

nj municipalities

Official Publication of the New Jersey State League of Municipalities

April 2016

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EDITOR
Michael J. Darcy, CAE

MANAGING EDITOR
Amy Spiezio

ADVERTISING MANAGER
Taran B. Samhammer

CONTRIBUTING EDITORS
Lori Buckelew
Michael F. Cerra
Jon R. Moran
Edward Purcell, Esq.
Taran B. Samhammer

CREATIVE DIRECTOR
Dawn Becan
White Eagle Printing Company

SUBSCRIPTION MANAGER
Thomas Fratticcioli

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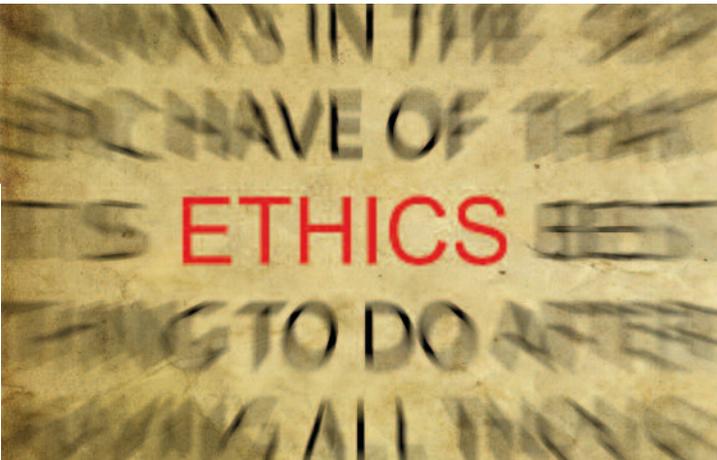
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“As the Crossroads of the Revolution and the cradle of American innovation, no other state can match our historical sites, memorials, living history museums, and artifact displays.”

A State with Something for Everyone

No matter what your interests or recreational preferences, you will find what you're looking for right here in our Garden State.

When we start talking about our home state, folks from far and wide immediately think about the sun, the surf, and the silky sand of the Jersey Shore. As well they should! Our 130 miles of ocean frontage have hosted more fun-seekers for more years than any other beachhead in America. A typical day on our boardwalks can begin with a leisurely bike ride in the quiet of daybreak and continue into the carnival cacophony of a tilt-a-whirl night. And don't forget about our sports fisheries. From surfcasters to party boats to charters, there is no thrill like hooking a battling blue or a surging striper and struggling to wrestle him in.

How about our performing arts venues? From Appel Farms in Elmer to the Women's Theater Company at Lake Hiawatha and everywhere in between, you are able to experience the best in music, dance, theater, and song.

If it's hiking and camping you seek, look no farther than the lengthy roster of our state, county, or municipal parks. You will also find world-class animal and bird watching locations (New Jersey is the crossroads of the Atlantic Flyway) and

fresh water fishing opportunities galore. And the view from atop Mount Tammany on a clear day is one you will never forget.

As the Crossroads of the Revolution and the cradle of American innovation, no other state can match our historical sites, memorials, living history museums, and artifact displays. We are home to a former hotel shaped like an elephant and an Iowa Class Battleship that will host over-night stays by youth groups. In New Jersey, you will find arboretums and gardens, wineries and vineyards, amusement and water parks, lighthouses, aquariums, and some of the world's most mouth-watering culinary experiences.

But wait, that's not all. Guess which State you'd want to visit to find the longest running weekly rodeo in these United States? (The Cowtown Rodeo in Pilestown, NJ)

All that fun and all those opportunities mean a lot to the economy of our state and of our municipalities. That is why we made travel and tourism the focus of this issue of *New Jersey Municipalities*. In this issue, as in our State, we think there's something for everyone. 🍷

Michael Darcy

NEW JERSEY DATA BOOK

Get to Know New Jersey.

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The most comprehensive online source of official, current statistics and information about New Jersey, the *New Jersey Data Book* is a searchable database, more than just a list of resources or weblinks. The *New Jersey Data Book* includes statistics on New Jersey's 565 municipalities, as well as its counties, schools, elections, and people.

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NOW & THEN



So Much To See, And Do

Inhabitants of the cradle of liberty, New Jersey's municipalities have always had a strong connection with the past and an understanding of how reflecting on the State's rich history can boost civic pride and help shape the future, too.

Cities like Lambertville tap into their heritage with events such as Shad Fest and a smart infrastructure in place to welcome visitors to the cozy village's shops, sites, and restaurants. Heritage tourism is something to explore now, and lessons can be learned from the excitement about and commitment to big events during the Bicentennial celebrations discussed in the December 1976 issue of *NJ Municipalities* magazine.

Taking the past and updating it for the future isn't a new concept either, as Hoboken turned its former factories into affordable housing near the end of the 20th century, just as South Orange is today exploring ways to create in-town options to provide affordable, non-car-dependent housing options to retain the community's age diversity.

This month's issue also reflects the same commitment on the League's part to help municipalities that was so important 40 years ago. Members attend the 2016 League Conference and discover ever-improving education while connecting with vendors that can inspire their efforts into the future. 🇯🇵



Amy Spiezio
Managing Editor



Time Capsule: December 1976

The Festival of The 10 Crucial Days

"The events of those ten days turned the tide of the American Revolution from defeat and despair to hope and victory....We in New Jersey intend to demonstrate to the nation how proud we are of that heritage."

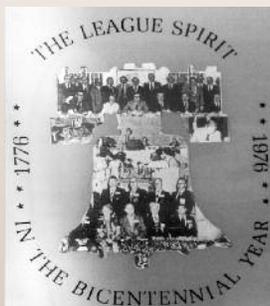
—Former Governor Robert B. Meyner, chairman of the New Jersey Bicentennial Commission



Hoboken Transforms Abandoned Factory Into Moderate Income Housing Complex

"Clock Tower is a dramatic accomplishment and a classic example of what can be done with the abandoned resources of our cities. In order for the older core cities to survive, they must reclaim their abandoned buildings, including their factories. This project demonstrates that a new residential environment can be created and revive an inner-city neighborhood."

—Steve Capiello, then-Mayor, Hoboken



The League Spirit in the Bicentennial Year

In this Bicentennial Year, we are constantly reminded of our national heritage and past accomplishments as patriots in a new and untamed frontier....For local government officials in New Jersey, our nation's two hundredth birthday symbolizes the beginning of a new and challenging era. The burdens of conducting local government have grown heavier upon the shoulders of local officials. Caught between the demands of a service oriented public and the State's fiscal crunch, local governments are relying more and more on the New Jersey State League of Municipalities for guidance and direction.

—Robert H. Fust, then-NJLM Executive Director

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A Leader and a Friend... League Mourns Passing Of Mayor Art Ondish

After a long, determined, and courageous battle with cancer, Mount Arlington Mayor and League Past President Arthur R. Ondish passed away on March 8. During his years of involvement with the League of Municipalities, throughout his 20 years in elective office in Mount Arlington, and for the whole of his adult life, no job was too big and no opportunity to serve too small for Mayor Ondish.

Born in Denville on June 26, 1965, to Joyce and the late George Ondish, the Mayor was a lifelong resident of Mount Arlington, with deep roots dating back to the late 1930s, when his grandparents built a summer home on Bertrand Island. His parents purchased a home on the Island in the 1950s and were volunteers in the Borough for over 30 years. Art and his two brothers were raised in that house until 1992, when he made a big move across the street. Since that move, he has lived there with his wife, Yvonne. Art loved Bertrand Island!

ALWAYS IMPROVING Art was involved in many different organizations locally and state wide and always sought ways to improve the Borough. He was Mayor for 13 years, working in his fourth term. Art was an elected councilman for six years prior, three of those years as Council President. He oversaw many improvements in the Borough of Mount Arlington, and his service to his community will be appreciated for many years to come. Mayor Ondish distinguished himself for his environmental stewardship, while dealing with every aspect of municipal government, including the Office of Emergency Management, Emergency Planning Committee, and Public Safety Director.

He was a founding member of the Raritan Highlands Compact—an organization created to preserve the Raritan Watershed and to develop multi-municipal strategies to promote watershed management. He received a gubernatorial appointment and served as Chairman of the Lake Hopatcong Commission for over five years, where it was his duty to develop consensus among federal, state, county, and local Commis-

sioners for the protection of this vital resource. Beginning in 2005, he served as a Trustee of Morris Tomorrow, leading high-level policy discussions on issues affecting Morris County. He served on the Morris County Open Space Commission, as well as the Morris County Community Development Block Grant Committee. He also served on the Advisory Board for the United States Green Buildings Council of New Jersey.

Mayor Ondish served his fellow Morris County elected officials as President, Vice President, and Member At Large of the Morris County League of Municipalities. And, he served all New Jersey municipal officials, beginning in 2007, as an active member of the State League's Executive Board. He was elected, by his colleagues in local government, to be a Vice President, and in November, 2011, to lead the NJLM as President during 2012. In that capacity, he shepherded the League during and in the immediate aftermath of Superstorm

Sandy—acting as our spokesman and as our chief liaison with State and Federal Emergency Management officers and agencies, with the Governor's Office and State Executive Branch Department leaders, with State and Federal Legislators, and with electric, gas and telecommunications utilities.

ALWAYS SERVING He served—in many cases, as Chairman—on the League's Legislative Committee, Resolutions Committee, the New Jersey Public Works Advisory Committee, as President of the League's Educational Foundation and on our 100th Anniversary Planning Committee. He was a founding member of the Mayors Committee for a Green Future, helping that initiative to evolve into Sustainable Jersey. He personally oversaw many aspects of the Mayors Book Club for the Educational Foundation. He co-chaired, with League Board Member and Somerdale Mayor Gary Passanante, our Y2K Preparedness Task Force. He also co-chaired, with League Past President and Elizabeth Mayor Chris Bollwage, our Community Development Block Grant Protection Committee.

Mayor Ondish was employed at JCP&L for 20 years, leaving to work for an Engineering Firm for almost five years and then working for PSE&G in June of 2012. He was happily employed there as a Regional Public Affairs Manager.

He is survived by, and often expressed his gratitude for, his devoted wife, Yvonne. He also leaves behind his mother, Joyce, two brothers, Robert and John and his wife, Debra, and many nieces, nephews, and close friends. ♣

League Executive Director Michael Darcy spoke for us all, saying, "Art will be greatly missed by all of us who benefited from his warm friendship, good counsel, and passion for life."

Fighting Flooding

Municipalities Connect to Develop Coastal Resilience Plan

The National Oceanic and Atmospheric Administration (NOAA) has awarded New Jersey a nearly \$900,000 Regional Coastal Resilience Grant to help communities in 15 municipalities in north-eastern Monmouth County develop a regional plan to address the impacts

projects that build on existing protections in each of their towns: Eatontown, Fair Haven, Highlands, Little Silver, Long Branch, Middletown, Monmouth Beach, Ocean Township, Oceanport, Red Bank, Rumson, Sea Bright, Shrewsbury Borough, Tinton Falls and West Long Branch.

For this project, the partners will use a scenario-based approach to help the Two Rivers Council determine and understand the range of costs and benefits of planning resiliency decisions in communities surrounding the Navesink and Shrewsbury rivers. Using a vigorous public stakeholder

process that includes the visions of the involved communities, the NJ FRAMES project is expected to produce a plan identifying independent and regional measures that maximize efforts to improve resiliency.

“Addressing flooding hazards for New Jersey’s coastal communities is a critical component of the Christie Administration’s plans to

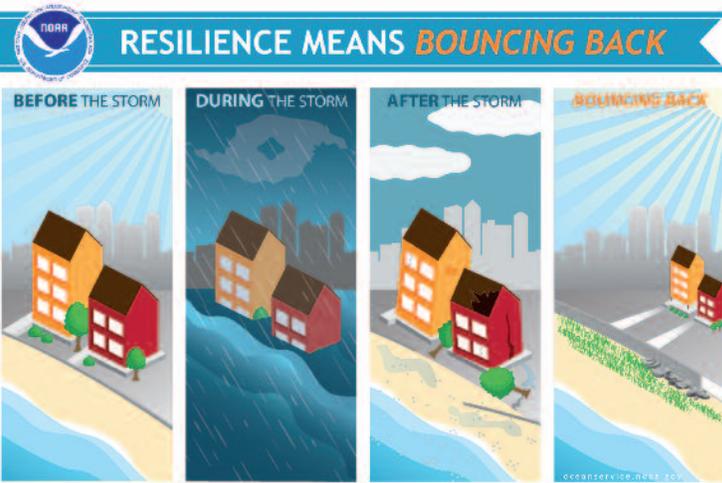
enhance flood resiliency statewide,” said DEP

“This project is an outstanding opportunity for all of our towns to coordinate and directly engage local residents and business owners in order to create a regional plan that will allow us to become physically, economically, and socially more resilient,” said Oceanport Mayor Jay Coffey.

“This award is thrilling for the Two Rivers Council of Mayors,” said Two Rivers Council Chairman Donald Burden, who also is Mayor of Shrewsbury. “As we are faced with the increasing likelihood of severe weather and repetitive flooding within the Navesink and Shrewsbury River Basin, these are the type of projects we need to implement in order to make informed decisions when planning for the future. Undoubtedly, our taxpayers

will be the primary beneficiaries of this critical regional planning effort.”

@ For more information about NOAA’s Coastal Resilience Grants Program, please visit: <https://coast.noaa.gov/resilience-grant/>



of coastal hazards and storm surge. The planning project, called New Jersey Fostering Regional Adaptation through Municipal Economic Scenarios (NJ FRAMES), partners the Department of Environmental Protection’s Coastal Management Program with the Jacques Cousteau National Estuarine Research Reserve (JC NERR), the Louis Berger Group, the Rutgers Climate Institute, and the Borough of Oceanport as the representative of the Two River Council of Mayors.

Communities Cooperating NJ FRAMES will build upon the cooperation of 15 communities in eastern Monmouth County, which comprise the Two Rivers Council of Mayors and other adjacent communities. The mayors of these communities seek to take a regional approach to hazard mitigation by coordinating regional

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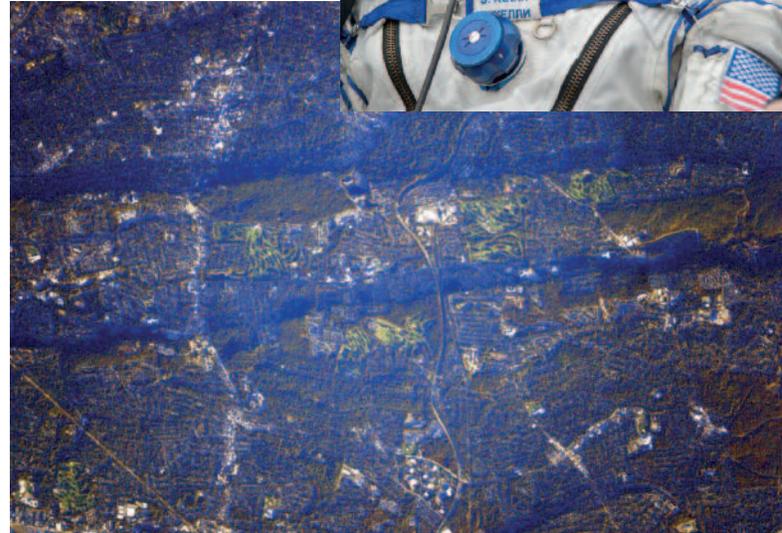
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A Year in Space, a View of West Orange

In Mayor Robert Parisi's 2016 address to the Chamber of Commerce, he noted that "West Orange's own, Astronaut Scott Kelly, will return from his year in space and eventually make his way back for a visit to his hometown and to share his experiences with us."

During the astronaut's year in space, he became not only the longest stay at the International Space Station, but also the creator of the longest-distance image of West Orange, featuring images of the tiny metropolis on his Twitter account this summer. Back on planet Earth, Kelly will continue with the mission as he is compared to his twin brother Mark, also an astronaut, to gauge the long-term effects of space travel on the body in preparation for future extended space travel

While Kelly no longer resides in the Garden State, he maintains local connections, which will be easier for him now that he is based on Earth 🍷



Scott Kelly's view of West Orange. Photo Credit: NASA

Milestone: North Wildwood

North Wildwood celebrated its 130th Anniversary in 2015.

To mark the occasion, the Council established June 3 as "Anglesea Day," Anglesea being the original name of the city when it was founded in 1885.

The City also celebrated the anniversary and planned a number of activities and events for June 3, including the unveiling of the City's first Historical Marker, which is part of a walking tour for which the city plans to have approximately 20 markers when completed.

Historical records and artifacts were also placed on display, and three previously unnamed alleys were given names, dedicated to three past mayors. A guest speaker was in attendance to outline the City's records conservation and preservation efforts. —TS 🍷

Is your town marking a milestone in a creative way? Send over your story and a picture to Taran Samhammer, tsamhammer@njslom.org, for potential inclusion in an upcoming issue.

Picture Your Town

New Jersey State League of Municipalities and *NJ Municipalities* magazine have launched "Around the State," a new project that will feature snapshots of New Jersey's municipalities at their best and most beautiful.

Utilizing social media and the award-winning print publication, *Around the State* is an invitation for municipalities to show off their most magic moments, including special events and programs; beautiful sites and monuments, from public art to pretty street scenes; and meaningful moments captured from your municipality's daily life.

Send your photos with a brief description (25 words or less) to Taran Samhammer at tsamhammer@njslom.org and we'll share them at the NJLM Facebook page, with one photo highlighted each month in the new *Around the State* feature in the NJ Now section of *NJ Municipalities* magazine. Please include "Facebook" in the subject line and let us know your Facebook page if you'd like us to tag you in the posting.

For inclusion in Facebook, the photograph should be crisp and clear. For publication in *NJ Municipalities*, the image file size should be at least 300k. By submitting a photo, you acknowledge that you took the photo, own the rights, and give NJLM permission to post to social media and/or the magazine.

While we may not be able to post every photo we receive, please feel free to send in as much as you like. 🍷





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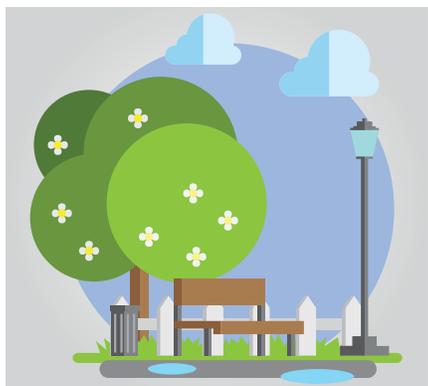
WWW.ELEC825.ORG

ELEC is the labor-management fund for IUOE Local 825

Bagging a New Bench

Woodbury City has a new Trex bench—and a lot of plastic bags out of the community. The Southern New Jersey town collected 500 pounds of plastic bags to collect their first bench for the community, and is currently 400 pounds into the collection for the next bench.

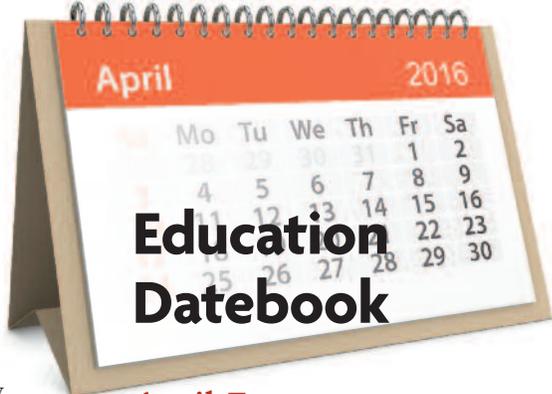
“Our goal is ongoing,” says Ray Duffield, Recycling Coordinator. “Our ultimate goal is to get all of those bags out of the parks and streams.”



Currently, residents of Woodbury City can drop off their grocery store and other plastic bags at City Hall and place them in a cardboard receptacle in the City Hall lobby. “We will keep going and going until people realize these plastic bags can be reused rather than just blowing down the street,” Duffield adds.

According to Trex, the program supports local recycling programs in universities and communities throughout the country. They suggest creating a collection campaign to gather 500 pounds/40,500 bags in a six-month span in return for a composite bench to your school or community. Trex will provide promotional materials and recycling bins, but a local volunteer is expected to weigh and report the collected materials monthly before dropping it off. ♻️

@ For more information, visit trex.com/recycling/recycling-programs/



April 7

NJ-GMIS’s annual **Technology Education Conference** at the The Palace, in Somerset. The TEC is for New Jersey municipal, county, K-12 school, and local authority technology managers and others involved in municipal technology.

@ njgmis.org/2016-tec-conference/

April 6-8

Governmental Purchasing Association of New Jersey (GPANJ) Fourth Annual Educational Symposium at the Tropicana Hotel and Casino in Atlantic City. Features education sessions and exhibitors for members of the GPANJ including topics such as P-Cards, Corruption, Green Purchasing, and Prevailing Wage Compliance and Regualtions.

@ gpanj.com

May 7

The Rutgers Center for Government Services **Elected Officials** course for new and veteran elected officials at 303 George Street in New Brunswick. The redesigned one-day seminar is taught by municipal government/management expert Reagan Burkholder, providing the essentials of governing at the local level.

@ cgs.rutgers.edu – under programs click on, **Elected Officials**, or call Louis Demian at 732-932-3640, Ext. 644

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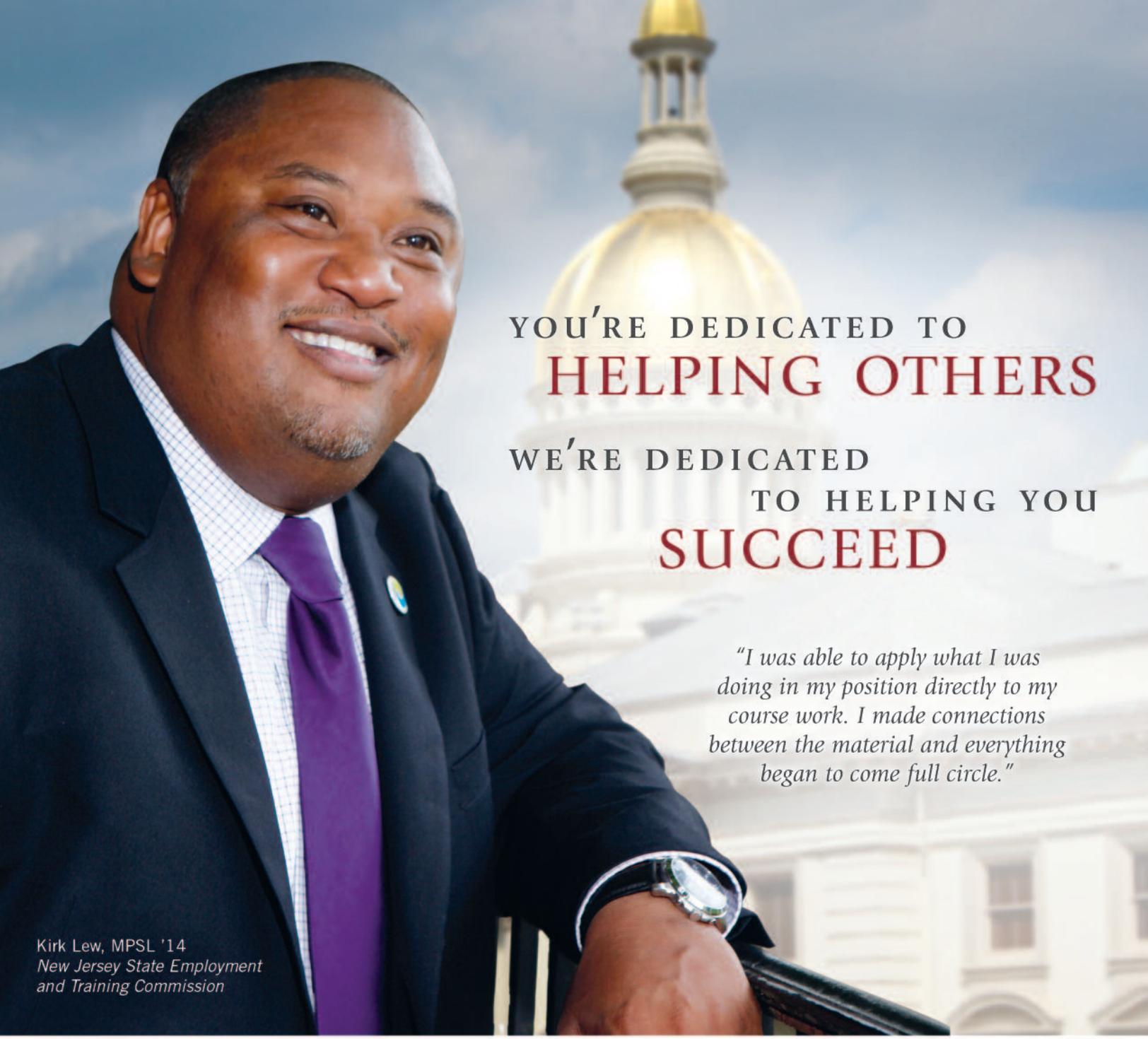
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Why Heritage Tourism Matters

Cultural heritage tourists help build town brands, generating interest—and income

By Dorothy P. Guzzo, Executive Director, New Jersey Historic Trust, an affiliate agency of the Department of Community Affairs



The Howell Living History Farm in Hopewell Township

New Jersey is fortunate to have a vast array of significant historic sites spanning more than four centuries where tourists and residents alike can learn about and appreciate our unique heritage.

What does this mean for New Jersey? It means that attracting cultural heritage travelers to explore what the Garden State has to offer can generate a crucial revenue source for state and local governments as well as an incredible opportunity to enhance the state's image. The heritage tourism industry plays an important economic role by generating spending by millions of visitors to these attractions. Of the \$42 billion dollars in revenue generated by overall tourism in New Jersey, a recent study found that 8 percent of this income is generated by heritage tourism.

The National Trust for Historic Preservation defines heritage tourism as "...traveling to experience the places and activities that authentically represent the stories and people of the past. It includes historic, cultural, and natural resources."

According to the report *Linking our Legacy to a New Vision, A Heritage Tourism Plan for New Jersey* from New Jersey Heritage Tourism Task Force:

"The goal of heritage tourism is to preserve cultural legacies, to interpret stories by offering places to see where events happened, to imagine the voices and read the words, and to

encourage travelers to seek out the places that connect us to a time and place that still shapes us—individually, as a community and as a nation—today.”

VIABLE VISITORS Cultural heritage tourists tend to travel more often, prefer educational experiences, spend more and are willing to travel farther distances to get the experiences they want.

Today, many more individuals self-identify themselves as cultural and heritage travelers.

In addition to visiting historic sites, these travelers often combine their visit to an historic site with a trip to an art gallery, museum, winery, or festival and enjoy other recreational activities as well. The heritage tourism visitor expects authenticity and quality—both in the historic resource and in the visitor experience that is provided. The impressions that one is left with after a visit should be memorable and worth sharing.

A 2013 research study conducted by Mandala Research, LLC, “The Cultural and Heritage Traveler 2013 Edition,” indicated that 71 percent of the U.S. population (170.4 million people), travel for leisure. Of this, almost eight in 10 (or 76%) participated in cultural and

heritage activities, (approximately 129.6 million individuals).

This national research study also concluded that cultural heritage travelers spent \$1,319 per trip in 2013—an increase from \$994 in 2009. (This spending increase, though, may reflect increases in gas prices, hotel rates and air fare.) The \$1,319 per trip compares to just \$820 for other leisure travelers.

In 2013, cultural and heritage travelers contributed \$171 billion to the national economy—a decrease of \$20 billion from 2009.

While leisure trips declined from five per year in 2009 to 3.6 per year in 2013 due to the recession, there was a 33 percent increase in per person spending during this same time period.

MEASURABLE INTEREST That same year, the New Jersey Historic Trust commissioned a study to measure the economic and fiscal impacts of heritage tourism in New Jersey. The study was undertaken by Tourism Economics, an Oxford Economics Company, and the results surprised many.

The 11 million visits to our historic sites generated \$2.8 billion in visitor spending and generated \$335 million in

Site Seeing for Opportunities

For more information on becoming a destination for exploring history, the following resources are available online:

- For information on how to create heritage tourism opportunities, visit the New Jersey Historic Trust website: njht.org/
- For more information on the economic impact of heritage tourism in New Jersey, visit: njht.org/dca/njht/touring
- For a list of tourism organization operating in your region, visit: visitnj.org/DMOs
- For more information on getting started in heritage tourism visit the National Trust for Historic Preservation preservationnation.org/informationcenter/



Lambertville's Shadfest explores the area's cultural heritage in the form of natural resource preservation. Credit: Photography by Stephen Harris

Cultural Heritage Tourism

state and local tax revenue. Forty-six percent of those who visited were from out-of-town (defined as having traveled more than 50 miles one way from home).

The study included local, state, and national historic site visitor data as well as measuring the direct and indirect impact from places like Cape May and Lambertville that are visitor destinations in part due to their historic character. It was also found that New Jersey's historic sites help to sustain almost 38,000 jobs statewide.

And while places like Cape May, Ocean Grove, Lambertville, and Morristown are examples of where heritage tourism is thriving, finding the balance between attracting visitors and manag-



The Oswald Nitschke House in Kenilworth

ing day-to-day workload is critical to a visitor's experience.

Hosting too many visitors without proper infrastructure and services in place can deplete resources and enthusiasm in a short period of time. The most

successful communities have strong identities associated with their historic districts, citizen stewards that care about maintaining their assets, and use their history to promote tourism.

To make this a success, there must be collaboration among historic sites and the local community, along with the business community, tourism providers, restaurants, hotels, and other attractions to leverage scarce human and financial resources. In successful collaboration, everyone wins.

The good news is that as the economy continues to recover, the expectation is that more people will plan to increase the number of leisure trips they take each year. New Jersey has made a significant impact in almost every aspect of our nation's history and wants to share its rich history, heritage, and cultural importance.

Dorothy P. Guzzo is the executive director of the New Jersey Historic Trust and served on the Heritage Tourism Task Force. The Historic Trust is an affiliate agency of the Department of Community Affairs.



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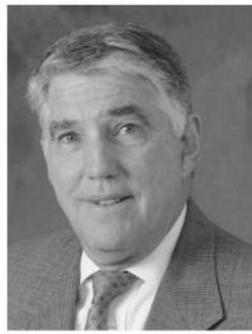
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Welcome to Summer

Long Beach Township stays ready for the summer crowds by implementing environmentally smart procedures year round

By Angela Contillo Andersen, Environmental Coordinator, Long Beach Township, and Christine Raabe, Director, Ocean County Soil Conservation District

Hundreds of thousands of people from throughout New Jersey and beyond flock to The Shore each summer, often finding themselves heading across the Route 72/Manahawkin Bay Bridge to Long Beach Island, a beach lover's paradise. The draw of the island ranges from vibrant ecological features to laid back lifestyles, and communities like Long Beach Township, distinguished amongst shore communities, lead sustainable community development.

INNOVATIVE ACTION Long Beach Township (township) registered with Sustainable Jersey in 2009 and used the program outline as a road map for sustainable community development over the course of the next several years, before attaining certification in 2014. Under the proactive leadership of Mayor Joseph Mancini, Commissioner Joseph Lattanzi, and Commissioner Ralph Bayard, the township adapted the innovative action items to suit the goals and character of the community, and pioneered many actions for points which are replicable in other communities.

The township continues to seek grants to further our innovation and leadership in sustainability and was recently recognized as one of two inaugural towns to receive Clean Ocean Action's Municipal Blue Star Award, which reflects dedication to clean water.



The innovative projects initiated in the Township include:

- **Hydration Station:** Put water in your bottle, not your bottle in the water! Long Beach Township pioneered the installation of public water refilling stations in 2011. The hydration stations allow individuals to fill their reusable water bottles with filtered municipal water. The installation of the stations was coupled with a plastic pollution reduction message and educational program.

The sequence of the three R's is to reduce, reuse, and then recycle. The program's mantra is 'put water in your bottle, not your bottle in the water.' Partners for this effort include the Alliance for a Living Ocean, ReClam the Bay, the Long Beach Island Foundation of the Arts and Sciences, and Kapler's Pharmacy. The township has installed six units and has inspired neighboring towns to install units this past summer.



The sequence of the three R's is to reduce, reuse, and then recycle.

- **LBI Shuttle Service:** Spearheaded by Commissioner Joe Lattanzi, Long Beach Township started an LBI Shuttle Service, a fleet of nine micro buses to service residents and visitors of Long Beach Island during the peak summer season and weekends through the fall at no cost.

The bus fleet was launched island wide and had a ridership of 40,000 the first year. With the help of grants and sponsors, the fleet accommodated nearly 60,000 riders this past season. The effort gets vehicles off the road, increase road mobility in peak season, reduce emissions, facilitate commerce and can provide an emergency management service if needed by moving people in urgent situations.

- **Creative Assets Inventory:** Arts and Culture and Sustainability Long Beach Township formed a creative team and completed a Creative Assets Inventory. The creative team for the Long Beach Island Arts and Culture Committee was convened in 2012. The primary partners of the effort are Long Beach Township and LBI Foundation of the Arts and Sciences.

A Creative Placemaking Plan for Long Beach Island was developed to make LBI more sustainable and resilient through arts and culture. It was developed by a team of island residents and business people who are also artists, business leaders, nonprofit organization executives, property owners, and public service employees.

The goal is to enhance quality of life, improve economic conditions, and build a healthier climate for creative expression in ways that are realistic, cost-effective, and protect the best qualities of LBI. The LBI Arts Council was created out of this effort and the town is dedicated to building the local economy through the arts.

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Welcome to Summer



• Rain Barrel Challenge Accepted:

Long Beach Township took the NJDEP rain barrel challenge and installed a barrel at town hall in 2014. It is at the front entrance to the complex and last summer captured more than 500 gallons of rainwater for use in the property planters.

A second barrel was installed this past summer and combined the barrels have collected over 1,200 gallons of water. The township expanded the project by hosting a series of rain barrel building workshops on the island—completing over 50 barrels this past summer for island residents.

STEWARDS OF THE ENVIRONMENT

Small and large communities throughout New Jersey can encourage their residents to be stewards of their environment. Local resources, organizations, agencies, and people working together can build a sense of place and purpose. The township's many initiatives and achievements make them a model to emulate and follow.

The township is considered an exempt municipality since they accepted responsibility to implement the program themselves. Ocean County Soil Conservation District (OCSCD) regularly monitors and assesses exempt municipalities to determine compliance with the Soil Erosion and Sedimentation Control (SESC) Act. The township is compliant and cooperative in implementing its own SESC Program.

BY THE BOOK There are publications to explain soil conservation and

environmental preservation. Distributing and implementing the concepts in the *Low Maintenance Landscaping* guide is just one simple way that the township and District work together. This is one of the many publications that are utilized in township outreach activities.

Low Maintenance Landscaping for the Barnegat Bay Watershed is a guidebook developed specifically for residents of the Barnegat Bay watershed and Ocean County's environment and conditions. Sandy and porous soils, salty air, and variable weather conditions all play an important role in determining the make-up and maintenance needs of the home yard and landscape.

This comprehensive guidebook follows eight simple and effective horticultural techniques and methods which will help you establish your own low maintenance landscape.

The answers to these—and many more—questions are in this simple-to-follow manual:

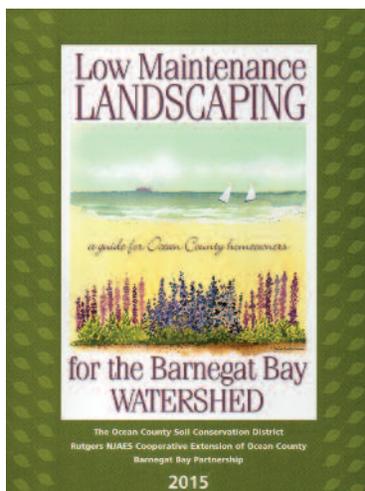
Which grass seed is most appropriate for our soil?

How often and how much should I fertilize?

How can I keep my soil and my plants healthy?

Where do I get my soil tested?

Which flowers and shrubs are best suited to my yard?



Establish a low maintenance landscape and have more time to enjoy your yard!

These guidebooks are distributed FREE to municipalities and other organizations within Ocean County.

This and many other resources for creating a healthy yard and landscape

Getting to Resiliency

In October 2012, Long Beach Township was severely affected by Super Storm Sandy. The island suffered nearly a billion dollars in damage. Under the leadership of township Mayor Joseph Mancini and Office of Emergency Management Chief Michael Bradley the recovery efforts were efficient and swift.

As one of the hardest hit communities, the township was one of the first municipalities up and running after the storm. In an effort to get our people back home, Mayor Mancini set up the Hurricane Sandy Relief Fund for Long Beach Township.

Within two months of the storm, the township raised and administered nearly half a million dollars that was provided to primary residents of the town to recover after the storm. In the aftermath, the township focused on rebuilding community resilience and established the "dune re-vegetation" fund. Funds that are raised go directly into buying plants and building civic pride around community planting activities. Roots anchor the sand and are the first line of defense against storms.

The township is now setting the pace and direction for other towns by completing the Getting to Resiliency process and Community Vulnerability Assessments.

are available from the District at soildistrict.org/healthy-soil-resources/to-10-resources/.

1937. Soil Conservation Districts are a local subdivision of the State Department of Agriculture.

The natural resource conservation program is implemented by the local soil conservation districts. The districts employ staff and also enter into agreements with other natural resource management and service agencies to carry out their programs. Local districts are responsible for conservation programs within their geographic areas as covered by the political boundaries of their respective counties. A Board of Supervisors, five local residents who are recommended by a local nominating committee and appointed by the State Soil Conservation Committee, administers each district.

Utilization of resources from the district is integrated into township programming and outreach. It is an efficient formula for succeeding sustainability within local watershed communities. ♻️

A Creative Placemaking Plan for Long Beach Island was developed to make LBI more sustainable and resilient through arts and culture.

BRINGING IT HOME Each municipality in New Jersey has a Soil Conservation District that represents and works within each county and region. The Ocean County Soil Conservation District (OCSCD) is one of 15 districts in New Jersey established under Chapter 24, Title 4 of the revised statutes of

CONTACT POINTS

@ For more information, visit <http://www.state.nj.us/agriculture/divisions/anr/nrc/soil.html>

@ For more information about Long Beach Township's environmental initiatives, contact: Angela C. Andersen, C.R.P., S.R.M.P., Environmental Coordinator, Long Beach Township, 609-361-6641 or andersen@longbeachtownship.com

@ For more information about Ocean County Soil Conservation District's programs, contact: Christine R. Raabe, District Director, Ocean County Soil Conservation District, 609-971-7002, Ext. 19 or CRaabe@soildistrict.org

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Agritourism

An Unsung Economic Gem In New Jersey

By Peter J. Furey, Executive Director, New Jersey Farm Bureau

Agritourism is not new, it continues to grow, has occasionally interacted with municipal regulation, and holds great promise for the future as a complement to land preservation and environmental conservation goals for the rural and semi-rural portion half of New Jersey.

So how do we define the term “agritourism?”

To me and maybe others, it sounds like a bed and breakfast on a farm. It’s not part of commodity production, but it could be part of its marketing (u-pick).

It does link to the beauty and “countryside” amenities of rural New Jersey, and it offers a bounty of inexpensive family based experiences steeped in wholesome education (“where does our food come from?”).

Wineries will invite you to their on-farm tasting rooms, alpaca wool growers welcome visitors to see the animals, grain farmers can make a puzzling corn maze that would be the envy of any seashore boardwalk mirror maze vendor.

But to unify our perspectives on a common definition of agritourism, let’s use the following that was adopted in 2006 by Rutgers Cooperative Extension: “Agritourism: the business of establishing farms as travel destinations for educational and recreational purposes.”

We will also assume a linkage to the marketing of farm products grown on the farm.

FARMER FOR A DAY So we will think of agritourism as those complementary and supplementary activities for retail farm

customers who are already drawn to the farm to buy a food or horticultural commodity (produce, flowers/plants, other ornamentals). Think of it as selling the experience of visiting a farm.

Where once you might go to a farm and buy a quart of strawberries, the same farm might allow you to now go into the field to “pick your own.” Another farm might offer hay rides or livestock petting zoos to attract customers to the retail business. Still others have arrangements with local school districts that pay them a small fee per student for a half-day educational experience, which usually becomes a marvel for our urban and suburban children who bring their parents back to the same farm as customers.

Some farms allow for birthday parties and other special occasion events. Finally, there are those who will provide active recreational pursuits like horse riding, hunting, fishing, hiking, and even bird-watching.

The retail marketing is itself a mechanism by the farm operator to seek a better profit margin than being in the wholesale business, taking advantage of having close proximity to consumer populations as they cope with higher costs of operation as metropolitan farmers. Indeed, survey results among farmers on the reasons for engaging in agritourism rank the opportunity



for additional revenue generation (92%) and diversification of products offered (58%) as “very important.”

MUNICIPAL PARTNERS Where do municipalities fit with agritourism? First of all, they can be found in those counties with the highest dollar sales of “direct marketings” like Burlington, Gloucester, Hunterdon, Monmouth, Morris, and Warren.

Among agritourism farmers surveyed in the Rutgers study, about 67% said their municipality was “very supportive.”

However, many expressed a concern going into the future as their operations expanded that problems with municipal regulation could arise. Such experiences could come with regulations dealing with signage, zoning, building code, parking, fire code, noise ordinance, health code, and/or odor ordinances.

It seems apparent that public support for farming and farmland preservation remains very high. Some 65% of the statewide electorate voted “yes” for farmland and open space preservation on the November 2014 ballot question.

Having the public visit farms for recreation, education, and buying food is a dynamic change that supports both the continuation of farms as well as general tourism patronage to other local retailers. It should be nurtured, with an open attitude to each other’s concerns by both farmers and local officials. Local Farms, Local Food should also mean local health, local recreation, and local pride.

For More Information Visit:

visitnjfarms.org
rce.rutgers.edu
njfb.org

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- Online research-based workbooks including best practices, policies, procedures, federal and state safety regulations
- Online training manuals for supervisors and crossing guards

Two videos — viewed 5,400 times to date — are available online:

- **Cross Walk Heroes Techniques and Tactics for NJ Crossing Guards** (in English and Spanish) illustrates best practices for crossing children safely
- **Crossing Guard Post Placement** describes how to develop Crossing Guard Post policy and best practices

To access these tools, visit www.mel.org or www.njcrossingguards.org

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GARDEN STATE AGRITOURISM

How much agritourism takes place in New Jersey?

Economic researchers at Rutgers Cooperative Extension documented economic impact estimates of agritourism. Dr. Brian Schilling, extension specialist in agricultural policy, "The Opportunity for Agritourism Development in New Jersey" was published October, 2006.



Among agritourism farmers surveyed in the Rutgers study, some 67% said their municipality was "very supportive."



21% of the state's farms engaged in some form of agritourism worth about \$57.5 million. 43% of the state's total farmland base is comprised of those farms.



92% of that \$57.5 million income is assigned to: \$9.2 million on-farm sales of ag products, \$5.4 million entertainment, \$1.9 million educational tourism.



These figures demonstrate that agritourism is in fact a lure for retail customer traffic for ag commodity purchases.



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Clarifying Your Ethics Policy

Consistent policy reviews and updates strengthen public trust

By Kelly A. Yaede, Mayor, Hamilton Township (Mercer County)

As Abraham Lincoln once said, “If you once forfeit the confidence of your fellow citizens, you can never regain their respect and esteem.”

All elected officials must cautiously guard the trust that their citizens have given them. The opportunity to serve one’s community is both an honor and a privilege—it certainly is not a right nor something to be taken for granted.

Although we are too familiar with examples from all across our state of breaches of the public’s trust, sometimes it is simply the perception of such a breach that can cause citizens’ confidence to wane.

It is important, and prudent, for communities to continuously review their own ethics policies and laws to determine if further action can be taken to strengthen these safeguards, as well as to enhance the public’s trust.

This is why I firmly believe that it is important, and prudent, for communities to continuously review their own ethics policies and laws to determine if further action can be taken to strengthen these safeguards, as well as to enhance the public’s trust. One such example is what we most recently did in Hamilton Township (Mercer County) to extend our reforms to our elected officials on our Township Council and board members they appoint.

ETHICS REFORM First, to understand this extension, it is important to understand the context of our community’s original ethics reform efforts, which I previously wrote about in 2013 in this very publication.

Following a breach of the public’s trust by my predecessor

and one of his appointed department heads, I recognized the important need to restore our community’s trust in their local government.

It was clear that the breaches of trust were limited to the personal actions of the two individuals and were outside of the purview of their daily responsibilities within the municipal government.

However, it created an environment for a possible perception—although unjustified—that could have extended to the vast majority of ethical and law-abiding municipal employees.

To send a strong message to discourage any unjustified perceptions, I implemented the strongest ethics reform package in our community’s history.

Our government required that all employees and board members sign annual acknowledgements of our town’s Code of Ethics and policy against accepting gifts and gratuities.

We disbanded a local ethics board, of which local officials appointed the body’s members, and replaced its functionality with the State’s Local Finance Board under the Division of Local Government Services. This ensured a fair and unbiased process for the review of potential ethical breaches, rather than the equivalent of a fox-guarded hen house.

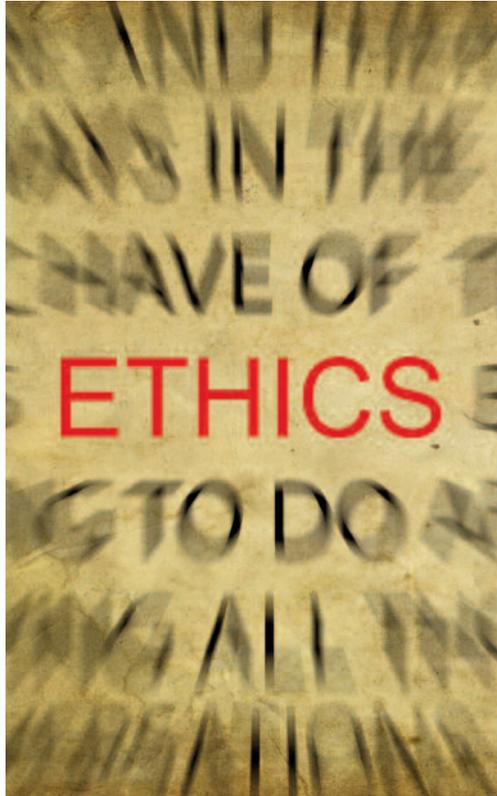
Additionally, we implemented a competitive contracting law that exceeded state requirements. This greatly increased the array of professional services that were awarded via open and competitive bids, rather than by other considerations.

And finally, we sought to require all employees to undergo an annual ethics training course, performed by our town’s joint insurance fund, at no additional cost to our taxpayers.

It might seem like a simple step, but I believe it is a good lesson for elected officials.

There is an inherent and noble benefit to continuously reviewing your community’s ethical policies and laws. But even more importantly, strengthening the public’s trust in their government is an imperative responsibility for any public servant seeking to serve their community with the highest levels of integrity possible. 🦋

The views expressed and the data presented by contributors are theirs and are not necessarily shared by the League.



CLOSING A LOOPHOLE

While well-intentioned, Hamilton's initial Ethics Policy created a potential loophole for elected township officials and appointed board members—they were not bound by such orders.

In our form of government (Strong Mayor/Council form, also known as Plan E under the Faulkner Act), our independently elected Township Council and volunteer board members appointed by the Council could not be bound by an Executive Order of the Mayor. Although the majority of Council and board members voluntarily abided by my Executive Order and participated in our annual ethics training sessions, this inadvertent loophole created the potential for perceptions of a breach of the public's trust.

What message would it send to our community if our Township Council and certain board members were not bound by the same ethical requirements as the rest of our municipal government?

What would happen under future councils if members did not want to voluntarily abide by these same policies?

What message would it send to our municipal employees if a select few simply did not have to follow the same rules?

But most importantly, what message did it send to our community, or say about our view of the need to cautiously guard the public's trust?

This past fall we took the previous Executive Order and made it a permanent law that would apply to all officials and board members. Now and in the future, even Council Members and their appointees will be required to abide by the same high levels of conduct we expect from all of our municipal employees and officials. 

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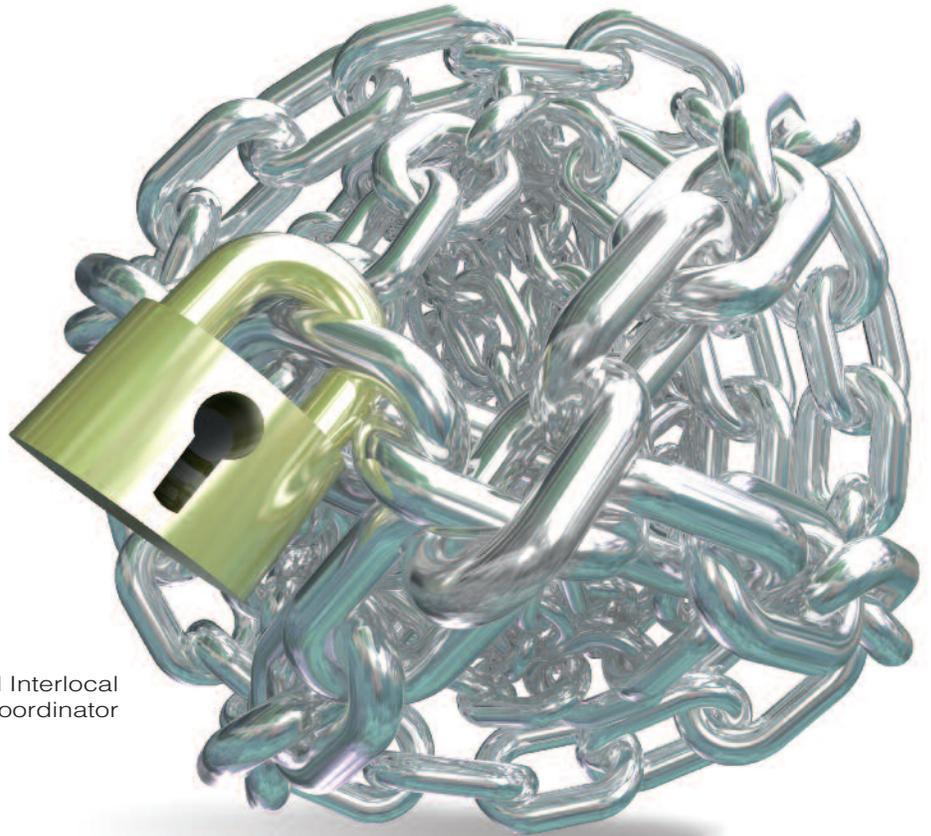
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Shared Services

Breaking up (should be) so hard to do



By Gregory C. Fehrenbach, NJLM Interlocal Cooperation Advisory Service Coordinator

Your League of Municipalities has been advocating cooperation among municipal governments and between levels of government for almost the past four decades. The League has advocated for legislative actions to remove statutory impediments to permit unfettered sharing of services to achieve improvements to the efficiency of service delivery by municipalities. Yet it must be understood that sharing of services is not a silver bullet that will solve the property tax problem; it is one of a number of actions that need to be taken to both improve local government service delivery and address the unsustainable property tax burden suffered by New Jersey property owners.

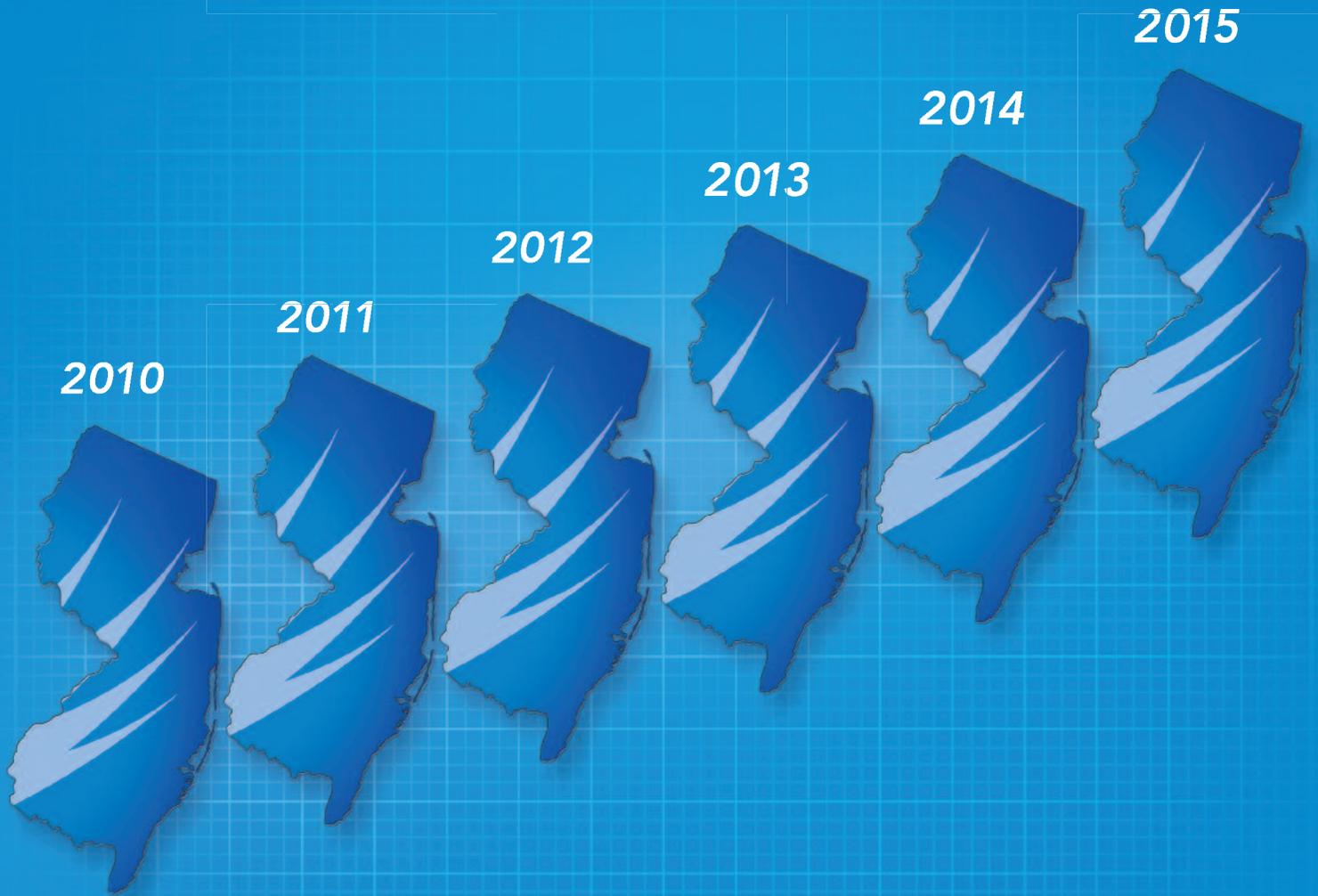
While in the arena of shared services there have been many notable successes, there have been several failures. Parties that entered into an agreement to share services soon thereafter have been dismayed by the early outcomes and withdrew from the agreement. Their expectations were not met or their expectations changed as the result of changes in the governing body.

CHALLENGE POINTS

Typically, why do shared services agreements break down?

- **TIME** Elected officials are elected for terms that are only three or four years. This length of a term does not engender a long-term view; it engenders a need for short-term successes that can be highlighted when one runs for office again.
- **FUNDING** Budgets are developed annually with a strong bias toward election cycles. By definition, this characteristic does not engender a long-term view.
- **POLITICS** The underlying basis of government services, politics highlight differences, e.g., Democrats vs. Republicans or insiders vs. outsiders or us vs. them, rather than emphasizing commonalities.
- **PERSONALITIES** People seeking office are typically oriented to competition rather than cooperation.

Change is often very difficult especially if it directly affects people and upsets tradition or inertia, two of the strongest forces in any organization. Many employees know if they lay low they can often wait out any significant change that impacts them once the momentum slows down and the topic is no longer “sexy” but mundane.



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Shared Services

SOUND EVALUTIONS In this context, how do elected municipal officials and their administrative staff objectively evaluate the most cost efficient and effective methods of delivering services to their constituents in the context of shared services? What is necessary for a shared services agreement to meet the tests of time so that it can be long lasting and beneficial for the constituencies of all the municipalities involved?

WAYS OUT

Shared services agreements are scuttled for all sorts of reasons, some real, some not. Here are a few:

- “The anticipated savings were not immediately realized.”
- “In the time of emergency need, we did not receive the services the provider municipality received... we were shortchanged.”

In addition some of these reasons may be external to the agreement, such as:

- “We are of one political party and the other municipality with whom we share services is of the other political party.”
- “This agreement was entered into by our predecessors and we need not continue it since it was their initiative and not ours.”

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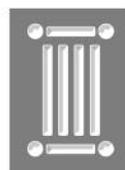
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Shared Services

At the 100th Annual League Conference in Atlantic City last November, during a program with the title of this article, Bob Casey, a member of the Local Unit Alignment, Reorganization and Consolidation Committee (LUARCC) and I suggested the following keys to constructing effective shared service agreements

THINK LONG TERM A successful shared service project has a term of at least five years, but preferably seven or 10 years with good participatory management and opt-out clauses.

Shared services are easy to get into but equally easy to get out of—both a strength and major weakness. A successful shared service agreement allows for an orderly and thoughtful withdrawal process as well as a term that is long enough to have a fair evaluation of its success or failure.

During the life of a successful shared service agreement, there is a need to continue to educate people on the operation so it continues to be accepted.

A shared service contract to be successful in the long term cannot be a simple “provider / receiver relationship” similar to the standard private sector contract operation. Each side must see benefits to the agreement. Identified goals should be set out in the final contract so that future

reviewers can see why the agreement was created.

Continuous ongoing participation and ongoing communications are the keys. The agreement must have a means on an ongoing basis for good communication between the main parties and even a participatory process for joint management or advisory review and consultation of the actual operations.

perform the specified serves or other significant “good cause,” all relating to services and not personalities.

An opt-out clause should provide a minimum of a six-month notice of intent to allow the participation committee to meet and confer. Include in the contract a specific mediation/independent fact-finding process that must occur during this timeframe.

SETTING EXPECTATIONS

Shared services agreements/contracts should cover the following points:

- Be very specific in work performance requirements.
- Have detailed cost data and a protocol to determine how future costs will be recognized.
- Have a defined process to handle the unanticipated costs, service requests, changing requirements, and needs.
- Have a user-friendly, multi-level conflict resolution process that encourages resolution at the lowest level of involvement with an escalation up the hierarchy, through mediation and non-legal confrontations with legal action being the final step.
- Contain a specific method to change the scope of services/cost structure to reflect changing conditions.

PREPARE AN EXIT PLAN Contract for five to seven years with a good opt-out clause. To give the shared operation time to adjust, allow no opt out in the first 24 to 36 months except for specific failure to

The goal is to avoid opting out due to a short-term political disagreement, emotional issue, or other non-service related matter.

CONTRACT RENEWAL Include a provision in the agreement that the parties must notify each other at least one year prior to renewal that they intend not to renew. If there is doubt about renewal, there is a need for time to allow any disputes to be resolved and/or for time to make alternate arrangements.

In conclusion, make sure that you set forth every concern and expectation regarding the shared service in the agreement document so that everyone enters the relationship with eyes wide open. Give the agreement sufficient time to operate. Place the emphasis on cooperation and consensus building. 🍷

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Tour the Floor

The New Jersey State League of Municipalities Conference Exhibitors provide a resource for information and partnership for future success

The Conference Exhibit Hall yields many benefits throughout the year. The Exhibit Hall at the League Conference held each year at the Atlantic City Convention Center in November is a robust and energizing venue to share ideas and present new products and services. A strong addition to the extensive roundup of Conference Sessions, the exhibitors at the event provide a wide array of materials and services specifically focused on the needs of municipalities.

The industries represented each year in the Exhibit Hall include housing, architects, engineers, consultants, telecommunications, document management, heavy equipment, office products, recreation, IT, environmental, technology, banking, emergency products, insurance, healthcare, security, energy, recycling, storm water, and more.

In 2015:

- More than 720 companies exhibited
- In more than 1,000 exhibit booths

These professionals at the conference offered solutions to various issues local municipalities face in their home towns. As New Jersey faces new challenges and obstacles this year it will be beneficial to consult with these companies as a resource.

Exhibitor booth registration has opened and contracts are being received daily. If you've worked with a vendor that would be of assistance to other municipalities, invite them to exhibit or they can download the exhibit materials directly from our website at njslom.org/exhibit. Contact: Kristin Lawrence, Exhibit Manager, at 609-695-3481 Ext. 125 or klawrence@njslom.org

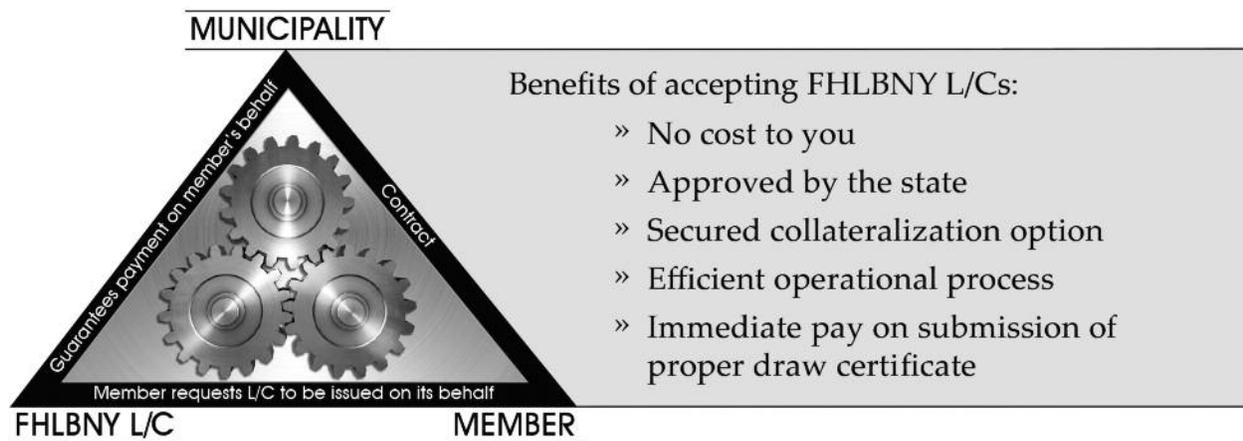
This month, Conference Connections shares the story of how the City of Peterson was able to move toward its economic goals by working with an exhibitor at the League's annual event in preparation for its first special tax lien sale. Strong positive results for all involved are just one of many good reasons to add a visit to the Exhibit Hall to your Conference plans.



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Well Met

A municipality and vendor success story

By Ruben Gomez, Director of Economic Development, City of Paterson, and Michael Bonner, Founder and CEO of GovPilot

November's New Jersey State League of Municipalities Conference was the site of a fortuitous meeting between representatives of Paterson's Economic Development Department, the Department of Community Affairs, and Michael Bonner, Founder/CEO of GovPilot. Already a client, Paterson expressed their enthusiasm for the firm's municipal management solution at the NJLM's Annual Conference. Paterson proposed using geographic information system (GIS) capabilities to visually highlight investment opportunities to the public to help facilitate the city's tax lien auction.

Based on their project-driving conversation at the Conference, the Hoboken-based municipal management software company used its cloud-based government management system to play a critical role in Paterson's ground-breaking February 4 tax lien auction.

Paterson Mayor Joey Torres is on a mission to restore the city and Paterson is believed to be one of the first NJ cities to take advantage of the special tax lien sale legislation enacted by Gov. Chris Christie in February 2015.

Using Paterson's latest data, the company created a visual data layer projected onto their proprietary GIS to enable the public to view 33 bundles of properties spanning every ward of the city, a total of 90 of Paterson's listed properties, up for sale at the February 4 auction.

The technology firm also debuted a publicly accessible Property Market Analysis tool in time for the sale. As a result, prospective buyers could view the available properties and compare statistics like price per square foot, assessment data, equalization ratios, and comparable sales of recently sold, like-kind properties to determine market values.

The tool was in heavy use by auction participants, who stepped out of the auction space to quickly analyze the market using the GIS before returning to bid. The result was responsive bidders who could participate with confidence and advance the neighborhood stabilization program to revitalize properties in need.

MOVING FORWARD In addition to the GIS maps, the city of Paterson will also deploy digital forms to streamline paper-based processes. Of the 10 soon-to-be implemented digital processes, city officials predict that citizens' ability to report a concern through digital forms will make the biggest impact on the speed and efficiency

with which issues are addressed. Citizens' reports about safety and quality of life issues such as potholes and property complaints, and will automatically be routed to the appropriate staffers within a given department.

With the new system, data, such as the tracking of potholes or the issuance of licenses and permits, will automatically be aggregated, which paints a bigger picture for the city.

Platforms such as The League's Annual Conferences are critical in the success of companies and municipalities and play an enormous role in developing New Jersey's evolving public-private partnership landscape.

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2016 League of Municipalities Conference Theme & Logo Unveiled

“Meeting the Challenges of Municipal Government” is the theme of the 101st annual New Jersey League of Municipalities Conference. The theme focuses on the League’s mission to provide assistance to help municipalities do a better job of self-government by pooling information, resources, and brain power.

The blue and green puzzle-themed logo reflects the inter-connectivity of the many challenges faced by local governments, including key pieces in 2016 such as housing, pensions, roads, taxes, and P3 or public private partnerships.

NJLM Executive Director Michael Darcy, notes, “Moving into our second century of service, the 2016 League Conference provides many pieces to success in today’s challenging municipal puzzle, including opportunities to learn, to



connect with other municipal officials, and to meet vendors who can provide valuable solutions.”

The conference will be held, as it is every year, the week before Thanksgiving, November 15-17 at the Atlantic City Convention Center. 📍

@ For more information, visit njslom.org/2016conf

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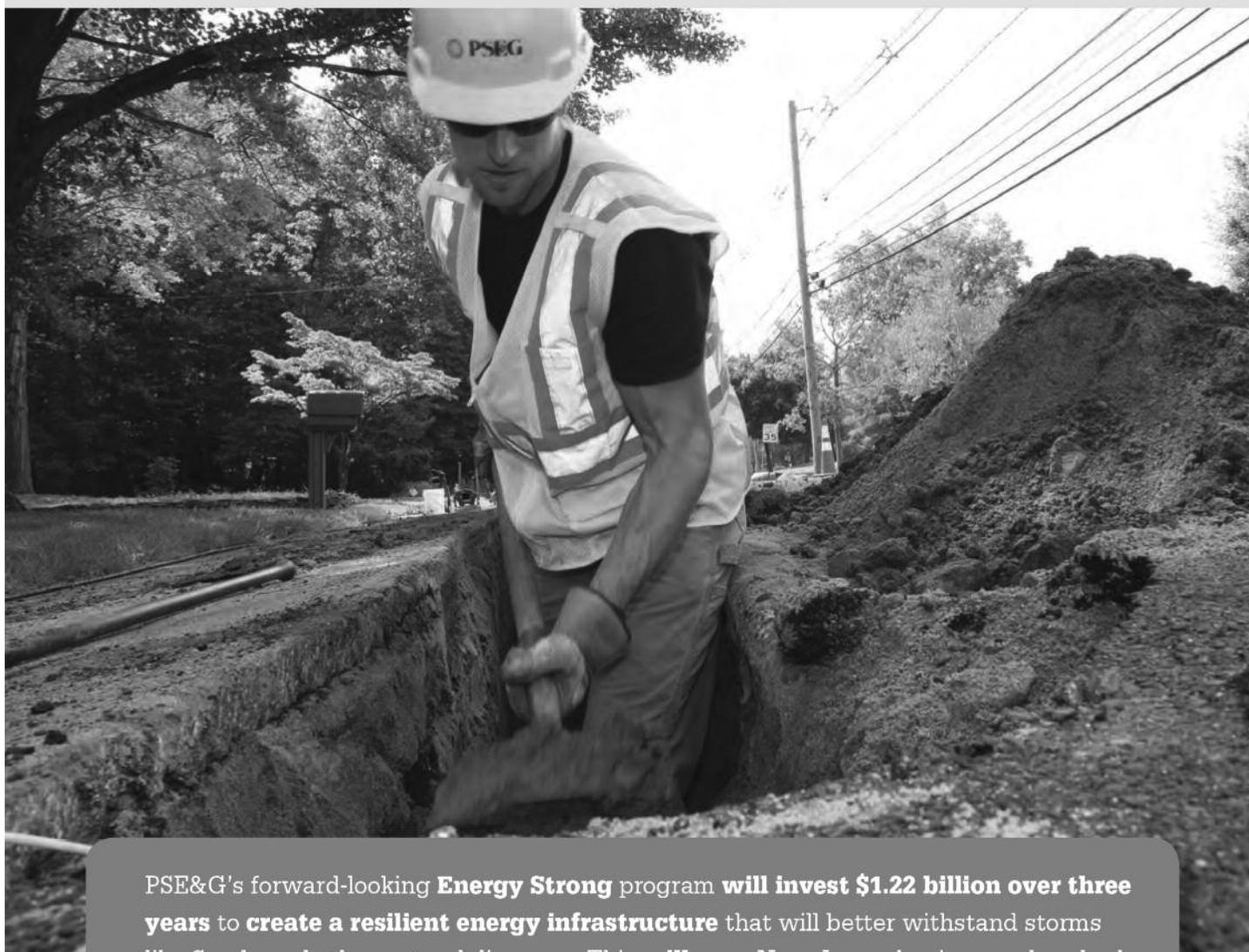


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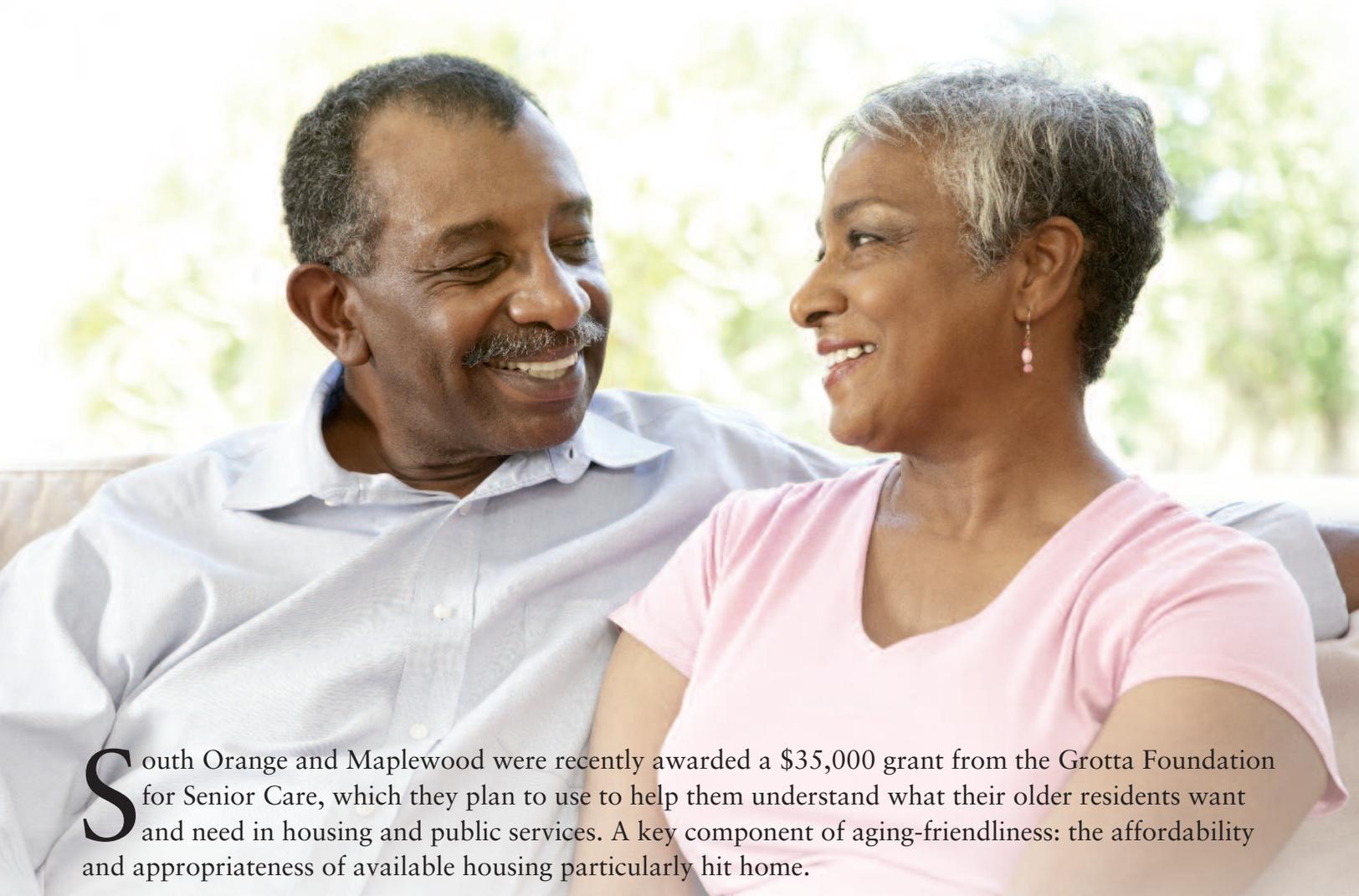
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No Place Like Home

Helping older residents stay in community

By Sheena Collum, Village President, Township of South Orange Village;
and Tim Evans, Director of Research, New Jersey Future



South Orange and Maplewood were recently awarded a \$35,000 grant from the Grotta Foundation for Senior Care, which they plan to use to help them understand what their older residents want and need in housing and public services. A key component of aging-friendliness: the affordability and appropriateness of available housing particularly hit home.

Almost 40 percent of the owner households in South Orange that are headed by someone age 65 or older are struggling to pay their housing costs.

That's according to data in a new report from New Jersey Future that examines the issue of housing cost burden among older residents in New Jersey.

In fact, the overall rate of housing cost burden among our older residents is almost certainly higher than 40 percent. The actual rate is unknown since housing cost burden data by age of householder is only available at the municipal level for

homeowners, not for renters or total households.

However, data at higher levels of geography point to the additional difficulties faced by older renters: Statewide, the housing cost burden rate among renter households headed by someone 65 or older is 59.4 percent, compared to 43.7 percent for homeowner households headed by someone 65 or older. The problem is even greater for older households across Essex County, where the corresponding cost-burden rates are 61.8 percent for renters and 50.3 percent for owners.

Regardless, even a housing cost-burden rate of 40 percent is



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No Place Like Home

startlingly high for a municipality like South Orange, where median annual household income, according to the latest U.S. Census estimates, tops \$120,000. We wanted to understand some of the possible reasons for this in order to develop appropriate strategies to address it, so we looked further into the data.

We found some good news and some bad news.

A household is said to be housing cost-burdened if it must spend more than 30 percent of its income on housing.

A LOPSIDED MARKET The first thing that stands out is the lopsidedness of our housing supply. Almost 70 percent of our housing stock is single-family detached homes (as compared to only 54 percent statewide, which may still be higher than what will be needed as the population ages). And 56 percent of all our housing units—that’s almost 3,000 homes—have seven rooms or more, as compared to

only 37 percent of units statewide being that large.

However, Census estimates tell us that only 36.9 percent, or approximately 1,830, of our households include any children under 18. Our older residents, if they want to stay in South Orange, often have no choice but to stay in their large single-family homes even if they’d prefer to move to a townhouse, condominium or rental apartment, because we simply don’t have enough of those options available at affordable costs.

Or, worse, they may feel compelled to move away from South Orange to a community where appropriate housing is both available and affordable.

These alternative housing options typically offer smaller units more appropriate for older residents, and come with lower purchase costs and taxes or lower rents—all of which combine to make them more viable for people on a fixed income and help to reduce their housing cost burden.

But we don’t have enough of them. Economics 101 tells us that when demand is greater than supply, prices go up, so the alternative housing choices we do have available are likely to be too expensive for people on a fixed income. We need to find ways to make it easier for our older residents to stay in the community they

Four Senior-Friendly Characteristics

From New Jersey Future’s earlier report on land-use characteristics that make a place friendly to older residents, South Orange scores well on three of the four characteristics measured. These are all things that make it easier for older residents to live well here, especially if they would rather not drive everywhere.

1. Our village has a wide variety of amenities available in a compact area.
2. We have a recognizable “downtown.”
3. We have a dense and well-connected local street network.
4. We didn’t score as well on the fourth land-use characteristic measured: how many of our neighborhoods have easy access to regularly scheduled local bus service.

love by offering more lower-cost, size-appropriate housing alternatives.

South Orange has an excellent land-use foundation on which to base our efforts to create a community that is as friendly and welcoming to older residents as



South Orange Village President Sheena Collum and Maplewood Mayor Vic Deluca sign the Milken Institute’s “Best Cities for Successful Aging Mayor’s Pledge” on Dec. 9, 2015.



possible. We need to focus on providing the housing options that people look for as they age. Doing so will help us preserve our age diversity by allowing our long-time residents to continue to take advantage of our small-town charms even after they are no longer either physically or financially able to maintain a large home. Moreover, by expanding our available housing stock to include more

options, older people seeking to relocate from more car-dependent environs into an aging-friendly community will be able to afford to put South Orange on their wish list. 📍

Sheena Collum is the village president of Township of South Orange Village.

Tim Evans is director of research at New Jersey Future, a land-use policy

research organization focused on smart growth in New Jersey.

@ To read the reports from which this story draws, visit: njfuture.org/research-publications/researchreports/places-to-age-2/; njfuture.org/research-publications/researchreports/places-to-age-nj/

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App to It

With Access Princeton, one call
(and mobile app) does it all
by facilitating communications
with residents

By Liz Lempert, Mayor, Princeton,
NJLM Executive Board; and
Christina Rothman-Iliff,
Manager, Access Princeton

The percentage of Americans with smartphones grows every year. Sixty-four percent of American adults owned a smartphone in 2014, according to Pew Internet Research, up from 35% in 2011. Forty percent of smartphone owners already use them to access government services and information.

How can municipal governments take advantage of this increasingly prevalent technology to better engage with our citizens, provide increased services with shrinking resources, and help prepare and respond to emergencies?

One approach is to develop a municipal mobile app aimed at facilitating communication with residents. In September 2014, Princeton launched a municipal government mobile app called Access Princeton. The app allows residents to easily report

problems, ask questions about services, and get information about road closures or other matters. The app provides live updates for users and customizable buttons for the municipality. There is also the ability for staff to handle issues from the road. They can be acknowledged and closed at their fingertips.

SUPPORT SYSTEM We recognized that the app would only be as effective as the staff support behind it, so we also created a

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App to It

new department with two staff members to manage the requests for service generated through the app and an associated call center.



The mobile app and call center make it simpler for residents to contact the government by providing a single number for residents to call. This was especially important when the former Borough and Township of Princeton consolidated in 2013 to form a single government.

We wanted to make it clear for residents where to call for information. Residents reaching the call center can expect superior customer service with a guarantee of either a direct answer or a single, correct transfer. Gone are the days of residents being bounced from one department to another. The advent of Access Princeton has also cut down on non-emergency calls to 9-1-1.

The inspiration for Access Princeton came from our neighboring town in Mercer, Hamilton Township. Hamilton operates a similar call center called HamStat. Princeton officials toured the HamStat facility in 2013, then compared different potential platforms for implementing a program in Princeton.

We chose See Click Fix because it was public facing, which would promote

citizen engagement and municipal transparency.

Preparing for the launch posed some initial challenges. Some of them were internal and involved hearing the staff and addressing their concerns (see below).

While we were training the staff and setting up the system, we were working on getting the word out about the new department. To do that, we hired a local marketing firm to help choose a name and create a logo for the department. They assisted in getting the word out to various audiences in and around town as we approached the “Big Launch.”

We took advantage of the annual Community Night Out to introduce the new department to residents. We invited press to the launch, took out ads in local newspapers and online, sent out business cards and magnets in town mailings, and emailed local businesses and schools letting them all know of the new service.

GROWING STRONG Since the launch the Access Princeton department has expanded its reach. It is the main source

of information for municipal services. It is also handling notary service and passport processing.

The staff is responsible for overseeing all aspects of SeeClickFix, keeping the mobile app up to date and moderating the town’s social media accounts. Administration receives monthly and quarterly statistics of issues reported, social media activity and information inquiries.

Access Princeton is also part of the Emergency Operations Center and Emergency Preparedness which requires the office to be staffed during declared states of emergency.

SeeClickFix and social media have changed the relationship citizens now have with Princeton. These platforms consistently encourage engagement and interaction with citizens.

Since the launch, over 1,000 issues have been reported to Access Princeton by various methods that include the SeeClickFix website and the Access Princeton mobile app. Access Princeton averages over 600 phone calls a month for information or reporting issues in

GEARING UP THE TEAM

Part of getting the app up and running was ensuring that the municipal staff was ready to embrace this forward-looking technology.

- Some staff feared the new app and call center would create more work by generating long lists of complaints, or would eliminate jobs.
- Others felt that the app would be yet another new system to learn.

ADDRESSING CONCERNS

The Access Princeton team met with each department and explained how the system worked.

- Each department was asked about the common questions they received from residents, and the answers, and the Access Princeton team began to assemble a knowledge base and category list.
- The categories were geared to make it easier for citizens to report problems in town and are immediately directed to the correct department electronically.
- Hands-on training was organized with departments to be prepared to respond to these reported issues in a timely manner.

The setup and training took approximately three months, but is an ongoing process as staff and issues change.

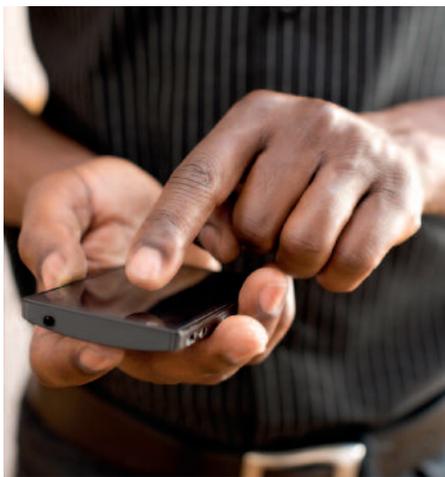
town. There are still internal and external challenges. We are still working to increase the number of staff using the system to track issues across all departments. If we were to do it over, we would likely have planned for a slower implementation.

CLICK BY CLICK CONNECTIONS One of the surprising benefits of the mobile app is the virtual community it has created online. That virtual community has at times led to better neighborliness in the real world.

For example, in the aftermath of one of the big snowstorms last winter, a resident reported to Access Princeton that a resident on his block had not shoveled the sidewalk in front of their property, and it was causing a dangerous situation for pedestrians. Others chimed in, some complaining about those who did not do their civic duty to shovel the sidewalks in front of their homes. Then another

resident wrote in to explain that the sidewalk was not shoveled because the owner was elderly and infirmed, and added that he would go ahead and shovel the sidewalk for him.

In this case, the technology had helped not only to solve the problem of a snowy sidewalk, but also to bring neighbors together and foster a better understanding of each other. 🇯🇵



ACHIEVEMENT: LEAVES AN IMPRESSION

CLICKS AND BEYOND: BY THE NUMBERS

2 Staff Members manage requests for service and an associated call center.

600 Average number of phone calls a month for information or reporting issues in town.

1,000 Issues reported to Access Princeton by methods including SeeClickFix website and the Access Princeton mobile app.



We know that achieving more in the community begins with the people who belong to it. That's why we're proud to support the New Jersey League of Municipalities.

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LABOR RELATIONS

Appellate Division Sets Guidelines for Fitness-For-Duty Examinations

By Joseph M. Hannon, Esq., Genova Burns, LLC,
Labor Counsel for League of Municipalities

Conducting a fitness-for-duty examination based on psychological concerns is a decision municipalities must consider. Employers have a duty to provide employees a safe working environment free from recognized hazards including those associated with mental illness.

Fitness for duty examinations is a reasonable means employers adopt to ascertain the cause of errant or erratic behavior. If properly employed, such exams are considered reasonable without running afoul of the Americans with Disability Act (ADA). Prior to the implementation of the ADA, many employers asked employees to provide information concerning their physical and/or mental condition.

This information was often used to exclude and otherwise discriminate against individuals with disabilities—particularly non-visible disabilities, such as mental illness—despite their ability to perform the job. In an attempt to safeguard the rights of employees to be measured on the merits, the ADA was enacted. Employers must balance their obligation to protect workers with the legal constraints imposed by the ADA.

On January 25, 2016, *In the Matter of Paul Williams*, the New Jersey Appellate Division revisited the circumstances under which an employer can order an employee to attend a medical examination or fitness for duty exam. The Appellate Division clarified the requirements set forth by the ADA and the Equal Employment Opportunity Commission (“EEOC”).

Paul Williams was a truck driver for Lakewood Public Works. Recently, the township manager received an anonymous letter, stating that other employees were scared of Mr. Williams and that working with him put them at risk.

Eight months later, Lakewood notified Mr. Williams that he would be sent for a psychological fitness for duty examination and that if he did not attend, he would face disciplinary action. Under the ADA, fitness for duty exams is lawful if they are job-related and consistent with a business necessity. Mr. Williams asserted the exam was not job related and refused to attend an examination he believed to be illegal under the ADA.

Since Mr. Williams did not attend the examination, Lakewood terminated his employment on charges of incompetency, inefficiency or failure to perform duties, inability to perform duties;

conduct unbecoming a public employee; and “other sufficient cause.”

Mr. Williams appealed his termination to the Office of Administrative Law. The Administrative Law Judge (ALJ) sided with Mr. Williams and noted 1) there was no investigation into the veracity of the allegations contained in the letter, 2) Mr. Williams work performance was satisfactory, and 3) Lakewood’s demand that Mr. Williams attend a psychological examination was not job-related and consistent with a business necessity.

Lakewood then appealed the ALJ’s decision to the Civil Service Commission (“Commission”) who found that Mr. Williams’s blatant disregard of oral and written orders from his superiors was significantly egregious to warrant a substantial penalty and they imposed a six-month suspension with a requirement that Mr. Williams submit to a psychological examination before he would be reinstated to duty.

Mr. Williams appealed the Commission’s decision to the Appellate Division. The Appellate Division ruled that the examination was not job-related and consistent with a business necessity. The Appellate Division cited the EEOC guidelines stating that “[g]enerally, a disability-related inquiry or medical examination of an employee may be ‘job-related and consistent with business necessity’ when an employer ‘has a reasonable belief, based on objective evidence, that: 1) an employee’s ability to perform essential job functions will be impaired by a medical condition; or 2) an employee will pose a direct threat due to a medical condition.’”

A direct threat is further defined to mean “a significant risk of substantial harm to the health and safety of the individual or others that cannot be eliminated or reduced by reasonable accommodation.” EEOC guidelines further instruct us that then, and only then, may the employer lawfully require the employee to undergo a psychological fitness for duty examination.

Without relying on any information other than an anonymous letter that was eight months old, the Court found that to order Mr. Williams to attend a fitness for duty exam was discriminatory and the Commission’s decision arbitrary, capricious, and unreasonable (see sidebar). Thus, Mr. Williams was reinstated with back pay.

In conclusion, employers must remain vigilant about the real concerns that surround mental health and workplace safety. There is potential liability if the employer does not provide a safe

THE APPEAL: EXAMINING THE EVIDENCE

Of note in the decision was the Appellate Division's in-depth exploration of what is "job-related and consistent with a business necessity" based on EEOC Guidelines. The Appellate Division observed that a direct threat standard may be met when an employer knows about a particular employee's medical condition, has observed performance problems, and reasonably can attribute the problems to the medical condition.

A direct threat standard can also be met when an employer is given reliable information by a credible third party that an employee has a medical condition. As explained by the Court, the employer must reasonably believe, either through direct observation or through reliable information received from credible sources, that the employee's perceived medical condition is affecting his or her work performance or that the employee poses a direct threat. The Court cited *Yin v. California*, (95 F.3d 864, 868 9th Cir. 1996) which observed that an employer cannot require an employee to undergo a medical examination unless the employee's problems have a "substantial and injurious impact on the employee's job performance."

The Court considered the anonymous letter which led to Mr. Williams's termination to be "innuendo and rumor." During the various proceedings Lakewood did not present any evidence that Mr. Williams had threatened other employees. In fact the Lakewood DPW director testified that appellant's work was satisfactory and "no different than the other employees."

Lakewood provided one incident where Mr. Williams was disciplined over his time with the Department of Public Works. The Court further noted that prior to ordering Mr. Williams to attend the exam, Lakewood could have solicited information from the DPW director or any other supervisor concerning his job performance.

Lakewood could have also contacted the three union stewards who were mentioned by name in the letter to investigate Mr. Williams's outbursts. Lakewood did none of the above.

working environment. Furthermore, severe mental illness can affect the overall management and operation of the work being performed by the employer.

Nonetheless, ordering an employee to attend a fitness for duty examination is not an action that should be taken lightly. The ADA's safeguards provide the limited circumstances where the examination can be employed. The employer's concerns must be job-related and consistent with a business necessity.

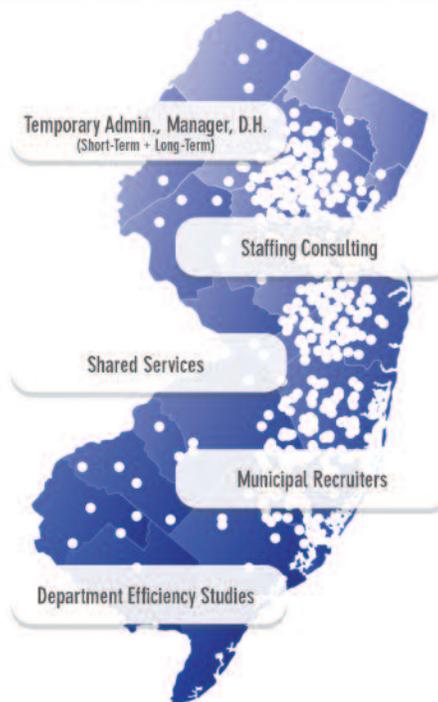
Moving forward, the *Paul Williams* decision affirms that employers must have objective evidence to support any demand for a fitness for duty examination. An employer should conduct a timely and thorough review to determine the credibility of whether the employee's performance is affected by their condition or that a direct threat will arise because of the condition. Compliance with these requirements is important for ensuring the rights of the employee is respected, while making sure that the workplace remains a safe environment. ❧

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New Tree Trimming Regulations-A Primer

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

In the near future you may be getting contacted by your local electric distribution company (EDC) about doing tree trimming (vegetation management) in your town. So, you should be aware of new regulations put into effect by the Board of Public Utilities (BPU) regarding this activity. *N.J.A.C. 14:5-9.1 et seq.* These new regulations require a more thorough and complete vegetation management process.

Pursuant to BPU regulation, each EDC is required to manage vegetation that is close enough to pose a threat to its electrical system at least once every four years. *N.J.A.C. 14:5-9.4(b)*. Notably, the updated regulations require that special attention be paid to “hazard trees.” These are structurally unsound trees located on or off the right-of-way that would, if they fall, make contact to electrical infrastructure.

REMOVE OR MITIGATE If an EDC identifies a “hazard tree,” they must attempt to remove or mitigate the tree. *N.J.A.C. 14:5-9.5(a)*. For any vegetation off the right-of-way, the property owner’s permission must be obtained before any work is done. Additionally, if an EDC becomes aware of vegetation, including hazard trees, which may affect reliability or safety, they must promptly attempt to resolve this issue. *N.J.A.C. 14:5-9.4(c)*.

In any event, after vegetation management is complete, each EDC is required to “remove all trimmings” and “cut vegetation” that it created. *N.J.A.C. 14:5-9.6(g)*.

You should expect that some areas may be more thoroughly trimmed than others. The updated regulations also impose new requirements for Avegetation management along “lock out zones.” *N.J.A.C. 14:5-9.8(b)*. These zones are part of the main distribution lines which stretch from an EDC’s substation to a location approximately half the circuit’s length.

The EDCs are required to remove “overhanging vegetation” in the lockout zone. The length of each EDC’s “lock out zone” in your municipality will vary depending on geography and circuit layout.

HISTORICALLY SIGNIFICANT TREES Mature trees located in a “lock out zone” may, at the EDC’s discretion, be exempt from this requirement. *N.J.A.C. 14:5-9.8*. This exemption provides a mechanism to exempt historically significant trees

and/or trees that pose little danger to the distribution system. This provision enables the EDCs Vegetation Manager to strike a balance between safety and aesthetics.

The regulations do give EDCs some leeway to grant municipal requests. However, municipalities should be aware of the possible financial costs that may result. For example, at the request of a municipality, an EDC may but is not required to temporarily suspend compliance with vegetation management requirements of the subchapter. *N.J.A.C. 14:5-9.3(g)*.

EDCs may not suspend vegetation management for transmission lines or when a suspension would result in danger to the public. *N.J.A.C. 14:5-9.3(g)(1) & (2)*. Municipalities should know that they must reimburse EDCs when a requested suspension results in “additional costs to due to a lack of tree trimming.” *N.J.A.C. 14:5-9.3(g)(4)*. EDCs may also recover the cost of vegetation management done to meet a municipality’s “aesthetic desires” *N.J.A.C. 14:5-9.3(f)*.

ADMINISTRATIVE REQUIREMENTS The regulations do impose administrative requirements on EDCs. For instance, EDCs must provide municipalities with two months written notice before vegetation management is to take place. *N.J.A.C. 14:5-9.10(g)*. This notice will be directed to the mayor, municipal clerk, or “other person or position mutually agreed upon.” *N.J.A.C. 14:5-9.10(f)*. Customers and property owners must be provided written notice of at least seven, but not more than 45, days prior to the commencement of work. *N.J.A.C. 14:5-9.10(a)*.

Finally, EDCs and their contractors are required to obtain all required permits and licenses prior to commencement of vegetation management. *N.J.A.C. 14:5-9.3(b)*. To be clear, each EDC has the ability to appeal an adverse local decision to the Board of Public Utilities and thus, as a practical matter, local government powers in this regard are limited. *N.J.A.C. 40:55D-19*, see also *New Jersey Natural Gas Co v. Borough of Red Bank*, 438 N.J. Super. 164 (N.J. App. Div. 2014).

In closing, vegetation management is coming to your town. Realistically, there will be friction between EDCs and your residents when tree trimming begins. But, it is hopeful that you may, through managed expectations and a grasp on these new regulations, strike an acceptable accommodation that is satisfactory to all. ♣

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



GOLD DOME

Chris Christie's Next Chapter

By Prof. Ben Dworkin, Ph.D., Director of the Rebovich Institute for New Jersey Politics and Assistant Professor (adjunct) of Political Science at Rider University

What comes next for the Christie administration is not yet written, but the Governor and his team are looking at four steps to shape their final chapter.

With the suspension of Chris Christie's presidential campaign and his apparent return to full-time focus on governing in Trenton, everyone is anticipating what the final 20 months of the Christie administration will be like.

Will it be a time for legacy building? Will it be a period of significant deal-making and accomplishments between a conservative Republican governor and an entrenched Democratic legislature?

Or might it veer towards bitter partisanship and dysfunction, when only the most basic tasks of government are done and the more significant challenges are left at the doorstep of the next governor, who arrives in January 2018?

Christie's endorsement of Donald Trump for president, only weeks after criticizing him as unfit for office, pushed a few of his critics and frustrated supporters past the tipping point. Several editorial boards and even GOP legislators demanded that he consider resigning.

There is nothing in Christie's background that indicates he will succumb to such pressure. On the contrary, he has an opportunity for significant accomplishments, if he would apply his significant political skills towards achieving them.

FOUR CHAPTERS There have been four chapters so far in the Christie administration. Finding allies in the Democratic legislature who had similar policy concerns, his first two years—Chapter 1—was marked by significant legislative achievements: a 2% property tax cap, the restructuring of Rutgers University, and most famously, the initial round of reforms to the pension system.

Chapter 2 was focused on the run up to his historic re-election, and as we entered 2014, Chris Christie was on top of the world.

And then, we had Chapter 3: Bridgewater. The impact of this scandal cannot be underestimated. Manipulating traffic as part of a political retribution scheme may or may not have been criminal, but it certainly dominated the next year. It was almost impossible to get anything of significance done. The once ever-present governor was now sheltered and when he did emerge, it was outside New Jersey as chairman of the Republican Governors Association (RGA).

Chapter 4 has all been about Christie's ill-fated run for the presidency. When you spend more than 250 days outside of

New Jersey campaigning, it is hard to say your governorship is about much else.

THE FINAL CHAPTER What comes next for the Christie administration is not yet written, but the Governor and his team are looking at four steps to shape their final chapter.

- **Improve his image.** The time spent away from New Jersey has taken a toll on Christie's approval ratings, dropping them down to the mid-30s. So the first step is to remind New Jersey why they liked him in the first place. Expect him to start doing town halls again and dominating the media's attention as only he can do.

- **Accomplish the big things.** As we saw when the governor returned from New Hampshire to broker a deal on expanding casinos into north Jersey, big things get done with Christie is engaged.

The biggest thing to get done this year is funding the nearly bankrupt Transportation Trust Fund (TTF), which maintains and upgrades our critical transportation infrastructure. This issue alone is a unique opportunity to secure a long-term funding system, spur job growth, and build Christie's legislative legacy.

- **Initiatives via regulations and rule making.** There are more than a few in the legislature—on both sides of the aisle—who are more interested in replacing the governor than in working with him. Bi-partisan deal making will be tough this year and will only get tougher in 2017.

Using his authority to create rules and regulations, Christie is likely to pursue policy priorities outside of the legislature, such as making it easier for charter schools to operate and re-purposing Mid-State Prison into a drug treatment center for convicts.

- **Fighting Democratic constitutional initiatives.** A legacy can be built not just by doing new things, but by preventing bad things. Christie has been adamant that Democratic drives to put a \$15/hour minimum wage and quarterly pension fund payments in the state's constitution will be disastrous policies. These initiatives might be on the November 2016 ballot which means the governor will be everywhere fighting them and promoting himself as the defender of the fiscal restraint and the taxpayer.

The Governor doesn't have to resign. There is still time and opportunity to ensure a positive and historic legacy.

Whether or not that will happen is the next chapter for the Christie administration. ♣

The views expressed and the data presented by contributors are theirs and are not necessarily shared by the League.

LEGISLATIVE UPDATE

A-1717



Relocation of Residual Dwelling Site Opportunities on Preserved Farmland

Status: Assembly Agriculture and Natural Resources Committee

The League Legislative Committee recently reviewed and has a number of concerns with A-1717, sponsored by Assemblyman Ron Dancer.

This legislation would allow owners of preserved farmland to relocate the residual dwelling site for a residual dwelling site opportunity specified on the preserved farmland's deed of easement, with the approval of the county agriculture development board and the State Agriculture Development Committee, provided that:

- 1) The original residual dwelling site opportunity has not been exercised, or if the original residual dwelling site is developed or partially developed;
 - a) The original residual dwelling site is returned to an undeveloped, preserved state useable for agricultural or horticultural purposes; or
 - b) The original residual dwelling site is allocated for agricultural labor housing; and
- 2) The relocation does not result in a net loss of farmland, except as may be allowed for the original residual dwelling site to be used for agricultural labor housing; and
- 3) The relocation does not have an adverse impact on the agricultural operation on the preserved farmland.

While appreciative of the underlying legislative intent, the League opposes this legislation. We believe that this issue can be better addressed on an administrative basis, in which particular circumstances can be evaluated. For instance, in Section 1, page 2, line 14 the legislation establishes a criteria that, provided are met, "shall" be approved. The League Committee prefers to leave that discretion to either the SADC or County Boards. Further, while the bill does provided that the municipality "shall be consulted" (See Section 1, page 2, line 31), it believes the municipality needs a stronger oversight role than mere consultation.

This legislation is referenced to the Assembly Agriculture and Natural Resources committee. To date there is no Senate companion.—MFC

A-2251



Requiring Fire Suppression System Information for New Homebuyers

Status: Assembly Housing and Community Development Committee

The League Legislative Committee supports A-2251, the "New Home Fire Protection Act," which would require builders to provide their buyers information on fire suppression systems.

Specifically, this legislation would require the builder of a new single- or two-family home that is less than three stories to distribute a statement regarding the benefits of a fire suppression system to the home's buyer.

A builder would also be required to provide a bona fide estimate of the cost of installing a fire suppression system in the new home to the home's buyer. Upon request of the buyer, the builder would be required, at the buyer's expense, to install, or cause to be installed, a fire suppression system in the new home. The builder would be required to have the buyer sign a written statement, acknowledging receipt of the information the builder must disclose pursuant to this bill.

As you may know, legislation mandating residential sprinkler systems in new construction has been advanced in previous Legislatures but ultimately vetoed. Essentially, this bill takes a middle road. The Division of Fire Safety in the Department of Community Affairs would prepare a statement of benefits that a fire suppression system may provide in one-and-two family homes. Upon the request of the buyer, the builder would be required, at the buyer's expense, to see to it that an appropriate system is installed.

The League thanks for the sponsor for his continued efforts to promote fire safety. This bill is referenced to the Assembly Housing and Community Development Committee. To date, there is no Senate companion.—MFC

A-201



Restoring Property Tax Relief Funding

Status: Assembly State and Local Government Committee

This bill amends the 1997 "Energy Tax Receipts Property Tax Relief Act," to require the distribution of an additional \$387 million in State aid that would be paid to municipalities

as Energy Tax Receipts Property Tax Relief Aid (ETR Aid). This supplemental funding would restore \$331 million in State aid reductions to Consolidated Municipal Property Tax Relief Aid (CMPTRA) in Fiscal Years 2009, 2010, and 2011 and provide the inflation-based increase in CMPTRA required by current law.

By classifying the restored funding as ETR, the bill would protect future year's appropriations from further cuts.

Although current law provides for annual inflation-based increases in both CMPTRA and ETR Aid, State budget constraints required reductions in the amount of CMPTRA distributed to all municipalities in Fiscal Years 2009, 2010, and 2011.

Under the provisions of this bill, half of the State aid appropriated, \$193.5 million, would be distributed to municipalities in the first State Fiscal Year, following enactment. An additional 25%, \$96.75 million, would be distributed in each of the following two fiscal years. The full amount would then be distributed in each fiscal year thereafter.

Municipalities are required to use ETR Aid to reduce the property tax levy for municipal purposes. No municipality is permitted to receive an additional amount of aid that is greater than its

combined Fiscal Year 2008 payment of CMPTRA and ETR Aid.

CMPTRA was established in Fiscal Year 1996 Appropriations Act. The State froze aid payments to municipalities provided through 15 separate programs and combined them into one amount distributed to each municipality.

The State created the "Energy Tax Receipts Property Tax Receipts Property Tax Relief Fund" as a dedicated fund to replace the Gross Receipts and Franchise Tax on electric, natural gas, and telecommunications utilities in 1997.

Certain revenues generated by the Corporation Business Tax, Sales and Use Tax, and the Transitional Energy Facilities Assessment are deposited into the fund. Amounts distributed through both programs are used by municipalities as a means of reducing the municipal property tax levy.—JRM

After enjoying and deriving profits from the use of public rights of way, in 2009, Verizon claimed itself exempt from the payment of Business Personal Property Taxes (BPPT) in five municipalities. It based this claim on its own original interpretation of a 1997 law, when it unilaterally determined that it no longer provided dial tone access to at least 51% of the local telephone exchanges in those communities.

In 2010, 28 municipalities were added to the list. In 2011, 31 more municipalities were told by Verizon that they would no longer receive their BPPT payments. 45 losers were added in 2012. In 2013, they were joined by 44 more. Verizon's claimed exemption was felt in 18 municipalities for the first time, in 2014. And 42 more were informed by Verizon that they would receive no BPPT payments in 2015.

This unintended erosion of the local property tax base will impact all other local property taxpayers in these and possibly more municipalities. Your municipality could be next.

The legislature did not intend to allow erosion of the local business personal property tax base by annual assertions by providers that the majority of municipal residents might be shifting their telephone service among local exchange carrier competitors that had not been subject to that tax at the time of the 1997 change.

To correct this matter, legislation was introduced by Assemblyman Ralph Caputo and Senator Bob Smith to provide clear direction to the courts regarding the legislature's intent to protect residential taxpayers, when the laws regarding State taxation of telecommunications providers were reformed in 1997.

In the current session of the legislature, Assemblyman Caputo, along with seven co-sponsors, has reintroduced his bill. That bill, A-184, has been referred to the Assembly Telecommunications and Utilities Committee. Senator Smith has reintroduced his bill as S-1875. The Legislature needs to act soon to prevent more and more municipalities from losing their fair share of BPPT revenues.

Please ask your legislators to support A-184 and S-1875.—JRM

A-184



Restoring and Protecting Municipal Revenues

Status: Assembly Telecommunications and Utilities Committee



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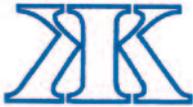
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MAY

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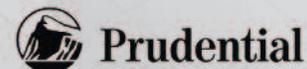
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JAMES MEEHAN,
Authority's Executive Director,
Rahway Valley Sewerage Authority, NJ