cerra's policy work includes a number of highly complex and controversial areas of concern, including (1) the "Highlands Act," (2) efforts to curtail redevelopment in the wake of the U.S. Supreme Court "Kelo" decision, (3) affordable housing, (4) the successful campaign to protect up to \$160 million in local housing trust funds from state seizure, and (5) the extension of the 2 percent interest arbitration cap. In 2013 he was promoted to Director of Government Affairs. He will continue to guide the legislative program in his new position.

Born in Newark, he was raised in Roselle (where his father was the Borough Engineer for 16 years) and currently resides in Lawrence (Mercer).

A Team Approach to Management

Darcy plans to take a team approach to the management of the three entities and the ever-expanding number of issues facing local government. Important to this team approach is a staff of experienced professionals, many of whom are familiar to League members.

The League's five registered lobbyists have 86 years of combined experience advocating for New Jersey local government. The average tenure for the entire League staff is over 16 years.

As the head of this experienced team, Darcy will seek to assure uninterrupted service, a continued strong voice for local government in Trenton and that the League remains a forum for local officials. According to him, "The League's mission has always been to

amplify the perspective and voice of local government officials. I want to be sure we continue that, while addressing our responsibility to inform that voice and broaden that perspective."

In order to analyze the complex issues facing New Jersey's governments and to develop informed policies, Darcy and the League staff will continue to rely on the diligent work of the League's committees and task forces. More than 250 mayors, elected officials and appointed officials participate in these groups. Input from these internal committees will be combined with input from external contacts, coalitions and other information resources to help develop NJLM's priorities. A team approach will be critical to assuring an unwavering focus on the needs of local government leaders and the people they serve.

Biographies for Darcy and Cerra and other members of the League staff are available at njslom.org. 



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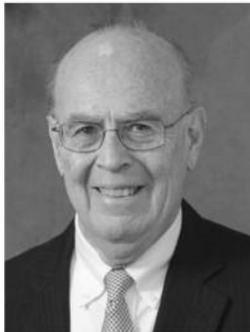
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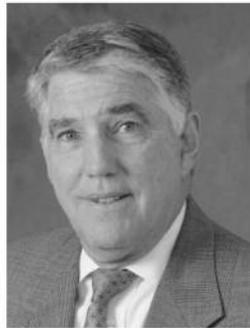
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WASHINGTON



Federal Grants for Firefighting and First Responders

By Robert Menendez, U.S. Senator

There are few vocations as selfless or courageous as firefighting. It defies all logic and reason to run into a burning building, but that's what our firefighters do. The professionalism and dedication of our brave men and women are demonstrated every time they answer the call. And after the tragic day of 9-11, when our collective consciousness was reawakened, we made a promise to our first responders that they would have the resources they need to do their jobs. Our obligation must be fulfilled.

New Jersey has a tremendous legacy of firefighters and first responders. The Relief Fire Company in Mount Holly, established in 1752, is the oldest volunteer fire company in continuous service in the United States. Today, New Jersey is home to 728 career and volunteer fire departments that are staffed by 37,379 career and volunteer firefighters.

Fifteen years ago, Congress established the Assistance to Firefighters Grant (AFG) Program, administered through the Federal Emergency Management Agency (FEMA), to ensure our first responders have the resources to save lives and stay safe. Since 2001, the AFG program has awarded more than \$152.1 million to New Jersey's local fire departments and nonaffiliated Emergency Medical Services organizations to help them obtain emergency response equipment, personal protective equipment, firefighting and emergency vehicles, and training.

Understanding the growing need for frontline firefighters and the budget constraints facing municipalities, Congress established the Staffing for Adequate Fire and Emergency Response (SAFER) program in 2003. SAFER grants enable fire departments to hire or retain firefighters in order to meet National Fire Protection Association's standards. The SAFER program has provided more than \$146.5 million for fire departments throughout New Jersey.

The AFG and SAFER grant programs are highly competitive; and unfortunately, funding for the programs does not come close to meeting the needs. I was struck by the number of fire departments that contacted me and my staff in frustration

because their applications were turned down. In order to help our New Jersey fire departments compete, I created annual AFG workshops in partnership with the FEMA Region II Office to help our fire departments develop more competitive grant applications. This has been an effective way to bring together first responders and local officials with FEMA representatives in an effort to better understand the grant application process and to provide insights on how to prepare a comprehensive, competitive application.

**We owe it to our
local heroes, who risk
their lives to save ours.**

We have had a great deal of success with our AFG workshops. Most recently, the Kearny Fire Department was awarded a SAFER grant of \$1.5 million to hire 12 new firefighters. Their staffing needs were much like many departments in our state. They were operating at a low staff level and, due to budget constraints, were unable to replace the firefighters who were retiring. The Kearny Fire Department had submitted SAFER grant applications in the past and been rejected. However, after they participated in the AFG workshops, met with FEMA representatives, and honed their grant application, their persistence was rewarded. I'm pleased to report that their highly competitive application was funded in the fifth round of the FY2014 funding cycle.

In Congress, we must continue to fight attempts to cut funding for essential fire and police personnel and be diligent in pushing for increased funding for first responders to offset any impact of sequestration. We owe it to our local heroes, who risk their lives to save ours. We all appreciate that budgets are tight at every level of government, and that we cannot squander taxpayer dollars; but putting safety first, families first, communities first and first responders first is a necessity. 🇺🇸

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Princeton's First Parklet

Town officials, artists, students, architects, carpenters, and a coffee shop collaborated to transform two downtown parking spots

By Liz Lempert,
Mayor, Princeton

For the past several months, residents and visitors to Princeton's downtown have been enjoying a new interactive public art exhibit installed in an unlikely place—in two parking spots on busy Witherspoon Street. Princeton's first "parklet" was designed to evoke the front porch from an earlier era, where people spent their time relaxing and socializing before the advent of technologies like television and smart phones.

Maple leaf sculptures float above Princeton's parklet. (Sculptures and photo by John LeMasney.)

Bringing People Together Parklets are extensions of the sidewalk into the street that take up the space normally reserved for one or two parking spots. They are mini public parks where visitors can chat, eat and drink, enjoy music or simply sit and people-watch. The parklet movement started in San Francisco and has become a popular tool for placemaking and economic development in cities such as Seattle and Philadelphia, as well as smaller towns.

The concept is catching on in New Jersey. Together North

Jersey issued a report last fall, "Beyond the Curb: Parklets in North Jersey." The report focuses on a case study of Morristown, and includes a model parklet handbook.

Princeton's parklet is a collaboration between the municipality, the Arts Council of Princeton and a local coffee house, with help from local artists, architects, carpenters and students from Stuart Country Day School. Maria Evans from the Arts Council took the lead in creating the design concept and assembling the artistic team. She recruited a local architect to spec out the

design for the platform and covered structure. The Department of Public Works built the platform and a local carpenter and construction crew built the covered structure. Princeton's parklet also features an open-air section, anchored by two stunning couches carved by the artist Greg Napolitan out

One of the biggest revelations has been how much community life can fit into just two parking spots.

of felled elm trees. One challenge of finding art for the parklet is that it has to be waterproof, durable and difficult to steal. These benches fit the bill perfectly.



The parklet was designed to evoke the front porch from an earlier era, where people spent their time relaxing and socializing before the advent of technologies like television and smartphones.

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Princeton's Parklet

Promoting the Arts Another marvelous artistic work featured in the parklet are glowing maple leaf sculptures, which hang overhead from a tree and dance in the breeze. The parklet has served the participating artists well in promoting their work. Many visitors to the parklet have expressed interest in purchasing the pieces. The Arts Council is planning to host an online auction in the fall (when the parklet is dismantled for the season) to facilitate sales for the artists.

Good for Business The parklet is in front of Small World Coffee. The business benefits from their proximity to the new attraction and the extra seating it provides, though the seating is public and not just for their patrons. In exchange, the store has taken on the responsibility of keeping the parklet clean and the plants watered.

While Maria Evans was organizing the parklet, she was also teaching a class at Stuart Country Day School and decided to involve the students in making signs to explain the parklet and thank those who



The mini park is a popular place to chat, eat and drink, listen to music, or simply sit and people watch.

had contributed. The students came up with the idea to keep the adjacent parking meters open instead of bagging them, and allow those who enjoy the parklet to show their support. A sign reads: "If you like public art, please feed the meters to see more." On more than one occasion I've witnessed the astonishing sight of someone feeding the meter with a smile.

Parking is at a premium in Princeton, and there was some concern that losing two parking spots in a prime location would cause outrage. In reality, the grumbling has been minimal and the reaction has been enthusiastically positive. One of the biggest revelations has been how much community life can fit into just two parking spots.

Considering a Parklet? A good way for municipalities to test the waters for support for a parklet is to start by participating in PARK(ing) Day, an annual international event where parking spots are converted into pop-up parklets for just one day. The parklet concept in Princeton began with just such a one-day experiment last fall.

When the parklet was installed in May, it was originally planned for a trial period of two months. Due to its popularity, it will stay through the beginning of October. We will remove it in advance of the winter weather. At that point, some of the artwork will be auctioned off online and the structure will be disassembled and stored.

Future Parklets The Arts Council will be working with the municipality and merchant community to develop a more formal process to select the next site and artistic team. Next spring, look for Princeton's parklet to pop up in a different spot! 📍



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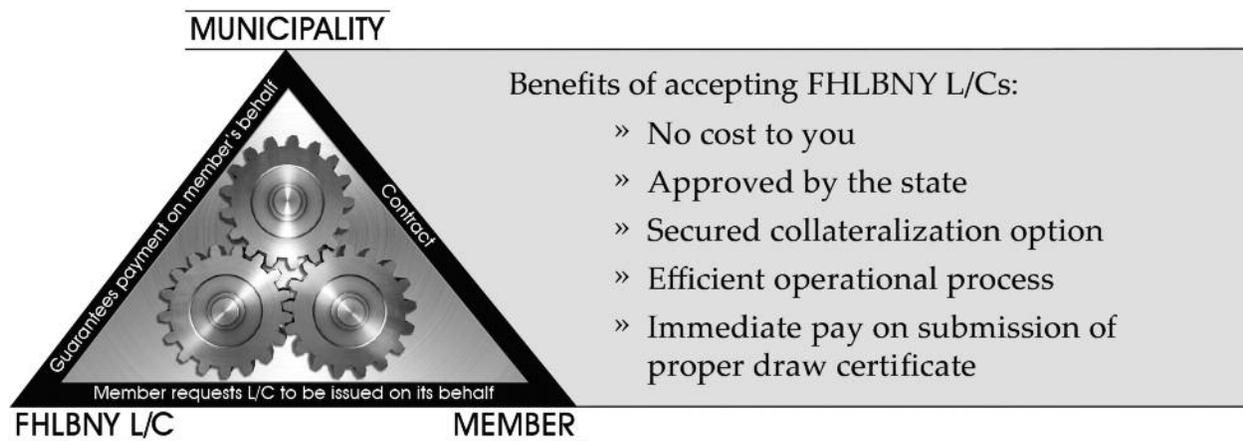




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Aid Continues to Flow to Sandy Victims

A majority of the 8,300 homeowners in the state's largest housing recovery program are currently rebuilding

By Charles Richman, Commissioner, New Jersey Department of Community Affairs



Rudy Petrella and his son Josh pose proudly with DCA Sandy Recovery Division Director Sam Viavattine in front of their new, elevated home, which was made possible through a RREM Program grant.

New Jersey has made tremendous progress since Sandy—beaches are replenished, boardwalks are rebuilt, roads are repaired and tourism is strong. For this reason, Sandy recovery is likely not on the minds of those who weren't personally affected by the storm.

While Sandy recovery may not be a priority for most New Jerseyans, it remains front and center at the New Jersey Department of Community Affairs (DCA), which administers more than two dozen programs, delivering assistance and accounting for the expenditure of nearly \$4 billion in federal disaster aid.

However, DCA is not working on Sandy recovery alone. We have built partnerships with many federal, state and local governments; fellow state agencies; numerous non-profit organizations; and with many in the private sector to advance New Jersey's recovery.

Our partnership efforts are working. Recognizing that there are still families who remain displaced from their homes, I do believe we have turned a major corner in Sandy housing recovery.

For example, the vast majority of the 8,300 homeowners in the Reconstruction, Rehabilitation, Elevation and Mitigation (RREM) Program are in construction. The RREM Program provides grants of up to \$150,000 to eligible homeowners to reconstruct, repair, elevate or undertake mitigation measures for their storm-damaged primary homes.

As of September 4, 2015, an average of 41 homes were rebuilt per week, an average of \$9.5 million in grants was dis-

bursed to homeowners per week, and 1,630 homeowners had rebuilt their homes through the RREM Program.

One such homeowner is Rudy Petrella, who lives in the Bergen County Borough of Moonachie with his son. His house is 2,000 feet from the Hackensack River. The intensity of the storm was so great that it took rushing water less than half an hour to crest at nearly 4½ feet, seriously damaging his home.

As if the water damage wasn't enough, Mr. Petrella's annual flood insurance premium went from \$1,700 pre-Sandy to \$7,000 post-Sandy.

By increasing the supply of rental properties, FRM will help moderate and stabilize rental prices.

Immediately after the storm Mr. Petrella and his son lived in a temporary apartment, using FEMA assistance to pay the rent. After the FEMA funds ran out, they moved into a friend's home where they stayed until they could return home. Mr. Petrella and his son knew that if they chose to stay and rebuild, they would have to elevate. But they were faced with the huge uncertainty of not knowing where they would get the money to reconstruct and elevate their home.

Through grant assistance from the RREM Program, Mr. Petrella and his son built a new home and elevated it 11 feet, which reduced their annual flood insurance premium to \$540—a savings of \$6,500 per year.

They moved into their new home a few days before Thanksgiving last year.

The RREM Program is helping more families thanks to program improvements we've made in the last year and a half. Program participants can mail in documents and work remotely with their Housing Advisor to accelerate progress through the program, select their own contractor, and receive advance payments up to 50 percent of their RREM grant to

start rebuilding their home. Additionally, we've given homeowners more flexibility in how they use their design budget, streamlined the construction extension period to reduce paperwork, and provided options for rental assistance.

Also, we're now communicating with RREM homeowners via email alerts, newsletters, phone calls, construction

questionnaires, tip sheets, and an improved website. For over a year, we've also hosted information sessions in hard-hit communities which have attracted over 1,500 homeowners.

While the RREM Program is our largest housing recovery program at \$1.3 billion, it is not the only housing recovery initiative making significant progress.

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To reduce the danger, MEL joined with Safety National to offer S:ERVE — an online driver simulation and curriculum — designed to help law enforcement, firefighters, and EMTs strengthen their driving skills in emergency response situations—with emphasis on how to safely navigate through intersections.

MEL made the program available at no cost to its members and encouraged their participation. To date, over 4,800 firefighters, police officers and EMT members have completed the online program.

"I decided that all our members should take the course" said Ken Schulz, Assistant Fire Chief, Wood-Ridge. "It addresses a real need, and it's well done. The online format works great for individual or group training. And the simulations are absolutely on target."

Retired police officer Tim Sheehan, who helped promote the program, met with over 100 police departments to encourage their participation. "The program heightens your awareness and helps you prepare for what can happen. Some joint insurance funds have already made completion of the course a component of their Safety Incentive Programs."

The power of collaboration: working together to increase the safety of police, firefighters and EMT responders...ensuring that their efforts to help during an emergency are effective – and safe – for all of us.

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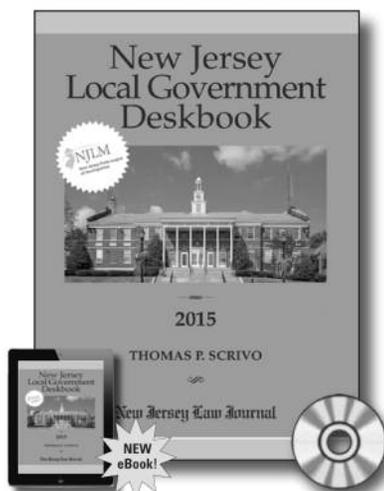
Aid for Sandy Victims

In order to meet an affordable housing demand that was exacerbated by Superstorm Sandy, we've allocated \$591 million in federal disaster funds to the Fund for Restoration of Multifamily Housing (FRM). Administered by our affiliate, the New Jersey Housing and Mortgage Finance Agency (HMFA), FRM money has made it possible for HMFA to leverage federal Low Income Housing Tax Credits to create approximately 4,400 rental units in the nine counties most impacted by Sandy: Atlantic, Bergen, Cape May, Essex, Hudson, Middlesex, Monmouth, Ocean, and Union.



Displaced by Sandy for more than two years, Manny Fountain now has a permanent home at Woodrow Wilson Commons, an affordable housing community in Long Branch made possible with Sandy recovery dollars through the Fund for Restoration of Multifamily Housing program.

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All totaled, the 4,400 units (of which 3,800 are affordable units) of rental housing available through the FRM Program will improve access to affordable housing opportunities and relieve some of the pressure on the state's overall rental housing market. By increasing the supply of rental properties, the program will help moderate and stabilize rental prices, which soared in the aftermath of the storm. The FRM Program is also creating jobs and economic growth by infusing the local economy with new revenue, further enhancing the recovery.

Notably, the FRM Program requires that during the first 90 days of an FRM project's lease-up, priority is given to qualified Sandy-impacted residents. Additionally, developers of all FRM projects must market the affordable housing units in Sandy-impacted communities to those who remain displaced by the storm.

To date, approximately 2,000 FRM rental units have completed construction.

Manny Fountain, a Sandy survivor, lives in one of these units.

Mr. Fountain was living in an apartment a half block away from the Seaside Heights boardwalk before Sandy. Born with juvenile rheumatoid arthritis and permanently disabled from a car accident, he evacuated with only a small suitcase and a duffel bag stuffed with clothes.

Displaced by the storm, he slept on his uncle's couch for a year and then stayed in a motel room with no kitchen and no

public transportation access for 16 months as he tried to find permanent housing through housing authorities and social services agencies. He admits there were times he felt utterly alone and saw no light at the end of the tunnel.

That changed when Mr. Fountain's disaster case manager with Catholic Charities learned about Woodrow Wilson Commons, an affordable housing community in Long Branch funded with Sandy recovery dollars through the FRM Program. He applied, received priority because he was Sandy-displaced, and moved into his new, wheelchair-accessible, one-bedroom apartment on February 1, 2015.

Inspired by the caring, selfless, compassionate people he's met after Sandy, he is now enrolled in a graduate program for social work at Monmouth University, which is less than a mile from his apartment.

Mr. Fountain frequently says if it weren't for the Sandy recovery funds that made Woodrow Wilson Commons possible, he would very likely still be in the motel, his life at a standstill.

These are just some examples of our ongoing Sandy recovery programs that continue to help people in the aftermath of the storm. Three years since Sandy made landfall, we remain as hard at work as ever and focused on the tasks ahead—a diligence that has resulted in sustained recovery progress and a more resilient state. ❧



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GOLD DOME

Is Change on Tap for Liquor Licensing Laws?

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

“Never offend the tavern owners,” begins an oft-quoted political adage. “Their audience might be voluntary, but it tends to listen longer.” This pearl of wisdom remains as ingrained in today’s New Jersey politics as our tradition of home rule (the “religion” of New Jersey, according to former Governor Brendan Byrne).

By modern standards, it’s often difficult to imagine the power of the American temperance movement in the early 20th Century. New Jersey was no stranger to its influence and one of its biggest supporters was State Senator James A. Bradley (1830-1921). The irrepressible and visionary Bradley founded Asbury Park with all the flourishes of great European cities, including parks and spacious boulevards, while also holding strict moral beliefs. Dress codes and abstinence from alcohol were enforced without question in Asbury Park. Over time, the founder’s grip on the city began to slip away and social mores loosened. Not willing to give up his convictions, he founded a new “dry” community, naming it Bradley Beach, as if to reinforce whose value system would be applied.

Bradley and his supporters fought for and eventually won a national Prohibition on alcohol, with the passage of the 18th amendment. While national consumption dropped significantly, the new law also spurred the growth of organized crime, including legendary bootlegger/politicians like Enoch “Nucky” Johnson of Atlantic City.

Once Prohibition was repealed in 1933, New Jersey established a new regulatory system under the Alcoholic Beverage Control Law, with a strong division—and few exceptions—between manufacturers who sell to wholesalers, who in turn sell to retailers, who in turn sell to customers.

In 1948, licenses to sell and consume alcohol were limited to the higher of two numbers: existing licenses that were “grandfathered” or one license for every 3,000 residents. Each municipality oversaw the issuing, and the revenue derived from, the auctions of these licenses. Some towns choose to restrict the number of retail licenses granted, while several are still completely “dry.”

Like any heavily regulated market, debates arise over whether

the current system continues to serve a public purpose or is simply protecting the status quo. New producers, including microbreweries, have started up with the help of legislators, such as Senator Tom Kean, who have worked to ease decades-old restrictions.

Part of the continuing debate focuses on the law limiting corporations to two liquor licenses. Among the biggest opponents of this cap are supermarkets that look around the country and see that 46 other states make it easier for wine, spirits and beer to be offered in these types of stores. In New Jersey, Assemblyman Louis Greenwald has proposed legislation to lift the corporation restriction, originally imposed in 1962. The cap is outdated, according to Greenwald, a half-century old relic of fights against price fixing and organized crime that are no longer needed.

Cap proponents, however, maintain that its removal threatens the livelihoods of many of the small business owners who operate package stores around the state, and could dramatically reduce the value of their own licenses.

Other legislators, such as Assemblyman John Burzichelli, continue to seek new ways to update liquor licensing laws. While the debate usually produces a stalemate between powerful interest groups, such as restaurant owners and developers, a new wrinkle has emerged.

Mayor Cathleen Lewis of Lawrence Township (Mercer) champions a proposal to allow those municipalities who choose not to use all their available liquor licenses to sell them to other municipalities. In her town, national chain restaurants along the Route 1 corridor are able to outbid other local restaurants for the limited number of valuable licenses, making downtown economic development more difficult. Her proposal would maintain the current level of liquor licenses statewide, while allowing municipalities the option of monetizing these assets and permitting other towns reap the development benefits.

New Jersey imposed the current system of liquor licensing rules largely because of our colorful history of corruption and crime. Finding a way to update this regulatory regime remains a challenge. “At the end of the day,” Lewis argues, “liquor licenses are necessary for economic development and our laws need to provide means for growth.” Given that attitude, change may soon be on tap. 🍷

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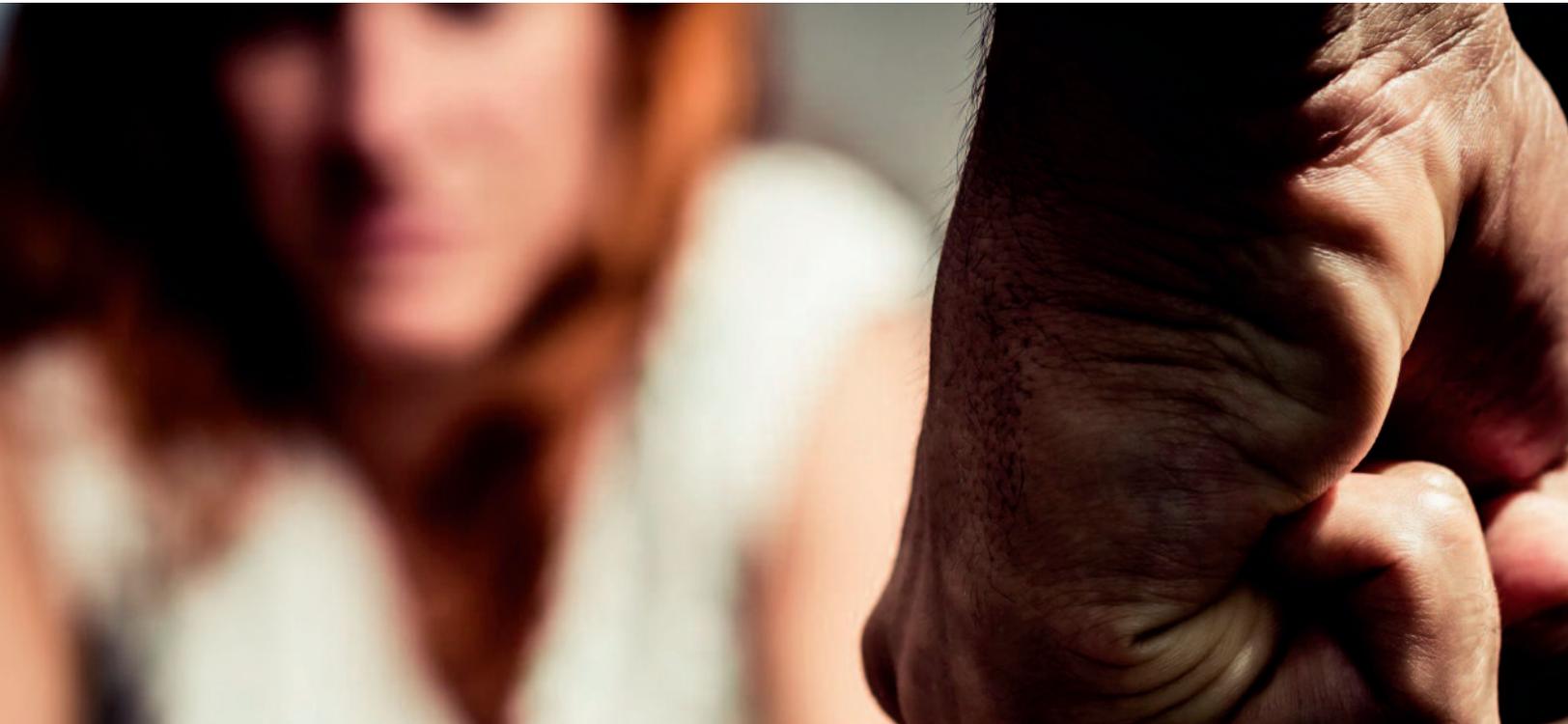
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Do Domestic Violence Cases Belong in Municipal Court?

We owe it to victims and their families to fix a broken system

By Caroline Casagrande, New Jersey State Assemblywoman



Thirty-two-year-old Giorgina Cimino experienced the worst possible outcome. She was brutally bludgeoned to death by her ex-husband Vito, leaving her three young children without their mother. What makes this case even more tragic is the fact that her ex-husband was arrested a year earlier for slashing a 3-inch gash into her wrist with a knife. The charges were downgraded to a disorderly person's offense, sending the case to the township's municipal court. Following his plea bargain, Vito was fined \$280 and released without so much as a lecture or recommendation for counseling.

In my own county of Monmouth we've had two tragic cases that demonstrated that brutal acts occur everywhere and no community is immune. In Middletown, a mother of two was beaten to death with a frying pan by her husband. In Neptune, a mother of nine was gunned down by her ex-husband in front of one of their children. Sadly, there are many other brutal stories that stop short of murder and go untold. The victims suffer all the same.

Finding the Courage According to a Bureau of Justice Statistics Crime Data Brief, a domestic violence victim is typically abused 35 times before calling the police. It's difficult to com-

prehend the pain, fear and misery that the victims and their families endure before finding the courage to call for help. If the response to that cry for help is to have the case dismissed or to give the abuser a mere slap on the wrist, we are failing them.

One of the Committees I am privileged to serve on in New Jersey's General Assembly is the Women and Children Committee. Last year, we heard testimony from individuals battling on the front lines of the domestic violence issue. It was right after the video surfaced of former NFL player Ray Rice striking his fiancée (now wife) and dragging her unconscious body out of an elevator. We were shocked to learn from these



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Domestic Violence Cases

experts that the Rice case isn't rare. Even though common sense dictates that knocking someone unconscious is an attempt to cause serious bodily injury, these charges are frequently downgraded. When charges are reduced, violent acts are allowed to go unpunished. This trivializes the seriousness of this crime.

If the response to that cry for help is to have the case dismissed or to give the abuser a mere slap on the wrist, we are failing them.

The committee also learned that the majority of domestic violence cases, about 32,000 annually in New Jersey, are currently heard in municipal courts. Therefore, it's not uncommon for a victim of domestic violence to sit alongside individuals waiting to see the judge for a traffic offense. The terrified victim could also be waiting alongside her angry abuser with little, if any, protection. The case is then heard by a judge who may

have only 90 minutes of training in handling domestic violence cases. As a result, 80 percent of these types of cases referred to municipal court are dismissed.

High profile cases like that of Ray Rice shine the national spotlight on the issue. In New Jersey there is much we need to do to further protect victims and their families from these predators.

Successful Approaches Much can be learned from how other jurisdictions have dealt with domestic violence in a more comprehensive way. In Sacramento, CA, the DA's Domestic Violence Unit (DVU) is located within the Domestic Violence Home Court. The DVU is comprised of a team of attorneys, victim advocates, investigators and support staff who are all involved in the prosecution of domestic violence cases.

Also in California, the Orange County Domestic Violence Courts have a comprehensive treatment program for victims, their abusers and their children. The program is a successful partnership developed with superior court, county probation, social services, local battered women's shelters, the Orange County Sheriff's Department and the county's Health Care Agency. Victims have easier access to the types of help they need.

In Washington, D.C., the courts have a

DVU which specifically handles cases involving restraining orders. DVU judges also hear cases alleging violations of those orders and all misdemeanor criminal cases involving families. Its Superior Court also hosts Domestic Violence Intake Centers that provide a single access point for victims.

Domestic Violence Court Pilot Program It's time to try a similar approach here. I have introduced A-3801, which creates a three-year Domestic Violence Court Pilot Program in Monmouth and Camden counties. Any case involving domestic violence would be referred to the Domestic Violence Court. Judges assigned to this court will be required to have extensive knowledge and experience in criminal law, procedures and sentencing.

Two other measures include A-3802, which calls for a mandatory three-year prison term for domestic violence assault, and A-3803, which establishes a minimum level of domestic violence training for judges and judicial personnel. The legislation would direct the Administrative Office of the Courts to develop and approve a training course and a curriculum that takes at least three hours to complete. This will ensure that judges and judicial personnel at all levels will receive this vital training.

If Domestic Violence Courts are enacted and are successful, I believe a heavy burden would be lifted from municipal courts. These courts can continue to handle the cases they are designed to adjudicate, while domestic violence cases would be heard by judges with more training and experience. We must look to Washington, D.C., and Sacramento that are handling the problem in a more comprehensive way.

In the New Jersey Legislature there is strong bipartisan support for domestic violence courts. Senators Stephen Sweeney, Loretta Weinberg, and the Assembly Chairwoman Mary T. Prevlite of Women and Children have joined me in sponsoring this legislation. This issue is too important to delay any longer. We owe it to Giordina, and all the other victims of domestic violence and their families to fix this broken system. The legislature should not wait for another life lost. ❖

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By SUSAN ROSELLI BONNELL
March 20, 2015

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NJLM Educational Foundation

Bringing Education and Updates to Municipal Leaders

In 2014-2015 the League of Municipalities Educational Foundation once again held education programs, supported literacy efforts, secured grants and continued to publish its “Friends of Local Government” white paper series.

The Foundation published the following White Papers:

- “Practical Lessons from the Front Line: An Economic Development Tool Box for Mayors and Communities” by Jun Choi;
- “Size May Not be the Issue: An Analysis of the Cost of Local Government and Municipal Size in New Jersey” by the Bloustein Local Government Research Center (Rutgers University);
- “Integrating Health into Community Design and Decision-Making: Opportunities for New Jersey Municipalities” by the Bloustein School of Planning and Public Policy (Rutgers University); and
- “Changing Economic and Demographic Dynamics: A New Context for New Jersey Municipalities” by James Hughes and Joseph J. Seneca, Ph.D.

The Foundation held its first webinar on December 9, 2014. The topic was “Immigrant Wage Theft.” The use of webinars has grown and the Foundation is learning the best way to incorporating this into the mission of informing and educating.

For the fifth consecutive year the Mayors Book Club conducted successful pilots in partnership with Fairleigh Dickinson University Education Department and six Bergen County towns: Harrington Park; Englewood; River Edge; Ridgefield Park; Bergenfield; Teaneck. To capitalize on these years of experience, the Foundation contracted with Dr. Vicki Cohen at Fairleigh Dickinson University to develop printed materials so others can produce similar programs.

In 2015 the Foundation continued the administration of the Michael A. Pane Memorial Fund. The Fund awards an honorarium to a local government professional (attorney, engineer, or planner) who personifies outstanding ability, integrity and ethics in his or her dealings with local governments.

The Educational Foundation continues to administer grants in support of Sustainable Jersey. More than \$1 million in grants has been administered from such funders as Wal-Mart Corp, BPU and the others. ♣

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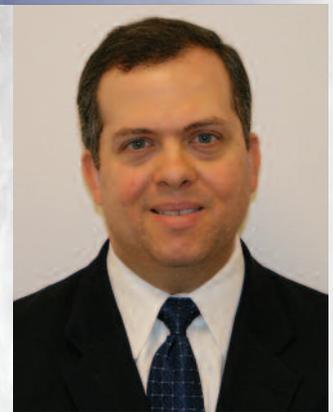
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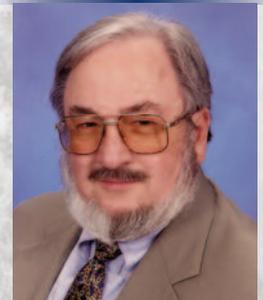


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LEGISLATIVE UPDATE

NJLM Pension Reform Committee Update

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

As I reported in the April 2015 edition of *New Jersey Municipalities (Pension & Health Benefit Reform)*, the League has formed five subcommittees to consider the recommendations in, and various alternatives to, the Governor's Report of the New Jersey Pension and Health Benefit Study Commission's "Roadmap to Resolution" report. Since then, the League has been actively engaged in addressing that report. This is a status report on the work undertaken by the League Officers, Management Reform Chair and Perth Amboy Mayor Wilda Diaz, representatives from 10 of the League affiliate groups, five subcommittees and League staff, to date.

As a reminder, the "Roadmap to Resolution" report is based on faulty premises and will not work. New Jersey is already the national leader in reverse revenue sharing, with our state budget dependent on revenues meant for local use. We cannot support proposed policies that would make matters even worse.

1. Local property taxpayers cannot absorb the costs of the failing state pension plans for teachers and state police, which are currently the responsibility of the state.
2. Enough savings cannot be achieved by changing local health benefits to offset pension costs. The Roadmap proposes shifting costs to local property taxpayers.

Impact on Property Taxes One of the recommendations of the Governor's "Roadmap to Resolution" report is to have local Boards of Education assume the costs of local education retirees' health benefits. These are currently a state obligation.

The Roadmap also recommends that local school districts accept responsibility for funding a new retirement plan for local (K-12) education employees. In response to those recommendations, the League of Municipalities partnered with the New Jersey School Boards Association to assess the impact of such a cost transfer on both municipal and school district taxpayers.

This policy neutral analysis, prepared by Raphael J. Caprio, Ph.D., Director of the Bloustein Center for Local Government Research, Rutgers University, can help you understand the

potential cost to your municipality for assuming part or all current and/or previously unfunded or underfunded employer contributions of the Teachers Annuity Pension Fund (TPAF). A copy of the report is available at njslom.org/letters/LOM-SBA-PENSION-STUDY.pdf

We gained assurances that, at this time, there was no support for legislation implementing the Roadmap solution.

It is important to note that this report analyzes the impact of property taxpayer assumption of the school district employer's share of only teacher pension costs. It does not address other recent proposals, such as shifting the employer cost of teachers' (and other board of education employees') post-retirement medical benefits from the state to local school districts, nor the hypothetical impact of health benefit proposals that may or may not be available or dedicated to offset some of the estimated cost increases. Reliable numbers for such hypotheticals are not currently available from the Roadmap Commission.

Throughout this process, there have been regular conversations with key legislators, as well as representatives from various labor groups.

Review of Health Benefits Over the summer, in addition to conducting a survey of medical coverage for municipalities, the Health Benefits subcommittee has been actively meeting with representatives from the healthcare industry. The subcommittee discussed industry trends, cost drivers, cost saving measures, and the future of healthcare plans with them.

Transfer of Pension Funds Two other subcommittees, which have held several meetings, continue to research other state models, to evaluate best practices for protecting the local pension funds, which are fiscally sound. One subcommittee is examining impacts of transferring the management of fund

assets and liabilities to local governments, in some fashion. The second subcommittee is evaluating the creation of a structure to manage the local pension funds similar to the JIF/MEL model.

Meetings with Legislatures, Commission and Stakeholders Since February, we have held numerous meetings with members of the Commission, Legislative leadership and various stakeholders. First Vice President and West Caldwell Mayor Joe Tempesta led delegations to meet with Senate President Stephen

Sweeney and Assembly Speaker Vincent Prieto to discuss the issue of pension reform and future legislation. We gained assurances that, at this time, there was no support for legislation implementing the Roadmap solution. We have also met several times with Tom Byrne, member of the Roadmap Commission and Implementation Task Force, to discuss our continuing concerns with the report.

Next Steps As the subcommittees continue their efforts, our goals are to (1) develop alternative structures to protect

local pension systems and to preclude the co-mingling of state and local pension systems; (2) develop strategies to address the impending “Cadillac tax” on high premium health benefits plans; and (3) ask to be included on any future working group that seeks to deal with the state pension system, especially if it may implicate local property taxes.

We will continue to keep you apprised of the subcommittees’ work and any new developments that may emerge from Trenton. 🇯🇵

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Bringing Open Government Laws Into the 21st Century

By Loretta Weinberg, Senate Majority Leader

It's been four decades since enactment of New Jersey's landmark law giving the public access to the business taking place in our town halls.

The Open Public Meetings Act (OPRA) was signed in 1975. Twenty-six years later, the Open Public Records Act (OPMA) took shape.

It's way past time to bring these laws into the 21st century.

Our towns and cities are operating under outdated rules that can make even routine information requests a chore for records custodians. They are costing municipalities time and money and unnecessarily complicating the process for residents.

I am sponsoring bi-partisan legislation to update, improve and modernize New Jersey's key open government laws. The bills, S-781 and S-782, would revise OPMA and OPRA to reflect changes in how people monitor and communicate with government and to provide clarity for local officials and the public. They will also make life easier for employees and office holders in government.

Key Provisions There is no reason records custodians should have to spend precious time gathering meeting notices and minutes for a requestor when the information can be made available online. They should be able to direct residents to their website if the information exists there. Our proposal would allow that, while providing support to municipalities that want to create a searchable website to put public materials at their residents' fingertips.

Public meetings are a vital way for people to learn about what is happening locally. With 565 municipalities and 21 counties, we should have uniform standards for meetings and other routine government functions.

My bills would clarify statutes for when a public body can go into closed session and for the development of meeting minutes. They would require agendas to include descriptions of items to be voted on, and would update the definition of what constitutes a "meeting" and create a definition of "quorum." Importantly, the bills would require a policy to ensure public participation.

When these basic standards are clear, the public knows better what to expect and has greater confidence in their elected leaders.

Subcommittee meetings of members (less than a quorum) would only be open to the public if the governing body voted to open them. A subcommittee would file a quarterly report, but not meeting minutes. If the subcommittee gives an oral report, it would not have to submit one in writing that quarter.

This would help keep the public informed while allowing an

efficient way of reporting by council or committee members on their work.

The proposals would also modernize the law to account for technologies like texting, emailing and instant messaging, most of which did not exist when the Sunshine Law was written.

They would clarify that electronic records, including video and audio recordings, when they exist, are public. Sensitive information, like email addresses, cell phone and bank account numbers, would be kept confidential and secure.

We've heard concerns from municipal officials about burdensome requests by commercial entities who seek to use public information as market research, or by individuals who may have malicious intent. These kinds of OPRA requests can tie up employees for weeks in municipalities already dealing with shrinking resources.

My bills would require commercial requestors to certify they are using the information for business purposes and allow government entities to assess a special surcharge for commercial requests.

They would also create a remedy for problems created by individuals who harass municipalities through the use of OPRA. The proposals would enable the courts to issue a protective order if they find the sole purpose of submitting the request is to harass. They would also reiterate the ability of municipalities to deny large, time-consuming requests meant to, paralyze the operations of a town or city.

The bills would create greater protections for records custodians by shielding them from civil penalty for an unavailable record required to be maintained, unless it is unavailable due to willful actions or gross negligence.

Finally, the reforms would update the Government Records Council (GRC) membership, and allow for quicker resolution for municipalities and requestors in GRC proceedings. This would improve the process for everyone involved.

Government Responsibility I know some think these proposals go too far, and others believe they don't go far enough. Senator Joseph Pennachio, the bill's cosponsor, and I believe we have struck an appropriate balance.

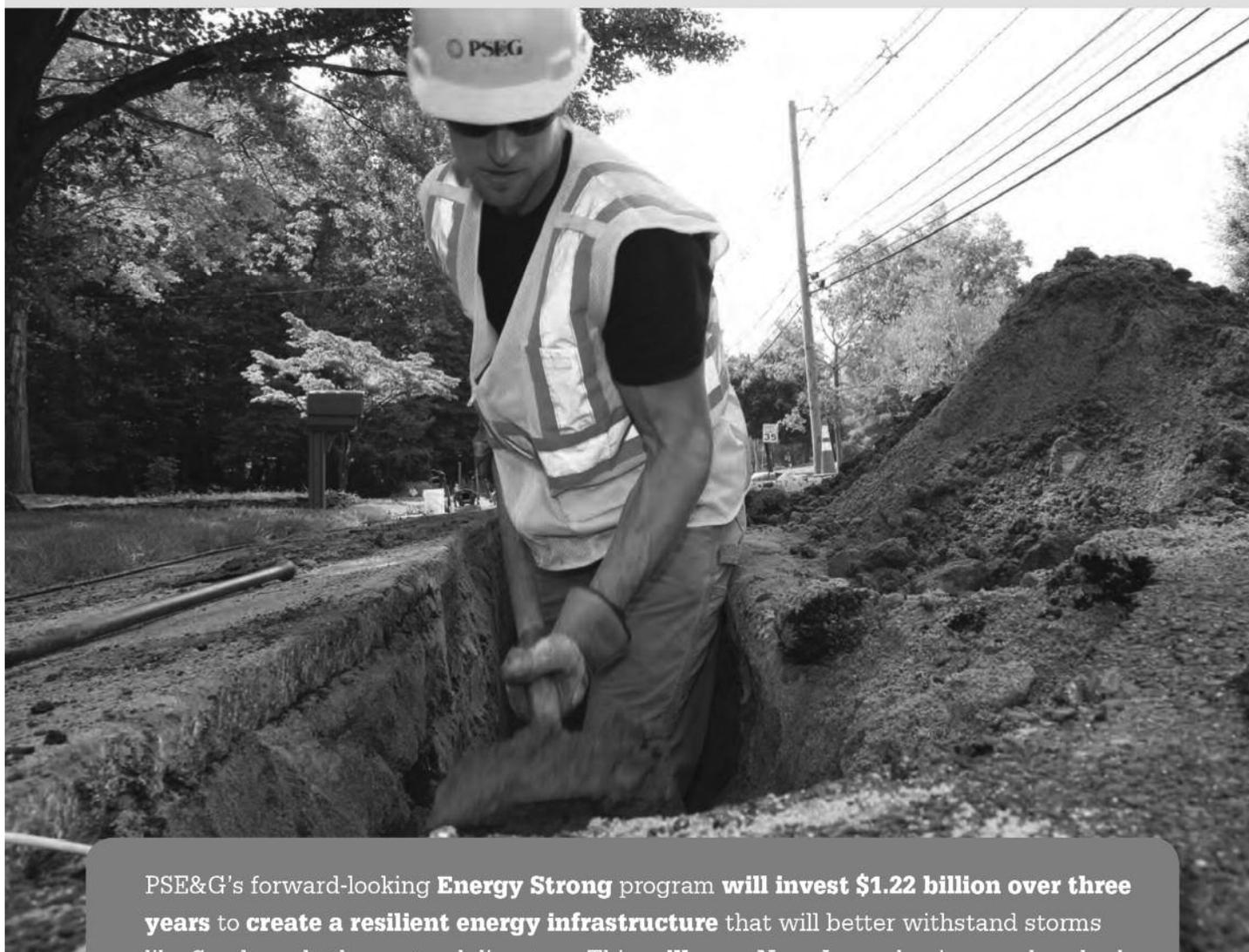
We owe it to the public to provide transparency and accountability in the government they depend on. These bipartisan bills would do that in a way that is functional, effective and efficient for towns and cities. They will bring our laws up to date, creating the best approach for active public engagement in the government process in 2015 and beyond.

I would be happy to hear your input on these proposals, and may be reached by email at SenWeinberg@njleg.org. 📧

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Negotiability of Layoff Issues Redefined

In recent cases government employers obtained economic relief without layoffs

By Jonathan F. Cohen, Esq.,
& James L. Plosia, Jr., Esq., Apruzzese,
McDermott, Mastro & Murphy

A pair of decisions issued this summer by the New Jersey Supreme Court and Appellate Division provides municipalities (and other public employers) another tool to use in the case of a fiscal crisis. As a result of the Supreme Court's decision in *Borough of Keyport v. International Union of Operating Engineers, Local 68* (July 14, 2015) and the Appellate Division's ruling in *Robbinsville Township Board of Education v. Washington Township Education Association* (Aug. 7, 2015), demotional layoffs (e.g., reduction in hours) and furloughs are recognized as varieties of "layoffs" which can be implemented by governmental entities without union agreement.

Personnel costs often constitute the largest budget item for municipalities. Thus, when a municipality has a budget crisis, it becomes imperative to reduce personnel costs. In the heavily unionized world of New Jersey municipalities, the first step for the public employer is common sense: reach out to the employees' majority representatives, explain the economic conditions that the jurisdiction is facing and inquire whether the union would be willing to assist the municipality in solving its budget crunch. Ideally, affected unions will work with the government entity to find cost savings through retirement or provide economic concessions by reopening their collective negotiations agreements.

When unions refuse to cooperate with the municipality to find economic solutions, what then? According to the union advocates, the employer had but one option—to blindly layoff the least senior employee(s) until the savings sought has been achieved. It was this very situation that was addressed in *Keyport* and *Robbinsville Bd. of Educ.*

There were three municipalities involved in *Keyport*, all of which were struggling to keep their budgets afloat in 2009 amidst the recession and the then 4 percent tax levy cap. Belmar and Mount Laurel obtained the necessary cost savings by implementing a departmental shutdown/furlough plan in which a department/layoff unit was closed down for one or more days, no one came to work, and no one got paid. Keyport, on the other hand, implemented a "reduction in hours" layoff plan in which it changed the status of three employees from full to part-time. All three municipalities are Civil Service jurisdictions. As such, their plans were approved by the Civil Service Commission. In all three cases, before submitting the layoff plan for approval by the Civil Service Commission, the municipalities attempted to consult with the affected unions and find an alternative. In all three cases, the unions in question refused to agree to anything, and suggested that the municipalities could lay off their least senior employees.

The procedural history of the consolidated Keyport cases is long and sordid. Suffice to say that, the Public Employment Relations Commission (PERC) initially ruled in favor of the unions. According to PERC, unilaterally implemented departmental shutdowns/furloughs and demotional actions are not “real layoffs,” and repudiate collective negotiations rights of unions. PERC’s narrow definition of “layoff” was at odds with that of its sister agency—the Civil Service Commission—which had approved departmental shutdown/furloughs and demotional decisions as layoffs since the early 1990s.

The procedural history of the consolidated Keyport cases is long and sordid.

In February 2013, the Appellate Division reversed PERC, and held that the decisions by the *Keyport* municipalities to implement furlough and demotional layoff plans were non-negotiable. The Appellate Division grounded its decision on two bases: (1) the Civil Service Commission layoff rules and regulations preempted negotiation; and (2) the municipalities had a managerial prerogative to institute the layoff actions. In its decision, the Appellate Division made reference to a

2009 emergency temporary layoff regulation that Civil Service had in place when the plans submitted by the *Keyport* municipalities were approved.

Because none of the three municipalities relied on the emergency regulation or submitted their plans under the regulation, it was unclear what import the emergency regulation had on the Appellate Division’s holding.

The New Jersey Supreme Court reversed the Appellate Division’s finding that Civil Service regulations preempted negotiations, but nevertheless held that the municipalities possessed the managerial prerogative to implement their furlough and demotional layoff plans without the unions’ agreement. The ruling was predicated on a finding that the determination of whether to undertake these types of layoff actions are rightfully policy decisions to be decided by public officials, not arbitrators or courts.

The Supreme Court made note of the emergency temporary layoff rule, but held that “[w]hether the municipalities actively relied on that existing regulation is not controlling on our review of that appeal.” Notwithstanding the foregoing statement, the Supreme Court left some observers uncertain about whether a furlough or demotional layoff action will constitute a nonnegotiable managerial prerogative, irrespective of the existence of the emergency regulation. The High Court in *Keyport* did not squarely address whether these types of layoff actions, short of a permanent reduction in the table of

organization, would be considered non-negotiable as to employers who are not governed by the Civil Service Commission laws and regulations.

Public employers did not have to wait long for the answer to whatever questions were lingering after the Supreme Court’s decision in *Keyport*. Within a month, the Appellate Division ruled in *Robbinsville Board of Education* (a binding decision on PERC), that the school board employer had a non-negotiable prerogative under *Keyport* to institute departmental shutdown/furloughs in a non-Civil Service setting. All that the employer had to show was fiscal circumstances that justified the managerial decision.

Thus, in the consolidated *Keyport* case, as well as in *Robbinsville Board of Education*, government employers obtained economic relief from their payroll budget without sending their employees to the unemployment line. Because this line of cases is binding on PERC, municipalities should feel comfortable consulting with their labor attorneys to determine whether a layoff action short of a permanent reduction in force is appropriate for that jurisdiction, and if it can be done without union agreement. ♣

Jonathan F. Cohen, Esq., is a senior associate, and James L. Plosia Jr., Esq., a partner, at the law firm of Apruzzese, McDermott, Mastro & Murphy in Liberty Corner, New Jersey. Both attorneys specialize in the representation of management in public sector labor disputes, and were the attorneys for Belmar in the case described in this article.



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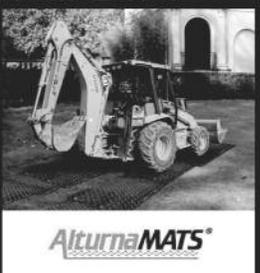
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Police Body Cameras and OPRA

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

This has been a very busy summer, so I will have to start this column where I left off...Mobile Recording Systems (MRS). Since June, the Acting Attorney General has issued a *directive* on the use of Body Worn Cameras (BWCs) and an important Appellate Division decision has been issued regarding an Open Public Records Act (OPRA) exemption for some MRS recordings generally. So, let's get to it.

Attorney General Directive On July 28, Acting Attorney General John Hoffman released a law enforcement directive regarding the use of BWCs by law enforcement in the State of New Jersey that went into effect on September 26. This directive was issued pursuant to *N.J.S.A. 52:17B-98*, a statutory provision which empowers the attorney general with general oversight over law enforcement in the state. While this directive represents mandatory standards that local police departments, if they use BWCs, must satisfy through a policy, standard operating procedure, directive or order, it also allows for local agencies to "develop and share best practices as they gain experience in using these devices."

This directive constructs the basic framework around the use of BWCs only. It does not apply to dash cams. Officers must activate their BWC in 12 circumstances listed in the directive. The directive prohibits departments from giving their officers the discretion to use subjective factors in determining when to record.

Impact on OPRA Broadly speaking, this directive prohibits the voluntary disclosure of some BWC recordings but would not interfere with a department's obligation to provide BWC recordings when required by court order, subpoena, OPRA or common law right to access request. There are three main points to take away from this directive.

First, the directive requires that notice be provided to the County Prosecutor or to the Division of Criminal Justice within one business day after there is a subpoena, court order or OPRA request for any BWC recordings. Section 11.1. Second, the directive requires that police departments have the capacity to locate specific BWC recordings and the ability to tag recordings that raise special privacy or safety concerns. Section 9.3. These tagged recordings cannot be accessed, viewed or disclosed without the permission of the County Prosecutor or Director of the Division of Criminal Justice unless disclosure is required by subpoena, court order, OPRA or common law

right to access. Section 9.4. Third, the directive includes special requirements on BWC recording requests related to an "investigation of a criminal offense." Section 11.2.

An "investigation of a criminal offense" is defined as:

any police activity pertaining to the investigation of an indictable crime, disorderly persons offense, or petty disorderly offense, including but not limited to responding to a report of a possible criminal offense; an investigative detention based on or leading to reasonable and articulable suspicion to believe that a criminal offense has been committed; an arrest for a criminal offense; an interview of a potential witness to a criminal offense; or canvassing an area, neighborhood, or premises for potential witnesses to a criminal offense.

If a recording related to an "investigation of a criminal offense" has been requested, the directive provides that those recordings:

shall not be shared with or provided or shown to any person, entity, or government agency, other than a law enforcement agency or officer or authorized civilian employee of such agency, [1] *unless* such disclosure is required by the Rules of Court governing discovery in prosecutions, [2] or by a court order, [3] or *unless* the law enforcement agency in consultation with the County prosecutor or designee, or the Director of the Division of Criminal Justice or designee, determines that the person's/entity's/non-law enforcement agency's/public's need for access outweighs the law enforcement interest in maintaining confidentiality. [emphasis added] Direction section 11.2.

Honestly, I was a little confused by this section. Because OPRA and the common law right to access are not mentioned in the same grouping as disclosures required by the rules of court under subsection [1] or a court order under subsection [2], then it would probably fall into the class of requests that must be decided only after consultation with the County Prosecutor or Director of the Division of Criminal Justice under subsection [3]. This position is supported by discussions I've had with the Attorney General's office. This means that if a department receives an OPRA or common law records request, they must consult with the County Prosecutor or Director of the Division of Criminal Justice as to whether these recordings should be disclosed or exempted under the common law right of access or OPRA as a "criminal investigatory record" pursuant to *N.J.S.A. 47:1A-1.1*. At all times the decision to disclose or exempt a record remains with the department. As an aside, the term "criminal investigatory

ry record” has been greatly enhanced by a recent Appellate Division decision, *North Jersey Media Group v. Twp of Lyndhurst*. It may now be that most records which, under this directive are recordings related to an “investigation of a criminal offense” could be exempted under OPRA as a “criminal investigatory record.”

Lyndhurst Decision As mentioned above, the Appellate Division Decision in *North Jersey Media Group v. Twp of Lyndhurst* has enhanced the ability of departments to exempt some recordings from OPRA as “criminal investigatory records.” Docket No. A-2523-14T1 (N.J. App. Div. 2015). This decision would appear to overturn the trial level decisions I cited in my June column on this subject. OPRA excludes from disclosure “criminal investigatory record[s], [which] means a record which is not required by law to be made, maintained or kept on file that is held by a law enforcement agency which pertains to any criminal investigation or related civil enforcement proceeding.” N.J.S.A. 47:1A-1.1.”

In other words, a record related to a criminal investigation is exempt, unless it’s required by law to be made, maintained, or kept on file. In the case I cited in June, Judge Peter E. Doyno had held that police video recordings were not exempt under this provision because, “OPRA simply requires a record be made, maintained, or kept on file by a public entity in the course of its official business...[consequently] police video recordings are government records.” *North Jersey Media Group, Inc. v. Borough of Paramus*, Docket no. BER-L-2818-11 at 20 (N.J. Law. Div. 2011); *Aff’d* 2012 WL 2865787 (N.J. App. Div. 2012). The Appellate Division in *Lyndhurst* changes this result.

In *Lyndhurst* a newspaper requested a number of records including mobile video recordings, related to a police shooting. Like Judge Doyno in *Paramus*, the trial court held that these video recordings did not fall into the “criminal investigatory records” exemption because they were “required by law” to be made, maintained or kept on file pursuant to the state’s record retention law. *Ibid. slip. op.* at 16. The Appellate Division disagreed with this holding. That is very important.

In *Lyndhurst*, the court looked to the legislative history of the “criminal investigatory record” exemption and determined that the legislature did not intend that the term “required by law” to be broadly construed. The court reasoned that were the term “required by law” to be satisfied by the state’s records retention law, virtually all “criminal investigatory” records would be required by law to be “maintained,” and consequently, there would have been no point in having this exemption to begin with. *Id. Slip. op.* at 47. The court put it this way:

...[among other documents] the requesters also seek various forms of audio and video recordings (as well as transcriptions), including recordings of the pursuit and shooting; communications among police officers and between police officers and others; and recordings made by mobile video recorders (MVRs)....All of these documents are exempt. No law cited to the court required their

creation or retention. They pertain to a criminal investigation, to the extent the entries concern or address and officer’s involvement in the search for the attempted burglary suspect... We reject [the news organization’s] argument that these documents are “required by law” because the various [law enforcement agencies] are governed by the [Destruction of Public Records Law] and regulations, which require adoption of record retention schedules. *Lyndhurst Slip. op.* at 45-46.

Lyndhurst could be an important decision. The newspaper’s petition to the State Supreme Court to review the Appellate decision remains unanswered as I write this article in the middle of September. I recommend that you take a look at it and read it a few times. It’s worth understanding. ♣

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Breaking the Grip of Opiate Addiction

Proposed legislation prescribes better education on the risks and improved access to treatment

By Joseph F. Vitale,
State Senator



In the United States and in New Jersey alone, drug-induced overdoses are now the leading cause of accidental death, far surpassing car accidents. Each day on average 44 Americans die from an overdose caused by prescription painkiller abuse according to the U.S. Centers for Disease Control and Prevention.

According to the Office of the State Medical Examiner, there were 1,294 drug-related accidental overdose deaths in New Jersey in 2012, the most recent year for which figures are available. Approximately two-thirds of those deaths involved prescription drugs rather than solely illicit drugs.

The numbers are alarming, and the implications for New Jersey's future are far graver if we stand idly by and allow more of our children to succumb to the disease of addiction.

The stark reality is that prescription drug abuse is prevalent in all parts of New Jersey; it crosses racial, geographic and socioeconomic lines leaving no family or community immune.

We know that opiate addiction often starts with legally prescribed pain medication. The pills that were meant to alleviate pain following an operation or injury too often become the gateway to heroin, which costs less, is easier to access and delivers a stronger high.

For years, opiate and drug abuse prevention efforts have focused on law enforcement, prisons, healthcare programs and schools. But the war on drugs and the “just say no” approach has failed to curb the problem. It has only grown worse.

Only a collaborative strategy that addresses all aspects of addiction will succeed.

Conversations with our children about drugs are exceedingly outdated. Young people need not travel beyond their medicine cabinets at home to access prescription painkillers. And misconceptions exist about the safety of prescription drugs versus street or illegal drugs among youth.

According to the Drug Enforcement Administration, two in five teenagers believe prescription drugs are “much safer” than illegal drugs, and three in 10 teens mistakenly believe prescription painkillers are not addictive (Governor’s Council on Alcoholism and Drug Abuse: 2014 Report - New Jersey’s New Drug Problem: A Strategic Action Plan to Address the Burgeoning Heroin/Opiate Epidemic Among Adolescents and Young Adults).

Additionally, drug treatment centers and programs are beyond capacity. Each year, more than 50,000 New Jersey residents who want treatment for a substance use disorder are denied. Sadly, only six percent of New Jersey young people who need treatment for chemical dependence receive it.

We also cannot ignore the inextricable correlation between substance abuse and crime. Addicted individuals in the criminal justice system often lack the insurance to afford treatment. Following release from prison, they quickly relapse.

Our goal is not to punish those who are already suffering, but to seek solutions that address the problem at its root and support recovery.

While numerous efforts are underway to fight this battle at every stage, only a collaborative strategy that addresses all aspects of addiction will succeed.

That is why I am spearheading a bipartisan effort to take a four-pronged approach that focuses on education, prevention, treatment and recovery. By educating parents and families on the risks

of prescription medications and ensuring treatment for those who need it, we can begin to loosen the grip of opiate addiction in our state.

Although there is more work to do, we have made significant progress. To date, the Governor has signed several bills that were included in a comprehensive package proposed to address the issue,

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Opiate Addiction

and a number of others are still moving through the legislative process. 📌

Senator Joseph F. Vitale is the Chairman of the Senate Health, Human Services and Senior Citizens Committee. A Democrat, he represents the 19th Legislative District in the State Senate which includes Carteret, Perth Amboy, Sayreville, South Amboy and Woodbridge.

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Bill Highlights

With respect to maximize the effectiveness of the proposed legislation to fight this epidemic, an old adage holds true—"the whole is greater than the sum of its parts." While the bills individually address targeted issues, the overall impact will far greater.

Too many lives have been lost to prescription painkiller and heroin addiction. As citizens of New Jersey, we have a responsibility to protect our children and families. By collectively improving the pathways to evidence-based education, prevention, treatment, and recovery efforts, we can effect positive change for the residents of New Jersey.

The package of 21 bills aims to:

- Ensure that patients and parents are aware of the addiction risks of painkillers before they are prescribed so that they can make better decisions about their use.
- Task the Department of Education and the Department of Health and Human Services with ensuring that our schools' core curriculum requirements on drug prevention are up-to-date and include information on the misuse of prescription drugs. The departments will also develop strategies on how to promote meaningful and relevant conversations with students of all ages.
- Halt the abuse and diversion of prescription drugs by requiring prescribers and pharmacists to use a statewide database, the New Jersey Prescription Monitoring Program (NJMPMP). The NJMPMP collects prescription data on Controlled Dangerous Substances dispensed in outpatient settings in New Jersey in an effort to identify addicts who are "doctor shopping" for opiates and prescribers who operate "pill mills" in our state.
- Increase "Project Medicine Drop" locations throughout the state and ensure the public knows how and where to properly dispose of unused prescription drugs.
- Help connect those suffering from drug addiction, including those in the criminal justice system, with evidence-based treatment that works.
- Expand access for Medicaid patients to doctors and treatment facilities, and increase the Medicaid reimbursement rate for behavioral health care.
- Support college students recovering from drug and alcohol addiction by expanding substance abuse recovery housing at colleges and universities across the state.
- Expand the Overdose Prevention Act to authorize the use of opioid-overdose antidotes by professionals who come into contact with susceptible individuals.
- Require drug treatment programs to publish annual performance reports about their effectiveness to help those seeking treatment to make informed decisions.
- Ensure that state-owned correctional facility inmates are receiving mental health and substance abuse disorder services from licensed providers, and enroll eligible individuals in pre-trial treatment programs covered by Medicaid.
- Allow individuals to graduate from special probation drug court programs with medication-assisted treatments.
- Authorize the Attorney General to coordinate a statewide anti-opioid-abuse effort and create a Statewide Opioid Law Enforcement Task Force.

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A Plan for Fully Funding Teachers' Pensions

Now is the time to affect a fair solution to the crisis

By Jack M. Ciattarelli,
State Assemblyman

For decades, Trenton politicians in both parties have shied away from providing real long-term solutions. We can't afford to wait any longer.

Why are pension systems for municipal and county employees, as well as the Police and Firemen's Retirement System, all solvent? Because the employer pension contributions to these systems are funded by property taxes that, while too high, are a very stable funding source.

Employer pension contributions for teachers are funded by the state, making teachers the exception—they're the only local public employee whose employer pension contributions are not funded by property taxes. There's a fundamental problem with this. State taxes on income, sales, corporate profits and casino revenues—the state's primary sources of revenue—are all highly volatile. Case in point, during the recession, state tax revenues plummeted \$6 billion in 24 months' time.

When state revenues plummet—or stagnate—choices are made. For nearly 30 years, New Jersey chose not to repeatedly shut down government; not to stop funding schools, hospitals or healthcare for the poor; and not to stop supporting 26,000+ disabled citizens. Administrations and legislatures past and present also chose not to make adequate pension payments. Worse yet, they chose not to address all the other things that increase the unfunded liability exponentially.

Many say 'just make the pension payment,' but that's not realistic, and the state Supreme Court agrees. Indeed, in its recent decision, the court said it has no constitutional power to order payment of state expenses. The court also said the state can't pay with what it doesn't have.

A comprehensive reform plan that we can honor and afford—one that solves the teachers' pension problem once and for all—is desperately needed.

We need a plan that reduces the unfunded liability while adding \$3+ billion to the current annual pension payment. Here's a plan:

- No community is allowed to fund less than 25 percent of their school budget through the local tax levy (some communities fund less than 15 percent of their school budget, while others fund more than 90 percent).
- No community can abate school property taxes on new development (to encourage development, communities can abate municipal and county taxes if they so choose).

- For all current and future teacher retirees, no post-retirement Medicare Part B reimbursement if their pension plus social security equals or exceeds \$30,000 per year.
- For all teachers with less than 10 years in system, pension account is switched over to defined contribution pension plan (e.g., 401k).

Without exacerbating the property tax crisis or making any one group bear the entire burden, this plan fully funds teachers' pensions equitably.

- All newly hired teachers go immediately into defined contribution pension plan (e.g., 401k) and their pension and Social Security are paid for by the local school district, not the state
- "Cadillac" health insurance plans are discontinued for all newly hired teachers and all others at end of current contract

The personnel-specific reforms would apply to all non-teacher school district employees, and to municipal, county and state workers, too.

The timing is perfect for the 'cost shift' aspects of this plan. First, baby boomers will generate a tsunami of retirements in the next 10 years—teachers in higher salary ranges will be replaced by new hires in lower salary ranges. Second, the Affordable Care Act's 2018 40 percent excise tax on "Cadillac plans" provides strong incentive for significant health insurance savings for both employer and employee.

Without exacerbating the property tax crisis and making any one group bear the entire burden of the crisis, this plan fully funds teachers' pensions in an equitable way. Just as importantly, this plan demonstrates a willingness to truly address and resolve the teachers' pension system.

Tangentially, there is discussion taking place on casinos outside Atlantic City. If these casinos materialize in places like Newark and/or Jersey City, the usual tax on casino revenues should not be collected by the state, but by the host city to support the local school system. This would free up another \$500 million to \$1 billion of state revenues for teacher's pensions.

John F. Kennedy once said, "What man has created, man can solve." What we've created in New Jersey, we need to solve, and soon. All we need is a plan. ♣

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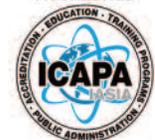


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