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December 2016

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New Jersey Municipalities Magazine

Volume 93 | Issue 8

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NEW JERSEY MUNICIPALITIES (ISSN 0028-5846) is published monthly (except July, August and September) by the **New Jersey State League of Municipalities, 222 West State St., Trenton, NJ 08608. Telephone: (609) 695-3481, FAX: (609) 695-0151, Website: njslom.org, Email: njm@njslom.org.** Periodicals postage paid at Trenton, NJ 08608. Postmaster send address changes to *NEW JERSEY MUNICIPALITIES*, 222 West State St., Trenton, NJ 08608. Print subscription rates (nine months) \$25.00; League members \$20.00; foreign \$41.00. Single copies League member officials, \$6.00; others, \$8.00; foreign, \$27.00. For additional subscription information visit njslom.org/subscriptions. Publication No. 380460.

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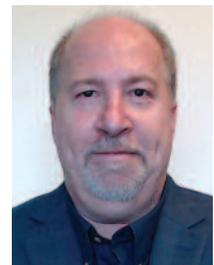
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Are You Ready to Lead?

Local governments around the state are adjusting to the election results, whether local, federal, or otherwise. The League also held elections this past November, as we do every November, to establish our leadership for the coming year. Those leaders will rely on you. Will you be ready?

Take a moment to review the new League leadership as listed on page 44. These League leaders will guide our policy as established through League Resolutions, agreed upon at the League Conference, and legislative analysis provided by our in-house team.

The League's effective leadership relies on the work of so many local officials, like you, who stay informed, maintain open communications, and who are responsive to the League's calls to action.

To help you do all that, in the most effective way possible, the League works to provide you with the information you need on new and upcoming topics of interest and concern to local governing.

When you attend the Annual League Conference, or League seminars and webinars, or as you read this issue of *NJ Municipalities* you are gaining that valuable information. This year, the League's Legislative team has also introduced a blog, the Towne Crier (njlmblog.wordpress.com), adding another vital source of information.

Putting your information into action happens when you contact your legislators, or inform the League about issues faced by your local government and when you share your new solutions; or you provide insights about how you avoided setbacks. I invite you to engage with the League as we get ready for 2017 together. Stay informed in the coming months as the League sends you information about municipal priorities, and calls on you to help convey the important message that the complex work of local government requires knowledge, leadership, and concern for our neighbors' wellbeing.

Thank you for being leaders in your local government and your community. 🍷

Michael Darcy

“ I invite you to engage with the League as we get ready for 2017 together.”

P.S. *The League provides a direct link to state leadership each year with a gathering in Trenton. The 2017 Mayors Legislative Day will be held February 8 at the State House Annex and feature opportunities to speak with cabinet members and high-ranking state officials. Please join us for this opportunity to prepare for a year of excellence in local government. For more information, visit the League calendar at njslom.org/calendar.*

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Partners on the Move

How Freehold Borough became a model of small town transportation for elderly and disabled

By Ron Griffiths, Councilman, Freehold Borough

Freehold Borough is a historic community of less than two square miles with a population of slightly more than 12,000. Our diminutive size makes Freehold a very walkable town. We have an award-winning, vibrant downtown. Our great restaurants and our summer concerts encourage residents to take an afternoon or evening stroll.





(l to r) Mayor J. Nolan Higgins, Councilwoman Sharon Shutzer, and Councilman Ron Griffiths.

Of course, there are those who find extended walking arduous. Freehold Borough has multiple senior citizen buildings and several facilities for people with disabilities.

Senior Transportation

For many years our senior and disabled population had to rely on their friends, family, or taxis for trips to grocery stores, to visit friends at the hospital, and for medical visits to their doctors.

The county began its bus transportation program (SCAT) nearly 40 years ago. SCAT was designed to meet the needs of the seniors and those with disabilities. Funding for the county program comes from several sources including the Older Americans Act and the Casino Revenue, Section 5311.

As the casino funding began to dissipate, and the demands on the county system grew, it was difficult to maintain the level of service we wanted for our residents.

We found the solution in one of our early Public-Nonprofit partnerships. The largest of our senior residences, Hudson Manor, needed transportation for its tenants for social trips as well as for grocery and medical trips.

The borough and Hudson Manor have a long history of working together. The land for the senior building was a former school property. When a new school was constructed this property was no longer needed. The town deeded the property to the non-profit for the purpose of creating senior citizen housing.

Working together, Hudson Manor

and the borough reached an accord to supplement the county transportation for seniors. The housing corporation would purchase a bus that could also accommodate wheelchair passengers. Hudson Manor's staff maintains the bus schedule and they provide the driver.

The bus serves seniors and the disabled throughout the entire town. The title for the bus was transferred to the borough, and the borough provides insurance, repairs, and fuel.

This arrangement allows the bus to be insured at a lower cost as part of the

borough's fleet policy. The borough has a joint purchase agreement for lower costs for fuel than the non-profit could arrange. Through a shared service agreement for vehicle repairs, the borough also provides less expensive maintenance.

These options make the program viable.

Better Together

Working alone, neither entity could afford to provide transportation services to our residents who were most in need. Working together, we've managed to operate a program that seniors and disabled residents throughout the town can rely upon.

We have been able to operate the bus without charging our borough residents for local transportation.

The bus is also utilized for many borough functions. A second bus has been purchased and we are maintaining the older one.

Now we can operate a shuttle service as needed on a regular basis for our major events, such as the annual Olde Freehold Day. This function is held at Lake Topanemus which is not a walkable distance for many residents and also doesn't have sufficient available parking. 🚗



Take It to Your Town

Other communities may be able to find a partner to share the costs for their senior and disabled transportation issues.

If it's not a non-profit, it could be merchants in the town who want to bring the customers to their stores and restaurants. This could be a shopping mall or a downtown merchant association.

The same result can be attained by getting sponsors to assist in this type of transportation through donations or advertising on the bus. This process has been working in Freehold Borough since 2003.

NOW & THEN



The Long and Winding Roads

Keeping Municipalities Moving can be quite a challenge on a number of levels. This month, our focus article puts the spotlight on Freehold Borough's successful senior busing program that teams with private industry to provide a much-needed service.

For youngsters in New Providence, keeping moving meant getting new hybrid sports fields that combined real and artificial turf to convert space with chronic flooding issues to fields that are playable all season long.

Another way we keep municipalities moving is through the legislation from the state level that impacts local governments and citizens every day. This year, the Transportation Trust Fund has been one of the leading hot topics, adding extra heat to the summer months. The League's Legislative team kept municipalities abreast of the latest developments, providing suggestions on how to keep municipal roads ready to move citizens where they need to go.

Twenty years ago, another long and winding process was in the works: the creation and approval of the Council on Local Mandates. As the organization marks its 20th anniversary, we highlight its work to protect local governments from the budget-breaking state laws that mandate costly programs without earmarking funds to make their plans a reality.

Council member Victor McDonald and League Associate Counsel Ed Purcell each take a look at the history of this fourth branch of government, its success stories, and some of the historic challenges to defending its original mission.

For a closer look at the New Jersey League of Municipalities' never-ending journey to help local governments, catch up with this year's slate of officers and executive board as well as the Executive Director's Report for 2016.

As we head into *NJ Municipalities* magazine's 100th anniversary celebration year, we look forward to a happy new year sharing more stories from you, the navigators of the Garden State's municipal paths. 🇯🇵



Amy Spiezio
Managing Editor

Time Capsule: 1996

This month, we take an unusual approach to the time capsule and provide a brief timeline of the road that led to the signing of the State Mandates Limitation Legislation in the year 1996.

March 1996 State Pay for State Mandates Enabling Legislation Advances

League Second Vice-President, Mayor Millard Wilkinson of Berlin Borough, presented testimony which was generally enthusiastic in supporting this bill. Mayor Wilkinson did, however, note one area where we feel the bill needs to be improved.

The last sentence of Section 12.a. of the bill would prevent us from challenging a mandate which was woefully underfunded. We would have no recourse but to comply with any mandate which carried with it even minimal funding.



April 1996 Anti-Mandates Enabling Legislation Could Be Improved

We are generally supportive of the bill, which is sponsored by the Senate President, though we do see the need for one change...Our one concern with the bill is focused on the final sentence

of section 12.a., which would prohibit the Council of Local Mandates from invalidating inadequately funded future mandates.



June 1996 League Officials Honored as Governor Signs State Mandates Limitation Legislation

Wednesday, May 8, 1996 marked a major milestone in our long journey toward consistent and meaningful property tax relief. Governor Whitman signed S-2 into law, thereby implementing the provisions of our State Mandates Limitation Constitutional Amendment. This opens a new chapter in the Constitutional history of our State...



NJ Parole Tech Draws National Acclaim

Law enforcement officers in New Jersey and all over the nation are safer due to an award-winning system developed by the New Jersey State Parole Board (SPB.)

“The Supervised Release File Project” notifies officers nationwide in real time when they encounter one of the more than 15,000 individuals under parole supervision in New Jersey.

The project links the National Crime Information Center (NIC,) administered by the Federal Bureau of Investigation (FBI) and available to virtually all law enforcement agencies in the country, with the SPB’s Parole Board Information System, which contains names and case information about all New Jersey parolees.

“This initiative literally makes police throughout the country safer because they know immediately that they are dealing with someone with a criminal record,” said James T. Plousis, SPB chairman.

In March, the project was awarded the 2016 Technology Solutions Award in the public safety category by the national Public Technology Institute. The project was developed in collaboration with the NJ State Police (NJSP) and the NJ Division of Criminal Justice.

Using the linked systems, a police officer in California making a routine motor-vehicle stop, for example, can get near instant notification via a computer in his patrol car that the driver he has encountered is on parole in New Jersey. The system also immediately notifies the parole officer in New Jersey responsible for that parolee. Local officers can also directly query officers in New Jersey for additional information.

As an added benefit, the computer infrastructure designed for the project will lend itself to expanded exchange of data in the future. For example, the names and identifying information about parolees gone missing in New Jersey can be added immediately to the NCIC. The new technology will also decrease reliance on older, less efficient technology.

The project was funded by grants of \$318,000 from the Edward Byrne Memorial Justice Assistance Grant (JAG) Program, awarded by the state Criminal Justice Information System (CJIS) Policy Advisory Committee, and \$190,000 from the Parole Board. 📌

Clifton Deputy Fire Chief Champions Mental Health First Aid

Mental Health First Aid instructors and champions visited Capitol Hill earlier this year, to share stories about how Mental Health First Aid has saved lives. This is the second year the National Council has held this Mental Health First Aid briefing for congressional staffers during May, Mental Health Month.

Speakers for this briefing included Michael Allora, Deputy Fire Chief of the Clifton Fire Department who discussed how Mental Health First Aid has made an impact in his community and urged the congressional staff in attendance to support the Mental Health First Aid Act (S. 711/ H.R.1877), which would authorize \$20 million in grants to fund Mental Health First Aid trainings across the country.

Mental Health First Aid is an 8-hour course that teaches a five-step action plan encompassing the skills, resources, and knowledge to help an individual in crisis connect with appropriate professional, peer, and self-help care. The course is taught to police officers, firefighters, corrections officers, first responders, and other public safety audiences around the country. In January, the City of Clifton made a major commitment and engaged the Mental Health Association in Passaic County (MHAPC) to train 125 Fire Department personnel as well as members from several departments in City Hall.

The MHAPC is part of a consortium created by the Mental Health Association in New Jersey (MHANJ) who, with funding from the Robert Wood Johnson Foundation, has formed a coalition of 15 stakeholders under the banner “Mental Health First Aid for New Jersey (MHFA4NJ).” 📌



Garden Statements



Walk to School Day in Brigantine

Brigantine participated in Walk to School Day this October, a day when schools from all over the world walk or bike to school. The event promotes the attainment of providing safe routes to school for children, and encourages children to respect the communities in which they live.

This was the 10th year that the city's schools participated in the event.

Keeping Galloway Beautiful

The Go Green Galloway Task Force, a nonprofit division of the township's sustainability office, has formed a roadside litter committee: the "Peaceful Pickers."

The group wishes to remove litter in the township to promote a better environment and beautify the landscape to provide a

better quality of life for residents and visitors.

This group of volunteers set out in September for the first of many cleanup events, in which they picked up over seven large trash bags of litter. The township provided the volunteers with picker-uppers and vests.



The Election is over. The votes have been counted. And you've been elected! **Start your term in Municipal Government on the right foot.**

Orientation for Municipal Officials Who Are Newly Elected, Re-Elected, Or Experienced

Saturday, January 7, 2017
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Saturday, January 28, 2017
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This orientation for municipal officials who are newly elected, re-elected, or experienced is fast paced and designed to quickly bring officials up-to-date on important municipal issues. The newly elected officials will get a thorough overview of their major areas of responsibility, key contact at the State level, and important sources of information and assistance.

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Suicide Awareness in Chatham Township

Suicide is the 12th leading cause of death overall in New Jersey. Chatham Township hosted an Out of the Darkness Community Walk in September to raise awareness for suicide prevention. Residents were invited to register for the walk as an individual or as a team, and over 550 walkers registered, contributing over \$65,000 and beating the Township's initial goal of \$10,000. Money raised will benefit the American Foundation for Suicide Prevention's efforts. Congressman Frelinghuysen and former Governor Codey were in attendance. This walk was part of Mayor Curt Ritter's broader initiative to increase awareness of suicide prevention. Earlier in 2016 Chatham hosted a community presentation on suicide prevention in conjunction with the American Foundation for Suicide Prevention. 📌

Smart Bet: Closter and Haworth Race for Health

Closter Mayor Jon Glidden and Haworth Mayor John Smart recently waged a good-spirited competition of who could run the fastest combined time in two 5K races. Closter holds a 5K run in early September in memory of a Closter resident killed in the World Trade Center terrorist attack, with funds raised benefitting the borough's Recreation Department.

Haworth's 5K is held in late September, and supports the library, Ambulance Corps, and various local charities.

Each mayor, along with one councilperson, raced in each community's annual 5K runs. The winner was declared based on the fastest combined time of the mayor, councilperson, and the fastest resident from each respective borough.

The wager: the losing team was required to purchase and plant a tree in the winning team's town. Both mayors prepped vigorously for the races to prepare, and the rivalry not only helped to promote the two events, as each race saw an increase in participation from the previous year, but also promoted physical fitness.

Team Closter ended up winning, and Smart attended Haworth's council meeting on September 27 to congratulate the borough on their win. At press time, Mayor Smart anticipated planting Haworth's new tree in early November. 📌

Budgeting for the Elected Official:

Everything you Need to Know to Create, Balance, and Approve Your Municipalities' Budget

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PSE&G keeps customers informed through door hangers and customer letters before and during the work, Facebook posts, and press releases that towns share on their websites. They have dedicated numbers for customers to call, a supervisor on site to answer questions, and a website with a map of the work going on in each town at www.pseg.com/gaswork 



NJLM Events

DECEMBER

December 2

The Religious Land Use and Institutionalized Person Act and Land Use Decisions in NJ
Webinar—Your Computer

December 7

Transforming Underused Downtown Commercial Space
Webinar—Your Computer

JANUARY

January 7

Orientation for Newly Elected, Relected or Experienced Municipal Officials
Hilton Hotel, East Rutherford

January 28

Orientation for Newly Elected, Relected or Experienced Municipal Officials
Hotel ML, Mount Laurel

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Municipal Banking for New Jersey

By Albert B. Kelly, Mayor City of Bridgeton; President NJ League of Municipalities

As I start my tenure as the president of the New Jersey League of Municipalities, I'm forever thinking about how cities and towns across the state can innovate and serve their constituents in a more responsive way.

Considering innovation and specifically how local leaders might fund capital projects, economic development initiatives, and a host of infrastructure improvements, the possibility of using municipal or public banking as a foundational tool is a hard one to argue against.

This became even more apparent after reading *Municipal Banking: An Overview—Financing Socially Just and Sustainable Forms of Urban Development* by Karl Beitel in conjunction with the Roosevelt Institute, and speaking with Walt McRee, Chair of the Public Banking Institute.

The appeal of municipal or public banking is that it provides cities with financial tools that prioritize local needs by keeping more of a municipality's revenue, which now goes to debt service and other add-on fees, working on the local level on local priorities.

Even as we speak, the City of Philadelphia will be entertaining a proposal that explores the creation of a community reinvestment bank. This comes on the heels of the City Council deciding to pull the city's hundreds of millions in daily deposits from Wells Fargo.

The advantages of public or municipal banks are many. While cities like Philadelphia or Newark or Jersey City are large enough to have their own municipal bank, smaller cities can benefit by forming a coalition with other small cities and townships in their county or region to get economies of scale.

With municipal banks, we're talking about bona fide, state-chartered depository institutions, working with community banks and community development financial institutions, that would allow cities to recapture revenues that go to paying principle and interest on bonds, instead of just going to underwriters.

The report by the Roosevelt Institute set forth a scenario for San Francisco using a series of bonds issued between 2007 and 2015 with maturities ranging from one to five years. Under their scenario, the potential amount of money recaptured between 2008 and 2020 (when the bonds matured) came to about \$930 million or roughly \$68 million per year.

For any single small city or county, the process and cost of setting up a municipal bank would not be feasible or worth

the expense. But if the municipal bank were an entity set up at the county or regional level, it would benefit the county, smaller municipalities, and perhaps school districts within that consortium.

Recaptured and reinvested funds would allow municipalities to upgrade the water and sewer systems, do major road and bridge repair, new housing construction, repair government buildings, or undertake other similar capital projects done through issuing bonds.

“Setting up a municipal bank won't be easy—there will be pushback from those making money off the current “trickle-up” revenue stream.”

For urban cities and resource-poor areas, this is the difference between gaining real traction in revitalization efforts and a continuing cycle of loss or stagnation.

The report by the Roosevelt Institute explores ways set up a municipal bank, but much will depend on state law. The report cites the Public Bank Project and their template developed for California cities for setting up, funding, and operating a municipal bank.

As stated by the Roosevelt Institute report, “...with modifications this basic template can be implemented by municipalities in other states that grant substantial ‘home rule powers’ to local governments.” I can't help but to think of New Jersey when I hear “home rule.”

Setting up a municipal bank won't be easy—there will be pushback from those making money off the current “trickle-up” revenue stream. But if we keep doing the same thing, we'll keep getting the same result.

Municipal banking may well offer the opportunity to do something that's far more responsive to local priorities in a meaningful way. At the very least, it deserves all the study and consideration we can give as we build our collective futures in New Jersey.

I encourage leaders at all levels to explore the case for municipal banking set forth by the Roosevelt Institute at rooseveltinstitute.org/municipal-banking-overview/ 

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Voice of Municipalities: Council on Local Mandates

20 years of independent protection for municipalities

By Victor McDonald,
Member, Council on
Local Mandates



Twenty years ago, New Jersey witnessed the birth of a tiny government entity that would forever transform the relationship between the state government in Trenton and New Jersey’s 565 municipalities, 599 school districts, and 21 counties. With the stroke of a pen on May 8, 1996, Governor Whitman signed into law the bill creating the Council on Local Mandates—the constitutional mechanism that would enforce the new State Mandate-State Pay constitutional amendment.

At the November 1995 election, 65% of the electorate voted for a constitutional amendment to “prevent the Legislative and Executive branches of State government from forcing local governments and boards of education to implement many new or expanded programs, unless those programs are accompanied by the means to pay for them.” That same amendment ordered the Legislature to create the Council on Local Mandates

A Unique Endeavor

The Council on Local Mandates is unique among government bodies in the United States. Unlike agencies in the federal government and other states, the Council on Local Mandates is not a part of any of the three traditional branches of government—the Legislative, Executive, or Judicial. It is literally a fourth branch of government. It does not report to, nor is it

controlled by, the Governor, the Senate President or Assembly Speaker, or the Chief Justice. This was by design since the Council has the power to strike down laws and regulations originating from the Legislature and Executive branches.

Although the Council is independent from the other branches of government, it is not a rogue agency. The constitution requires that its nine members be appointed by the leaders of those branches.

How it Works

The purpose of the Council on Local Mandates is to provide municipalities, school districts, and counties with a user-friendly mechanism to challenge state laws, orders, and regulations which would raise property taxes. Any law, order, or regulation found by the Council to be an unfunded mandate is nullified and expires.

Local governments would be out-gunned if they had to resort to the traditional method of challenging state mandates—costly and time consuming litigation. Instead of battling an army of state-paid attorneys in the Superior Courts, Appellate Courts, and then the Supreme Court, local officials can take their challenge directly to the Council on Local Mandates. Since Council decisions are final and exempt from judicial review—Council decisions are political and not judicial determinations—there is no costly appeals process. Or as Governor Christie declared after the Council struck down the police camera mandate earlier this year: “They’ve ruled. That’s it.”

“Unlike agencies in the federal government and other states, the Council on Local Mandates is not a part of any of the three traditional branches of government—the Legislative, Executive, or Judicial. It is literally a fourth branch of government.”

In the 20 years that the Council has been in existence, it has only heard 19 challenges concerning unfunded state mandates. Of those 19 challenges, eight resulted in the nullification of laws and regulations, and another in the state acceding to a Council ultimatum demanding that the mandate be funded. (The state’s anti-bullying law was found to be an unfunded mandate because the “Bullying Prevention Fund” created to

offset local costs had no money in it. The Council gave the state 60 days to capitalize the fund or see the whole law struck down. The state swiftly deposited \$1 million in the fund.)

The light caseload of the Council on Local Mandates often surprises people who sometimes question whether or not the Council should have been created in

the first place. Nothing could be further from the truth. The entire purpose of the Council on Local Mandates is make sure that the state government refrains from imposing property tax increases on taxpayers. It is only when the state violates the constitution, and the Council is made aware of the violation, that the Council acts.

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Voice of Municipalities

As someone who worked for the Legislature for 31 years, I can personally attest to the awesome deterrent power of the Council on Local Mandates. Before State Mandate-State Pay became a part of the constitution, the Legislature routinely enacted myriads of laws which imposed costly mandates on local governments. The legislators took credit for each initiative at election time, while helpless local officials, who were forced to raise property taxes to pay for these programs, were punished by angry voters.

After State Mandate-State Pay went into effect, a sea change took place in the Legislature. Requests from Senators and Assembly members for bills to force local governments to create new programs triggered notices reminding legislators of the State Mandate-State Pay section of the constitution and warning them that their proposals risked annihilation by the Council if they increased property taxes.

Faced with the prospect of raising state taxes; engaging in the tough battle of reallocating existing state revenues; or seeing their precious proposals struck down as property tax increases, many legislators simply abandoned their nascent bills, while others addressed their problem by changing “shall” to “may.” In any case, the free-flowing river of mandates which had existed before 1996 turned into a trickle.

COLM Outlook

Given the fact that the membership of the Legislature keeps changing, it is understandable that the chances of an unfunded mandate slipping through the legislative process and ending up on the law books will increase. This is what happened with the police camera mandate that was enacted in 2014. Even the governor admitted that he was not focused on the cost aspects when he signed the bill into law.

When the Council on Local Mandates unanimously struck down the police camera law as an unfunded state mandate, legislators, regulators, the governor, local officials, the press, and the public were reminded that state imposed local property taxes were no longer constitutional. The ruling was a painful, but necessary admonition to lawmakers and regulators that ignoring state mandate-state pay could have lethal consequences for their cherished policy initiatives.

Hopefully the lessons of the police camera snafu will guide the current crop of legislators and regulators.

But eventually Santayana’s famous observation, “Those who cannot remember the past are condemned to repeat it,” will once again manifest itself and another unfunded mandate will sneak into the law books.

When that happens, the Council on Local Mandates will be there ready to strike it down. ♣

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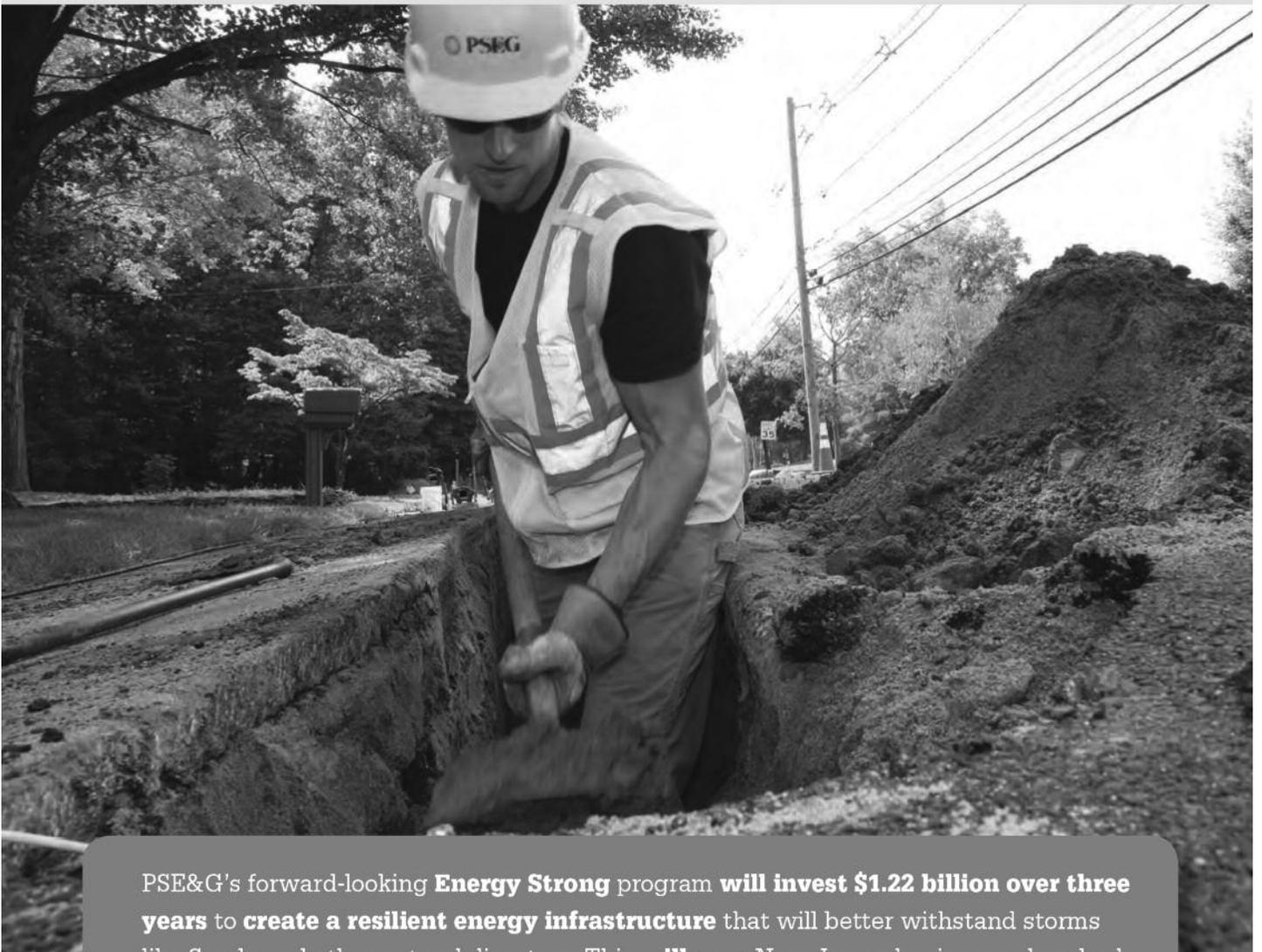
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State-Mandate State-Pay

An amendment worth protecting

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



An astounding thing happened 20 years ago. A constitutional amendment went into effect that prohibited the state from imposing unfunded mandates on local government. It also created a new state office, the Council on Local Mandates, to enforce this prohibition. That achievement was the capstone of many years lobbying on the state-mandate state-pay issue in our state.

This article will give you the story of the amendment, the negotiations that went into it, and of a recent legal decision that puts to rest an issue that dates back its enactment.

Unfunded mandates are laws or regulations that set state-wide policies, implemented through requirements on local government, which local property taxpayers pay for. Essentially, it allows for legislators and governors to take credit for policies that they don't have to fund. It's a pernicious tool that burdened New Jersey's property taxpayers.

1980s

1986: The first iteration of a state-mandate state-pay amendment was introduced by Assemblyman Bob Franks and State Senator John Lynch in 1986. This amendment was a simple provision that required the legislature to "provide the funds necessary" to cover the costs of laws "directing counties or municipalities to perform a service or administer a program which necessitates monetary expenditure."

This proposal did not create a Council nor were there any exceptions or the ability to override. The proposal, and those like it, languished in the legislature throughout the 1980s and into the early 1990s.

1990s

1993: The need to create a solution that could really prohibit unfunded mandates began to gain momentum on the eve of the 1994-1995 legislation session. Notably, in 1993, Senator John Lynch belied the dangers inherent in tackling this issue when he stated before a senate committee that, "...if State Mandate/State Pay is to constitute the fundamental change it is purported to embody, it must be a program immune to legislative tampering and judicial interpretation."

Thus, just before state-mandate state-pay was brought to the voters, the creation of a strong independent body, such as the Council on Local Mandates, was viewed as an antidote to legislative avoidance of state-mandate state-pay restrictions.

1994-95: In the 1994-95 legislative term there were a number of proposals similar to those of Assemblyman Franks from the 1980s. One proposal, SCR-87, would eventually create the Council on Local Mandates.

Then-Senate President DiFrancesco sponsored SCR-87. But, it initially raised a number of concerns. The biggest concern with SCR-87 was that it let the legislature determine the adequacy of a mandate's funding. The proposal created two tracks, one for bills and the other for regulations. For bills, "except for a new or expanded program [mandated by federal law], the bill [was required to] include an appropriation necessary to fund the projected first-year costs as specified in the fiscal analysis...[and] if the bill providing for an expanded program or service is enacted into law, the annual appropriations act for the next four fiscal years shall contain an appropriation which the

legislature deems sufficient to fund [its] ...cost." For regulations, SCR-87 only required that the treasury pay for the mandate's first year's cost "as specified in the fiscal analysis."

For the next four years, the proposal "required [that] the governor ... recommend to the legislature an appropriation to fund the cost of the program or service to be provided." Thus, the major take-away from SCR-87, as it was introduced, was the primacy of the legislature in determining the adequacy of a mandate's funding.

1995: The primacy of the legislature in the original version of SCR-87 was a problem because, as Senator Lynch had warned in 1993, it would have led to "legislative tampering." The League of Municipalities, along with the School Boards Association and the Association of Counties fought for something stronger. Long discussions led to changes in the spring of 1995. The Associated

Press wrote that the amended version of SCR-87 represented a "compromise plan that [had] been crafted by the Whitman administration, Republican lawmakers and local government interests." Mayor Paul Matacera (North Brunswick), then League President, testified before the Senate Affairs Committee that, as amended, SCS-87 "represent[ed] a middle ground [between existing proposals]."

The negotiations left SCR-87 a much stronger antidote to unfunded mandates. As amended, it removed the legislature's power to determine the adequacy of a mandate's funding and placed it squarely on a Council on Local Mandates. This change was a response to Senator Lynch's concern about an amendment immune to legislative tampering.

And the legislators knew it. During a hearing in May of 1995, Senator Joseph Bubba stated that, "I think we have made it too easy for the State government to impose its will on municipalities...this bill, I think, puts the brakes on

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State-Pay

that.” Indeed, at the time, the *Home News* Editorial Board opined that, “[SCR-87] is coming before the Senate and this time the proposal has teeth.” The compromise version of SCR-87 was unanimously passed in the Senate on June 12 and unanimously passed in the Assembly on June 19. The ballot measure was approved by the voters at the general election in November 1995.

Protecting the Council

After the amendment was passed, the legislature passed the Local Mandates Act (LMA). This law effectuated the mandate and provided for the composition of the Council on Local Mandates. In enacting the LMA the legislature snuck some language in that should be recognized for what it was—a loophole that was meant to claw back some of the power the voters had taken away from the legislature.

Subsection 12 of the LMA provides, “the Council on Local Mandates shall

not have the authority to determine whether the funding of any statute or any rule or regulation is inadequate.”

“Thus, the story that began 20 years ago continues to today. State-mandate state-pay is alive but we must guard against any push to cripple it.”

N.J.S.A. 52:13H-12. Thus, the legislature tried to limit, by statute, the power of the body that the voters had empowered, by constitutional amendment, to exercise.

Unsurprisingly, this attempted limitation

hasn’t worked. Statutes cannot be contrary to the constitution. *N.J. Sports and Exposition Auth. v. McCrane*, 61 N.J. 1 (1972). Recently the Council on local Mandates, in the Deptford police camera case, made this crystal clear. Under the New Jersey Constitution, the Council does and indeed must have the authority to determine a statute’s adequacy. It held that:

The Council cannot give blind deference to the Legislature’s decision to authorize only that funding of its mandate: to do so would leave the Legislature as the sole judge of its constitutional performance and thus render the “State mandate/State pay” principle meaningless.

That decision puts this issue to bed. State-mandate state-pay continues to mean just that. What the state mandates, it must pay for.

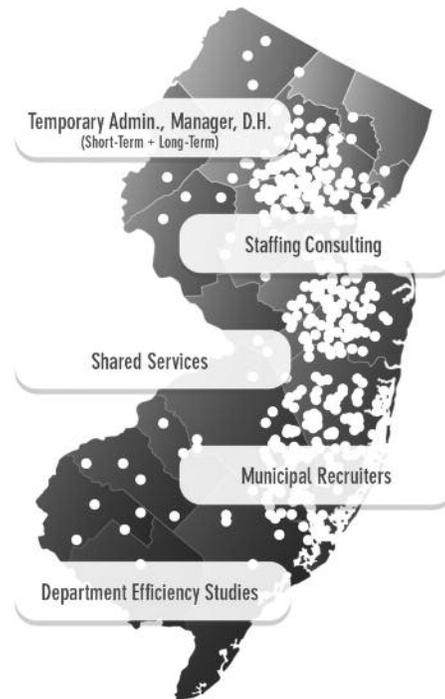
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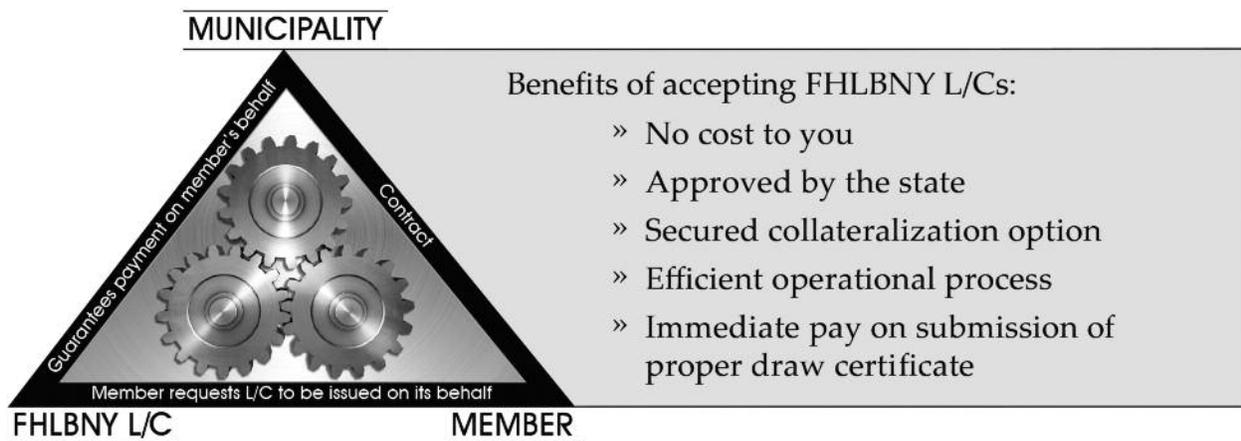
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Telemedicine Keeps NJ at the Health Care Forefront

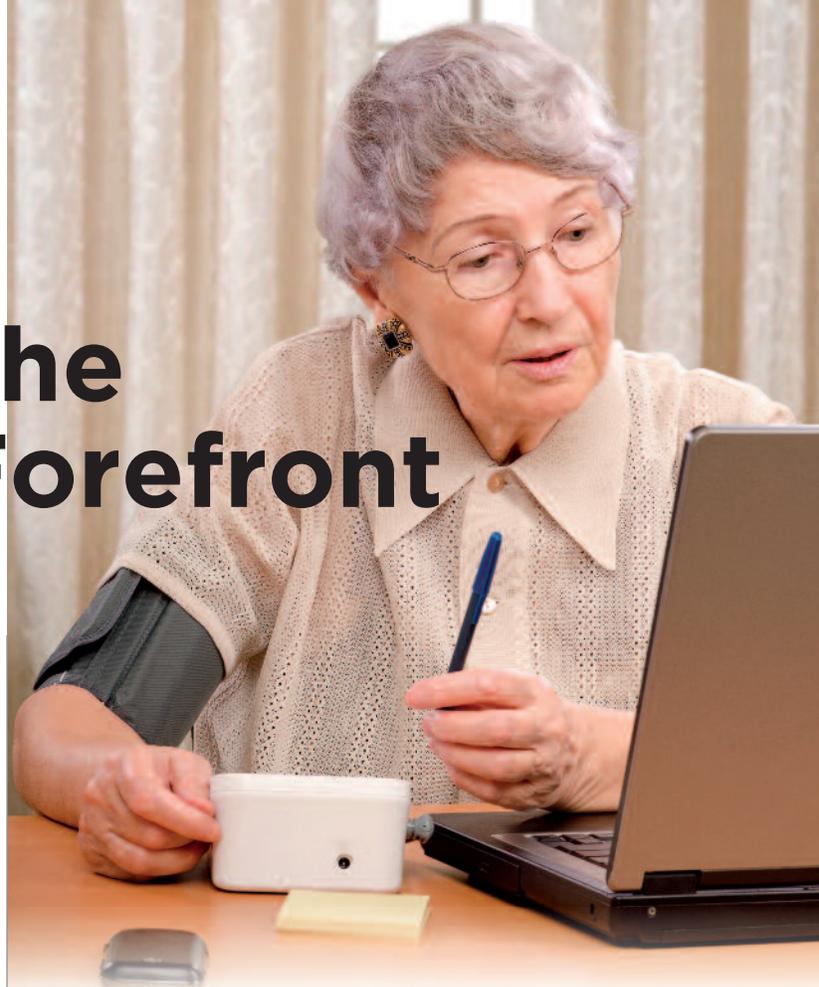
By Assemblywoman Pamela Lampitt, District 6

Here in New Jersey, we have always been on the cutting edge of medical innovation. In 2015, 50% of new drugs approved by the FDA were awarded to companies with a presence in New Jersey. Our state is the epicenter of pharmaceutical research and development and in the legislature we are always looking for new ways to ensure that New Jersey is at the forefront of emerging trends on the horizon of health care.

A new health care trend that has grown exponentially here in the United States over the past couple years is the practice of telemedicine. This groundbreaking health care practice allows doctors to care for patients remotely, enabling physicians to diagnose and treat patients through technological means, without needing the patient to ever physically visit an office.

New Jersey has fallen behind 29 other states in implementing regulatory standards for telemedicine. That is why I have introduced legislation to not only regulate the practice of telemedicine in the Garden State, but also to require health insurance carriers to provide coverage for these services. New Jersey has the technology to improve access, improve outcomes, and lower costs for health care in our state; but, we must put into place the necessary guidelines to ensure that telemedicine is being practiced safely and affordably. With most New Jersey health insurers requesting a premium increase for next year's Affordable Care Act plans, lowering health care costs will be a concern of every family in the state.

New Jersey has already begun to realize the benefits of telemedicine and our institutions of higher education have started to undertake innovative new programs to explore ways to maximize patient care. In July, Rutgers University created a pilot program for 10 residents in Newark public housing, looking to improve their quality of care. Their project studies the potential telemedicine has to improve access while lowering costs for patients. Portable devices that can be plugged into a laptop monitor patients' vital signs and communicate the results back to doctors, allowing them to remotely monitor and examine patients.



Rowan University School of Osteopathic Medicine has recently seen success using telemedicine. A program created by the University helps link patients with university psychiatrists and after an initial in-person meeting, psychiatric care can be provided to patients remotely. Dr. Stephen Scheinthal, a psychiatry professor at Rowan, has seen a reduction in the rate of psychiatric commitments in South Jersey since the program began.

Using telemedicine for psychiatric care, known as telepsychiatry, can also greatly benefit our residents as New Jersey is currently medically underserved for psychiatric issues and behavioral health. We have a shortage of mental health professionals, especially those specializing in child psychiatry. With 20% to 25% of our children suffering from diagnosable medical conditions, telemedicine can help close the gap between children who need treatment and children who receive the treatment they deserve.

Telemedicine gives patients more flexibility with their visits, eliminating unnecessary emergency room visits, limiting wait time, and giving rural patients broader access to health care. Seeing your doctor during your lunch break would no longer require a drive to the doctor's office or any time spent in the waiting room, making it easier to go about your daily life. These new services can also help reduce the financial burden faced by our doctors by allowing them to see more patients each day and lowering the cost of office overhead.

While telemedicine will never fully replace face-to-face doctor visits, it provides a convenient alternative to traditional health care. Through this new technology we can encourage everyone to take a more active role in their health care. 📌

Pamela Lampitt represents the 6th Legislative District in Burlington and Camden counties.

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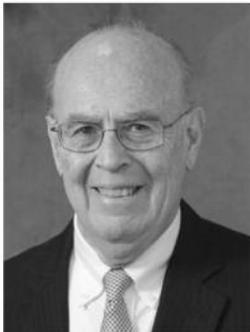
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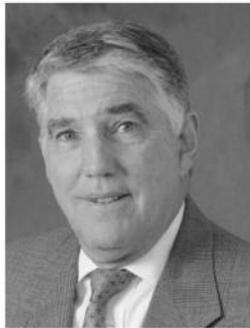
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Flood-Prone Community Bound for Greatness

Bound Brook becomes more secure, reduces residents' insurance rates with Green Brook Flood Risk Management Project

By JoAnne Castagna, Ed.D., Public Affairs Specialist and Writer for the U.S. Army Corps of Engineers, New York District



A fire rescue vessel in operation in the aftermath of the flooding brought about by Hurricane Floyd in Bound Brook in September 1999. Credit: New York District, USACE.

In September 1999, before becoming Mayor of the Borough of Bound Brook, Robert Fazen woke up to the sound of helicopters hovering over his house. He soon realized they were news helicopters televising the flood damage caused by Tropical Storm Floyd.

“Downtown Bound Brook was like a warzone with flooded businesses and apartments and out-of-control fires,” said Fazen. “Police were in motor boats navigating the flooded streets rescuing residents from second story apartments, cars were floating down Main Street, and fire department boats were moored to street lamp poles, hosing down store fires.”

“The rescue continued for days and the physical recovery took months,” he said. “The mental state of Bound Brook was changed. We all wondered if our downtown would ever recover.”

RECOVERY MANAGEMENT

Today, Fazen is pleased that Bound Brook has recovered. Recently he, in collaboration with the U.S. Army Corps of Engineers, New York District, and partnering agencies, completed the Bound Brook portion of the Green Brook Flood Risk Management Project.

This significant development will help protect residents from experiencing another Floyd, and will drastically reduce their flood insurance and improve Bound Brook’s economy.

For the past century, Bound Brook and the surrounding region has been subjected to severe and sometimes devastating flooding resulting in \$2.5 billion (1996 dollars) in damages, widespread resident evacuations, injuries, and deaths.

“ Reduced flood risk is bringing new business to the Borough of Bound Brook and increasing its economy.”

In 2000, the U.S. Army Corps of Engineers began construction on the Green Brook Flood Risk Management Project. The Corps is working in collaboration with the New Jersey Department of Environmental Protection, Middlesex, Somerset, and Union Counties, the Green Brook Flood Control Commission and other partnering agencies.

The project is expected to provide comprehensive flood protection to the entire Green Brook Basin that covers 65 square miles in north central New Jersey and includes 14 municipalities in Middlesex, Somerset, and Union counties.

STORM READY

The basin is a depression in the land surface that experiences flooding from the Raritan River and its tributaries, the Middle Brook, Green Brook, Bound Brook, and Stony Brook during heavy rain and storm events.

The most severe flooding has occurred

in downtown Bound Brook, within the Borough of Bound Brook in Somerset County. Besides Floyd, the basin was flooded in August 2, 1973, by a big Storm and from April 15-17, 2007, by a Nor’easter.

The project includes constructing an elaborately engineered system of levees, flood walls, closure gates, and pumping facilities throughout the Green Brook Basin. In addition, channels are being modified; buildings are being flood proofed, voluntarily bought out, or demolished; bridges are being raised and demolished; and wetland mitigation is being performed.

The project is designed to provide flood protection up to a 150-year storm event. “This is a flood whose strength and water height is predicted to occur, on average, about once in 150 years,” said Robert Greco, project manager, U.S. Army Corps of Engineers, New York District.

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Flood-Prone Community

The project as a whole is still in progress, but the Bound Brook portion is completed.

Greco explains the completed work, “To prevent water from the Raritan, Middle Brook and Green Brook Rivers from flooding the Borough of Bound Brook we constructed levees and flood-walls around the borough.”

“We also constructed an interior drainage system that includes pump stations and interior drainage pipes that will convey the water on the protected side to the pump stations during a rain event,” said Greco.

BUSINESS-BOOSTING BARGAIN

In July 2016 flood insurance requirements changed in the Borough of Bound Brook. According to Fazen, approximately 500 properties will no longer be required to pay flood insurance and the value of those properties along with all

the properties in the Borough of Bound Brook will increase 10% to 20%.

Reduced flood risk is bringing new business to the Borough of Bound Brook and increasing its economy. Greco said that this is evident by the presence of stable businesses moving onto Main Street in Downtown Bound Brook and the development of two major apartment complexes.

Fazen said, “Potential flooding has always inhibited outside investment and with the threat of flooding reduced, development is accelerating.”

Fazen added that new development projects are also no longer burdened with state flood regulations and flood insurance costs. 📍

Dr. JoAnne Castagna is a Public Affairs Specialist and Writer for the U.S. Army Corps of Engineers, New York District. She can be reached at joanne.castagna@usace.army.mil. Follow her on Twitter at [writer4usaceny](https://twitter.com/writer4usaceny)



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Constituents' Viewpoint

Bound Brook residents like Alberto Torregroza, who has lived in the Borough of Bound Brook for 26 years and raised five children there, are satisfied with the work done in Bound Brook and the reduced flood insurance.

“This is great news that we have been waiting for years to hear,” said Torregroza. “The significant reduction of our flood insurance will help us save money. The insurance may even be totally eliminated. Now we can improve the appearance of our homes and the entire town with continual maintenance and redevelopment plans.”

Torregroza’s family has been flooded out of their Bound Brook home several times since 1992. This included experiencing the devastation caused by Tropical Storm Floyd.

“The completion of this flood project will prevent us from seeing another major storm such as Floyd,” said Torregroza. He continued, “When there are children involved in these difficult and trying situations as was the case with our family, it is an indescribable state of confusion, disbelief, and financial hardship that affects the entire family and everyone in the community.”

Mayor Robert Fazen noted that the change has brought residents peace of mind, “The residents of Bound Brook are ecstatic. We always had the threat of flooding in our minds. With this project, residents feel a sense of safety.”

The change is a hope for better things to come, Torregroza added. “Bound Brook is a beautiful town and we are grateful to all the parties involved for their efforts and determination to get this done,” he said. “We are really going to see this community prosper, grow and improve its quality of life.”

DUNES ARE CRITICAL

Seaside goldenrod in Barnegat Light NJ
Photo by Ben Wurst

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Hybrid Turf Fields

Making the best of your recreation space and dollars

By Al Morgan, Mayor, New Providence



“The goal from the start has been to maximize space for multi-use and once completed this will be a community complex of which we can all be proud.”

Providing adequate and usable open space for recreation is an essential component in maintaining the balance of work and life activities within your community. While budgetary constraints can make this a daunting task at times, having a support staff that works together to provide research, ingenuity, imagination, negotiation, and perseverance is invaluable in providing viable options. In several playing fields within New Providence, we have re-worked existing recreational space to increase playability, duration, and diversity of sports within the original physical profile while at the same time, decreasing overall maintenance.

Stretching the Fields

An inspection performed in 2008 by the Borough of New Providence’s Master Plan Recreation Committee revealed it was four grass fields short for its size, population, and level of activity. The determination was made that three synthetic turf fields, the second of which is Oakwood Park, would help meet the needs of our community.

In 2013, we had great success re-working Hillview Field which has two baseball fields that share a common outfield

with the infields positioned on a downward slope. Without any sort of drainage, stormwater runoff caused erosion and flooding, hampering the fields’ high level of play with constant closures for a duration of up to eight months annually. When the fields reopened for play, the damp and damaged fields made it dangerous for players and impossible for users with physical disabilities. Recognizing the importance of a safe recreational environment for their community, we budgeted \$300,000 to return the fields to our residents.



The Process

This project was so successful that we are now in the process of implementing the same strategy at Oakwood Field. Oakwood offers a larger space with two levels of field area, two manmade ponds used for ice skating in winter and fishing in summer, nature trails, pavilion, basketball court, two buildings for



ACHIEVEMENT: LEAVES AN IMPRESSION

Through the cooperation of our staff, consisting of Councilman Jim Madden, Councilman Rob Muñoz, and Councilman Bob Robinson, Borough Engineer Maser Consulting, and Field Turf, the synthetic turf company, we successfully developed a plan to employ synthetic turf in the infields while maintaining the outfields as natural grass.

Without the danger of erosion, players, including handicapped users, can now utilize the infield to play all year round. Measures were taken to reduce excess water and control any backflow in the outfields as the new hybrid field includes drainage under the synthetic turf. Water making its way to the outfield becomes groundwater recharge and any excess is carried to nearby streams, making this tactic more environmentally friendly than the standard synthetic turf installation.

Additionally, the project implemented a planting program to incorporate 50 new species of plants and trees around the fields. Through ingenuity and careful management, the project was completed at exactly \$300,000 and has restored this community's much-needed park.



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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Hybrid Turf Fields

concessions and restrooms, horseshoe pit, bocce court, canoe launch, and covered picnic area with grills and playground equipment. But like Hillview, Oakwood has been plagued with downtime due to poor drainage and turf condition. The fields have inadequate layout standards and the upper field had an 8-foot grade differential on the playing surface. To make it worse, a row of JCP&L high tension wires cross the property which meant specific permitting and permissions had to be obtained to build beneath the towers.

In order to extend space on the lower field, one of the two manmade ponds were removed which left space to bring the lower field up to standard. The pond will be used for skating and fishing and has taken on a third usage as a detention pond and drainage outlet.

The new lower field is completely surfaced with Field Turf synthetic and striped to accommodate 40/60 and 50/70 baseball (with portable pitcher's mound), with additional mark-outs for softball, Little League and Babe Ruth, soccer, Lacrosse for men and women, and 100-yard Pop Warner Football. Musco-level lighting has also been added.

The severity of the upper level field's grade was lessened from approximately 8 feet to about 2 feet using a 7-foot retaining wall. To increase its versatility, it is now being used for 50/70 and 60/90 baseball with a natural grass outfield and synthetic turf infield.



Conclusion

Full-out synthetic turf installation is an expensive proposition for such a large area. But it has many advantages including little in the way of maintenance: no watering, weed control, fertilizing, or mowing is required. It has longevity, looks good, dries quickly after a rain storm, provides a gentler impact lessening the chance of injury, and has a softer ecological footprint.

Once the drainage issues were properly addressed, it was safe to pursue a mixture of synthetic and natural turf which helped us to better balance our initial output as well as recurring maintenance

costs. This combination will help ensure the fields' future continuous usage. Overlay striping on the synthetic field accommodates each type of recreational activity and because it is painted onto the synthetic turf, it prevents striping to have to be done over and over.

As with Hillview field, residents have been encouraged to utilize the synthetic turf areas to give the natural grassed areas downtime to rest in this busy recreational community. The goal from the start has been to maximize space for multi-use and once completed this will be a community complex of which we can all be proud. 🦋



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Sharing Surveillance

South Plainfield borough and police department coordinate volunteered video in fight against crime

By Matthew Anesh, Mayor, Borough of South Plainfield



In an effort to enhance its efforts to solve crime and keep the community safe, the Borough of South Plainfield and South Plainfield Police Department implemented the Citizens' View Security Camera Program. A purely volunteer program, Citizens' View Security asks homeowners and businesses with private surveillance cameras to register them with the borough.

According to South Plainfield Detective Sergeant Garrett Cassio, the goal is to make South Plainfield an undesirable place for criminals to commit their crimes. Registering your business or personal surveillance camera may help deter crime and assist the police department in its overall crime prevention strategy.

Last year South Plainfield Police Chief James Parker approached me and the Public Safety Committee with the idea of implementing the Citizens' View Program and everyone was all in. The South Plainfield Police have already been able to make arrests based upon residents coming forward with surveillance video, said South Plainfield Police Chief James Parker.

Originally Detective Cassio, along with South Plainfield Officer Lloyd McNelly and Detective Lieutenant Dan Noonan presented South Plainfield Police Chief James Parker with the idea of creating a database to keep track of the surveillance cameras in town. Cassio notes that many South Plainfield residents and business owners currently operate surveillance systems at their home or business, however, the police are not always aware of who may have potentially vital information. In turn, residents with security cameras in place aren't always aware that their system may have captured information that could help solve a crime.

CAMERAS...ACTION!

The Middlesex County Prosecutor's Office approved the Citizens' View Security Camera Program in January and residents and businesses have already started to participate. Through the Citizens' View Security Camera Program, the South Plainfield Police Department will be able to quickly identify if there are nearby cameras that may have captured criminal activity. If necessary, police personnel may request to view camera footage in order to assist in the investigation, apprehension, and/or prosecution of the criminals involved.

It's important to note that homes or businesses who register with the program will only be contacted by police if a criminal incident occurred



Mayor Matt Anesh and Detective Sergeant Garrett Cassio.

GETTING STARTED

The borough provides residents with the following notice regarding the program, which can be customized for your municipality:

If your residence or business has a security camera system, and you wish to register for the South Plainfield Police Department's Citizens' View Security Camera Program, you may do so by completing the Private Video Surveillance Camera Registration Form available online as Citizens View Security Camera Program (pdf) at southplainfieldnj.com/spnj/Announcements.

Completed forms can be dropped off at the police department's front counter or mailed to the South Plainfield Police Department, 2480 Plainfield Ave, South Plainfield, NJ 07080.

in the vicinity of their security camera. Therefore, residents need not have concern that 'Big Brother' is watching.

In the beginning there were some questions on whether or not it was a compulsory program, and once the public realized it was a voluntary crime prevention tool, the public became very receptive.

Any information provided to the South Plainfield Police Department regarding residential camera systems will be for official use only. The personal information is kept confidential and is not used for public dissemination.

As Mayor, I want to make sure the public is aware that this program is strictly voluntary, and a success. 

CRIME-FIGHTING FOOTAGE

Video surveillance is one of the best methods for apprehending criminals and convicting suspects who are caught in the act of committing a crime.

Detective Sergeant Garrett Cassio credited footage from residential and business surveillance cameras with the identification of a serial bank robber who committed more than eight robberies in Central New Jersey last year.



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Public Private Partnership Success Stories

Insight on the winning ways of projects honored by the NJLM/NJBIZ Innovation in Public Private Partnerships Awards



Reflecting the increasing importance of public private partnerships (PPPs or P3), New Jersey League of Municipalities and NJBIZ recognized creativity and ingenuity of municipalities and businesses throughout the state with the Innovation in Public Private Partnerships Awards.



Above: NJLM Second Vice President Mayor Colleen Mahr of Fanwood presents awards to project representatives. The Fanwood Project's (l to r) Alyssa Mistretta and Cara Pavia from Community Access Unlimited with Mahr. Left: Old Bridge Mayor Owen Henry. Above left: The NJ Reentry Program with former Governor Jim McGreevey (center) at the NJBIZ/NJLM Innovation in Public Private Partnerships Awards.

The *Innovation in Public Private Partnerships Awards* recognizes P3 innovations undertaken in the past 12 months, honoring and recognizing unique public private partnership programs that showcase innovative and practical approaches to, and notable successful examples of, government and private sector partnerships that achieve public benefits.

Public/private partnerships help the public sector to finance or operate traditional public sector operations. The honorees represented projects filling a wide variety of business and community needs such as Infrastructure, Economic Development, Housing and Welfare, Public Safety, and Quality of Life Services.

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Public Private Partnerships Awards

The honorees include:

AeroFarms New Corporate Headquarters
Campus Town at The College of New Jersey
Fanwood Project
Floodplain Protection and Blueway Design in Bergen County
Hat City Lofts
Heritage Village at Bloomfield
Foebing Lofts
Marion P. Thomas Charter High School of Culinary and Performing Arts
MechForce Mechatronics Program
New Jersey Reentry Corporation
Newark Avenue Pedestrian Mall
Goethals Bridge Replacement Project
Hoboken Waterfront Development
Waterfront Corporate Center III
Project Community Pride of the Madison Area YMCA and the Community Mental Health Initiative
Holly Pointe Commons
Shaping Elizabeth—Mravlag Mobile Market
Somerset County Branding Project
Teachers Village 7
The Hahne & Co. Building
Old Bridge Business Alliance
The Salvation Army Camden Citadel Corps.

Judges for the new award were: Caren Franzini, President, Franzini Consulting; Chris Paladino, President, DEVCO; Christina Foglio, CEO, Community Investment Strategies; James Jughes, Dean, Rutgers University, Edward J. Bloustein School; Michael Francois, Professional Planner and Development Consultant; John G. Donnadio, Executive Director, New Jersey Association of Counties; Frank Belluscio, Deputy Executive Director, New Jersey School Board Association; and Colleen Mahr, Mayor, Fanwood; Second Vice President, New Jersey League of Municipalities.

Mayor Mahr was also on hand for the award presentation, an event held this fall in Somerset, and spoke of the success of many efforts for municipalities and businesses to work together.

When League Immediate Past President, Mayor Joseph Tempesta of West Caldwell started his tenure as president in late 2015, she noted, he made it a priority to foster better understanding among municipal officials about the benefits and creative uses of public private partnerships. “He led through the example in his own town where they needed more fields for recreation. They partnered with a large corporate citizen who had unused open space and together they created several soccer fields that

now serve the recreation needs of the community; cut maintenance costs for the corporate property; and keep the property available for potential long-term needs of the corporation.”

She added: “The value of public private partnerships shines brightest when both the public community and the private interests are both served; when a public need is filled at the same time a private goal is attained; when our social needs as a community are realized at the same time the community’s economic engine is sustained.”

Over the coming months, *NJ Municipalities* will be highlighting some of the honorees featured in a special supplement published by *NJBIZ*.

Fanwood Project: Residence Turns Negatives into Positives for Neighboring Towns and Underserved Population

It took one special project to unite two boroughs and remediate two unsightly properties for the benefit of an underserved population.

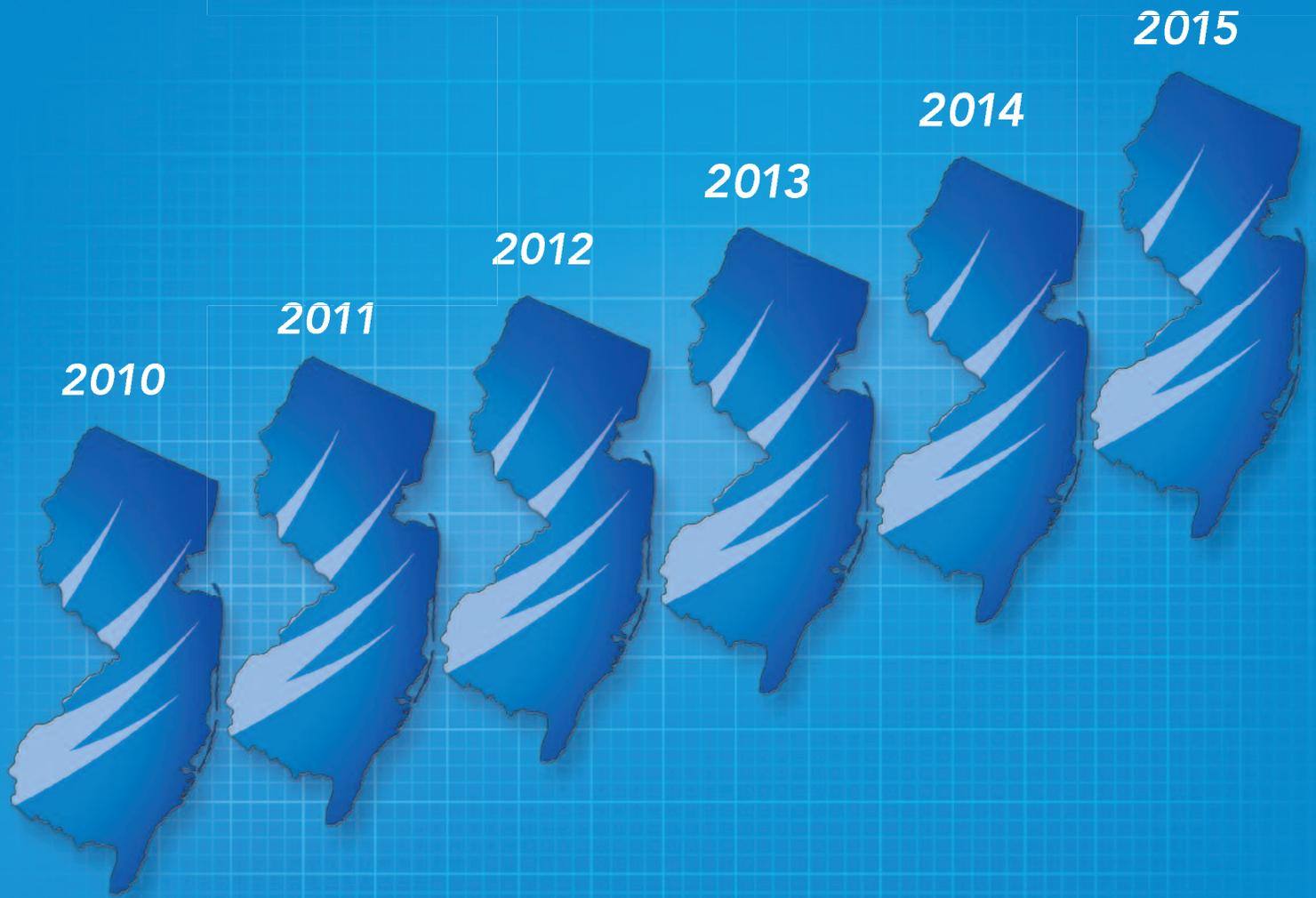
In 2014, Community Access Unlimited (CAU) welcomed the challenge of razing, rezoning, and redeveloping the burnt out remains of Rocco’s Tavern in Fanwood and an abandoned duplex next door in Scotch Plains.

Working with multiple municipalities, state, and federal agencies, CAU oversaw the adjoining of the Terrill Road lots and construction of a three-story, mixed-use facility that is equipped to serve residents with physical and developmental disabilities.

“CAU seems to specialize in dealing with complicated properties and making

What was the benefit of the project to the public partner?

The Township of Scotch Plains and Fanwood have both been enhanced by the project as the building’s aesthetic look and design improves the appeal of the surrounding neighborhood. The Borough of Fanwood now boasts additional affordable housing units, which enhance the property values around the area. The residents living at the Fanwood Project have benefitted most of all. Because of the vision of Sidney Blanchard and the dedication to providing accessibility and independence to people in the community, tenants of the building who are in need of accessible housing are able to reside in a spacious, safe, and energy-efficient building at an affordable rate.



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Public Private Partnerships Awards

them work out,” said Sid Blanchard, executive director of AU, the nonprofit human services agency that provides support services for individuals with developmental disabilities and at-risk youth. “Instead of creating negative issues in the community, we make positive contributions and add value to the community.”

Unexpected Complications

But before that could happen, Hurricane Sandy hit, further complicated the project. The site escaped storm damage but attracted the attention of the federal government when the state’s flood maps were being redrawn.

“Abutting the property is a small stream that disappears into two huge tunnels that you could drive a Volkswagen through under the property,” Blanchard said. “On the new flood map, the federal government took the stream that ended there and connected it to Terrill Road to make it neat. It was arbitrary and inaccurate, but since it was in the middle of our project, we had to go to the Department of Environmental Protection to get an exception.”

With the new flood map threatening to derail the project, CAU hired an environmental specialist to work with Fanwood and Scotch Plains, preparing both municipalities for their exception presentations before the DEP.

“DEP looked at it and asked us to raise the base half a foot and move the footprint 12 feet away from this imaginary stream,” Blanchard said. “To do that, we had to go back to the towns and get another zoning variance.”

Cooperation from both towns expedited the processes, and in 2015 the more than 10,000-square-foot, barrier-free facility opened. The lot, just blocks from bus lines, a train station, and shopping and medical facilities, contains a parking lot with 26 spaces.

The building includes two commercial units—now being used by CAU as training facilities—and two three-bedroom units on the first floor. The apartments are staffed 24/7 by CAU and reserved for low-income individuals with developmental disabilities earning less than 80% of the Housing and Urban Development Area Median Income.



“There are thousands of people in New Jersey with developmental disabilities waiting for housing,” said Blanchard, who adds the Fanwood project is unique in that instead of segregating individuals with developmental disabilities, it integrates them into the community.

The second and third floors contain two one-bedroom units each, four which are reserved for low-income individuals with physical disabilities.

Barrier-Free Affordable Housing

“The aging of the baby boom generation and veterans returning with mobility issues has exacerbated the lack of barrier-free affordable housing,” he said.

To accommodate those residents, the complex includes an elevator, spacious hallways and doorways, roll-in showers, and is fitted with a fully automatic generator. This feature will allow necessary power to remain on in the building in case of an emergency power-outage and ensure that the people living in the units (some who utilized powered life-essential medical equipment) are not without power.

The nearly \$2.4 million project partnered CAU—who brought on Guerra Architects, Hehl & Hehl P.C., Puder and Poltrock, LLC, EKA Associates, PK Environmental, and Woodruff Developers—with several organizations including the TD Charitable Foundation, Valley National Bank, the Borough of Fanwood, and the Township of Scotch Plains. The TD Charitable Foundation awarded CAU \$100,000 through its “Housing for Everyone” Grand Competition. Valley National Bank provided CAU with a \$5,000 grant to assist in the cost of the project.

By revitalizing a rundown, abandoned part of the neighborhood, the project

helps to raise the value of neighboring residences. And since CAU also is the property manager for the building, the firm invested resources up front to minimize maintenance costs down the road.

Campus Town at The College of New Jersey: Main Street-Style Student Housing Project Opens Once-Isolated Campus to Public

If you want to build quality student housing, hire a building professional, not an academic.

“Colleges are educational institutions, they are not construction companies or hotels,” said Greg Lentine, director of Campus Development for the PRC Group. “With budgets getting tighter every year and schools trying to maintain the cost of education, it’s stretching colleges to the limit. It’s getting harder to afford to give the best education and have the best housing.”

But that’s just what New Jersey universities were forced to do—fund, build, and manage their own student housing—until the New Jersey Economic Stimulus Act of 2009 enabled public institutions to enter into partnerships with private firms.

The act spawned a spate of new construction on colleges across the state, including the trailblazing Campus Town project at The College of New Jersey in Ewing Township.

Started in 2014, the student housing project—entirely financed and managed by PRC Group, a West Long Branch developer and property management company—was the second in the state approved under the Economic Stimulus Act and one of only a handful nationwide to have absolutely no negative impact on taxpayers or a college’s balance sheet.

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Public Private Partnerships Awards

“The biggest thing that makes this one impressive is it’s a totally off-book transaction,” Lentine said. “The college can take the money they would have spent on housing and put it into academics.”

As acting developer and operator of Campus Town, PRC Group took on the \$120 million risk to build the complex that blends student housing with retail space and assumed responsibility of a 50-year ground lease, which means students and retailers pay rent to PRC instead of TCNJ.

In return, the college receives rent for the land, all the benefits of adding 612 beds for students, and a new center of campus life, while not having the burden of operating, managing, or paying for the project. And Ewing Township now receives a payment for property that previously was tax exempt.

But Campus Town is more than a means to an end. It’s a mini Main Street that opens a once-isolated campus to the public and lessens dependence on cars—as both students and the community can walk safely to the shops.

“It adds a whole new dynamic to the school,” Lentine said. “In the past, the public has been educated to staff off the college campus and students are told to stay on campus, so students and learning were isolated and internal. This creates a natural meeting area for the public and students.”

How has the project benefitted the public partner?

Campus Town provides a single place where students can live, the public and work and shop all within the confines of a “main street” community. The project also lessens dependence on cars as both students and the community can walk safely to the shops. To support the environmental concerns, the project is LEED compliant and PRC has partnered with a car sharing company to provide the public with access to cars for a minimal hourly fee, negating the necessity for additional cars on campus. The partnership has brought together the importance of social and intellectual growth.

Campus Town is a model for success in all areas of collaboration with, a higher institute of learning, the State and Local Government and the surrounding community. PRC has presented to many colleges as they look at Campus Town to plan their own projects. Towns have visited the project to determine how their community can benefit from a similar arrangement.

Campus Town’s 278,00-square-foot first phase—130 one-, two-, and four-bedroom apartments for 446 students and 80,000 square feet of retail space—was completed in August 2015 on time and on budget. The project’s second phase—54 apartments for 166 students—opened in time for the fall 2016 semester.

Considered an upscale alternative to dorms and off-campus living, the apartments are fully occupied and include shared kitchens and living space, private bedrooms, a fitness center, shopping, dining, and gated parking. And all but 6,000 square feet of the complex’s retail space is spoken for, with operations including Brickwall Tavern, Panera Bread, Barnes & Noble, Verizon Wireless, Piccolo Pronto, Spencer Savings Bank,

El Mexican Mariachi, Yummy Sushi, California Tanning, Polished Nails, and Redberry Yogurt.

“A business needs business 12 months of the year to survive properly. College is empty four months of the year,” Lentine said. “We surveyed all of the businesses in the area and identified the need for the area and for the college, and where those sections overlapped, those were the businesses we went for.”

The hope is this unique downtown design will encourage students to stick around campus on the weekends and, ultimately, if replicated at other New Jersey schools, keep more students in state.

“College is becoming extremely competitive in attracting students. Having a housing component with a public section lets them stand out from other colleges,” he said. “I’ve been getting calls from a number of colleges who also are trying to create a similar village atmosphere.”

While Lentine calls Campus Town a “win-win” for the school and PRC, he points out that public-private partnerships—especially between entities with very different approaches to decision-making—can present challenges.

“Academics and developers speak two different languages, but the most important thing is to have the right partners because this relationship is going to last 50, 60, 70 years,” he said. “We are planning for the future; there is a lot to think about and we have to work together, the administration, faculty, staff, and us. Having the right partners is critical to making it a successful relationship for all.”



Campus Town

GOLD DOME



In Just Three Weeks, the World Turned Upside Down

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

For a year, New Jersey's political landscape has been set. There were going to be fights and everyone knew who was doing the fighting and what they were fighting about.

By Labor Day, anyone watching Trenton knew:

There would be a huge battle over a constitutional amendment to permit casino gambling outside of Atlantic City.

The Democratic fight for the party's 2017 gubernatorial nomination would largely involve the three best-funded candidates: Jersey City Mayor Steve Fulop, Senate President Steve Sweeney, and former Goldman Sachs executive and German ambassador Phil Murphy.

The federal Bridgegate trial would proceed, but it wouldn't have much impact on Governor Chris Christie.

The stalemate over the Transportation Trust Fund, which ran out of money on July 1, was going to extend through at least through the general election.

And the potential gubernatorial candidacy of Lt. Governor Guadagno would be hurt because of her steadfast loyalty to the increasingly unpopular Christie.

And then, in the span of three weeks, just 21 days in September and October, everything changed.

It was, to borrow a phrase from Lin-Manuel Miranda's Hamilton, "the world turned upside down."

Bridgegate Having won reelection in November 2013 with 60% of the vote, Christie was riding high. Bridgegate stopped the momentum and has, along with his ill-fated presidential run and subsequent joining of Donald Trump's inner circle, led him to historically low approval ratings.

The trial itself was to be more of a coda to the political impact of the scandal. After all, the governor himself was not charged.

But starting on September 19, bombshell after bombshell exploded in the Newark federal courthouse. Christie has been portrayed as a tyrannical boss, prone to tantrums and vulgarities. The whole trial has been far juicier than many expected.

Casinos in North Jersey The fight over extending gaming into places like Jersey City and Secaucus was going to be a battle for the ages. Millions of dollars and thousands of jobs were at stake.

The Our Turn NJ team, heavily backed by billionaires Jeff Gural and Paul Fireman, were flooding voter mailboxes with the benefits of gaming expansion.

To the surprise of many, the anti-expansion folks attacked Trenton politicians. Suddenly, the debate was no longer about the pros and cons of gambling, but the pros and cons of the state's political class.

Facing an electorate that simply didn't trust elected officials to do the right thing, the rational arguments on gaming didn't matter. On September 22, Our Turn NJ announced it would stop funding what was expected to be a multi-million dollar campaign.

The Democratic 2017 Primary Even Jersey City Mayor Fulop's closest political supporters had no idea that the 39-year-old would drop out of the race. Many of them found out just hours before the announcement on September 28.

Fulop also immediately endorsed Phil Murphy's candidacy and within days, Democratic Party organizations in vote-rich north Jersey rallied around Murphy as well. Sweeney, with a smaller base in south Jersey, was counting on a large, multi-candidate primary to split the overall vote. But with his path to victory slipping away, he dropped out of the race on October 6.

Transportation Trust Fund (TTF). By early September, many Trenton observers were not optimistic that the TTF would be reauthorized anytime soon. The three key players—Christie, Sweeney, and Assembly Speaker Prieto—were at loggerheads with no end in sight.

Then a NJ Transit train crashed into the Hoboken Train Station on Sept. 29, killing one and injuring hundreds. A TTF deal was announced the following afternoon. Talks were probably happening before the Hoboken tragedy, but it's hard to imagine anyone wanted to face press inquiries on the state's fragile infrastructure while not funding necessary maintenance and improvements.

The Republican 2017 Primary Christie's strong role in the Trump campaign, and the power he retains as governor until he leaves, continues to hamstring fellow GOP'ers who are looking to set their own course.

So it was striking to see Lt. Governor Guadagno, on October 9, 20 days after the start of the Bridgegate trial, break from Christie to say she would not vote for Trump. It was Guadagno's most public display of independence during her seven years in Trenton.

As we approach the end of 2016, New Jersey has an entirely different landscape than we expected just a couple months ago—and it all happened in the span of three incredible weeks.

Democrats are unifying around Phil Murphy for governor. Christie's most loyal supporters are breaking away, and the Bridgegate trial continues to impose damage on his reputation. Casino expansion is dead for now, and the TTF is finally funded, though the political costs are still being calculated.

That's where things stand today... until they change again. 🍻

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

League Officers for 2016-2017 Elected

New Jersey's mayors elected its new slate of officers and executive board members at the League's Annual Business Meeting in Atlantic City on Thursday, November 17. These public servants will help represent the interests and needs of New Jersey's local elected officials from the state's 565 municipal governments to county, state, and federal governments.

Nominating Committee Chair Brian Wahler, Mayor of Piscataway and NJLM Past President presented its nominations for the offices of President, 1st, 2nd, and 3rd Vice Presidents, and 21 positions on the Executive Board, thereby fulfilling its Constitutional responsibility.

The board must include members from municipalities located

in each of New Jersey's 21 counties. Another consideration is that, because of the diversity of population, growth patterns, and other general factors, the nominating committee must ensure the essential balance of municipalities—urban, suburban, and rural.

Another topic in the development of the recommendations list is balance—even though the League is non-partisan in nature, the committee strives to ensure the maintenance of a balance between the major political parties represented on the Executive Board.

Finally, the nominations factor in whether an individual in consideration for nomination has demonstrated an interest in League affairs through active participation on League committees by support of the League policies and programs.

Taking all of those matters into its determination, the committee presented its selections and the following officers and Executive Board members were elected for service in 2016-2017. 🗳️

2016-2017 League Officers

ALBERT B. KELLY President;
Mayor, Bridgeton

JAMES L. CASSELLA 1st Vice President;
Mayor, East Rutherford

COLLEEN MAHR 2nd Vice President;
Mayor, Fanwood

JAMES J. PERRY, SR. 3rd Vice President;
Mayor, Hardwick

Executive Board

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RANDY BROWN Mayor, Evesham

WILLIAM J. CHEGWIDDEN Mayor, Wharton

FRANK J. DRUETZLER Mayor, Morris Plains

JONATHAN DUNLEAVY Mayor, Bloomingdale

SEAN ELWELL Mayor, Elsinboro Township

DANIEL FLYNN Councilman, Newton

STEVEN FULOP Mayor, Jersey City

RAYMOND HECK Mayor, Millstone Borough

SUSAN HOWARD Mayor, Monmouth Beach

THOMAS F. KELAHER Mayor, Tomas River

JANICE KOVACH Mayor, Clinton Town

LIZ LEMPERT Mayor, Princeton

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GAYLE BRILL MITTLER Mayor, Highland Park

GARY PASSANANTE Mayor, Somerdale

WILLIAM PIKOLYCKY Mayor, Woodbine

JOSEPH TEMPESTA, JR. Immediate Past President;
Mayor, West Caldwell

PAUL H. TOMASKO Mayor, Alpine

JANET W. TUCCI Mayor, West Long Branch

JESSE TWEEDLE, SR. Mayor, Pleasantville City

Bridgeton Mayor Albert Kelly Elected League President



On Thursday, November 17, 2016, Mayor Albert B. Kelly of Bridgeton was elected to serve as the new President of the New Jersey State League of Municipalities. Mayor Kelly, who previously served as the League's 1st Vice President, was elected during the Annual Business Meeting at the League's Conference this year in Atlantic City.

As President of the New Jersey League of Municipalities, Mayor Kelly will help guide the association, representing local elected officials from New Jersey's municipal governments. He will serve as a driver for the direction of the League's priorities, tapping into his knowledge and experience to move its efforts forward.

President Kelly was first elected Mayor for the City of Bridgeton on July 1, 2010, winning 76% of the vote. He was re-elected, running unopposed in November 2014. In addition to his service as Mayor, he has volunteered and has been appointed to various community boards and leadership positions, including the Bridgeton Board of Education, Cumberland County College's Board of Trustees, Chair of the Cumberland County Selective Service Committee, former City Council President, and Former President of the Local Police Athletic League.

Mayor Kelly currently holds the following board memberships: former President of the New Jersey Community Action Association, Board Member-Bridgeton Area Chamber Of Commerce, Chairman of the Cumberland County Improvement Authority, member of the County Workforce Investment Board, President of the Cumberland County Black Hall Of Fame, Board Member of the Allegheny East Conference of Seventh Day Adventist

Churches, former National Region II Representative to the Community Action Partnership Board of Directors, Cumberland County Empowerment Zone, Cumberland Development Corporation Advisory Board Member for PNC Bank, and Board of Directors Inspira Health Network.

In addition to his prior service on the League of Municipalities' Executive Board, Mayor Kelly is an active member of the League's Legislative Committee. The Bridgeton native is a graduate of Trenton State College (College of New Jersey) and has worked in the state and municipal court system. He has received recognition, honors, and awards at local, state, and national levels for his outstanding dedication to human and community services.

Mayor Kelly has four daughters—Lindsay, Aisha, Rachel, and Sarah. He is also a First Elder at Bethany S.D.A. Church



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FINANCE CENTER

Budget Process Overview

By Jon Rheinhardt, Administrator/CFO, Wharton Borough; 1st Vice President, Government Finance Officers of New Jersey

The development and adoption of a municipal budget is one of the elected official's most important responsibilities. The budget is the funding tool for the various operations of a town. It is representative of the public policies of the town as a whole and how they are funded. In addition to operations, the budget document is the first step in laying out a capital program for the maintenance and expansion of the town's infrastructure and equipment. All of these funding sources are put into place balanced with the tax burden in mind. The last thing an elected official wants to do is raise taxes. However, in most cases a reasonable budget requires some form of a tax increase to keep up with other costs going up around us.

Utility costs, union contracts, non-union labor costs, health benefits, pension obligations, State-imposed costs, and many more costs all come into play when formulating the budget. Balancing these demands along with requests from your residents for additional services and the services already in place becomes a daunting task. Keep in mind that it is impossible to make everyone happy—it is part of a balancing act.

Taxes are traditionally the revenue of last resort. This means that we know what our expenses are, we know what other revenues are available to pay for those expenses, and the final funding portion is taxes.

Never-Ending Budgeting Process

The budget process is not one that begins or ends at a specific time. The budget process should be never-ending and evolves with time and information. Even though you may be done with this year's budget, you are still looking back at last year's budget to see what happened and also looking ahead to plan for what may be coming. Most towns have established a budget calendar to highlight when they hope to achieve certain things. For example, budget letters to departments requesting them to submit their budget requests could go out in August with an expected return sometime in September. These requests, along with non-departmental budgets for items such as debt, capital, health benefits, pension obligations, etc., are completed as the information becomes available. Generally all of these items should be known

around late October to Early November. The proposed budget is generally known as you enter the month of December.

The final component of the budget is the revenue portion, which is dependent upon the final amounts realized against last year's budget. The reason for this is that we can anticipate revenue up to the amount that was received in the prior year. In some cases we won't know that final amount until we have closed out the books for the year. However, there is nothing to prevent you from estimating the amount for purposes of a preliminary budget.

Temporary Budgeting

I am asked all the time why we can't have a budget done before the year starts—and what is this thing called a temporary budget. We essentially budget on a cash basis and have to know what the final numbers of the preceding year are before introducing and adopting our budgets. Fund Balance (Surplus) is an important component of our budget. This number is not known until we close out the finances for the year. The amount used to support the next budget, for the most part, represents cash. The creation of a temporary budget allows for the statutory process of introducing and adopting the municipal budget. The temporary budget also allows the municipality to meet its required obligations, such as payroll, debt service, and other expenses, until such time as a budget is adopted.

The Annual Financial Statements (Unaudited) and the Annual Debt Statements are required to be filed no later than February 10 and January 31, respectively. These documents become the basis for reviewing the proposed budget and the financial obligations and requirements that they disclose. I stated earlier that the budget could be introduced as early as January 1. In order to introduce that early these financial statements would be required to have been filed with the state before you could introduce your budget.

The above calendar assumes that the State Aid numbers are available and that the State has not issued a Local Finance Notice modifying the calendar for submission. I have intentionally stayed away from departmental budget hearings and when they occur. This is contingent upon your form of government and tradition of town. Some are done by the full governing body, finance committee only, town manager, etc.

Understanding Impacts

You may be thinking that once that budget has been adopted

Creating a Budget Calendar (Calendar Year Municipalities)

The budget can be introduced as early as **January 1** But not later than **February 10** (or the date set by the Director of Division of Local Government Services).
 This assumes that all of the financial information needed for the budget is available and filed with the state. The budget hearing and adoption occurs at least 28 days after the introduction but should not be later than **March 20** (or the date set by the Director of the Division of Local Government Services).
 The 28-day waiting period allows the public to digest the budget and ask questions. The public hearing is the appropriate time and place for these questions to be asked and answered. That is not to say that the public cannot ask these questions during the waiting period.

and you have survived the public hearing that you are done. That is the furthest thing from reality. Any decision that a governing body makes with financial implications has the ability to affect the current year budget, as well as many future budgets. Passing a Bond Ordinance has future financing requirements that need to be factored into future budgets.

The Elected Perspective

As elected officials you are not required to perform these functions; that is what you have professional staff for. The Finance Officer in conjunction with the Administrator/Manager or other administrative professional staff should be looking at these impacts and advising you accordingly. Your responsibility is to understand that these decisions have

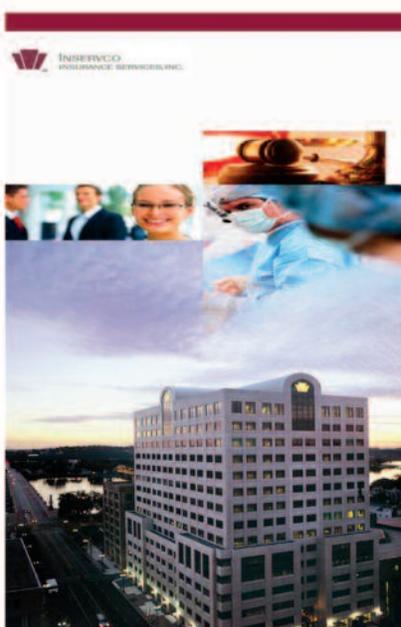
a future impact. This is not intended to scare you away from voting in favor of a bond ordinance. As you may have seen in recent news, failure to maintain municipal infrastructure has its own set of financial pitfalls that can amass quickly if not addressed.

The timing of when you adopt bond ordinances and issue debt is important when looking at your budget process. How much debt can your tax base actually afford in the current year budget is a key question. Is your debt service driving your potential tax dollars needed to balance your budget? As part of your budget cycle and planning, a good capital and debt management plan is key.

An important factor to keep in mind is that all budget and financial decisions made today will have an impact on your community tomorrow. Making sound decisions and understanding the budget process will impact your community's ongoing financial viability. 📌

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New Wireless Facilities and the Municipal Right of Way—New Jersey Law Considerations

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

This article is a continuation of last month’s review of the legal issues related to the placement of wireless facilities, such as DAS, small cells and monopoles, in the municipal right of way (ROW). However, this time, we will discuss issues peculiar to New Jersey, rather than federal, law.

By way of background, there are two different types of wireless developers operating in New Jersey. The first group, wireless providers, are licensed by the FCC to use spectrum and provide personal wireless service. These entities are not regulated by the Board of Public Utilities (BPU). An example of this group would be Verizon Wireless or T-Mobile. The second group, facility developers, are not licensed by the FCC. They do not provide wireless service directly. They rent their wireless facilities to wireless providers. An example of this group would be Mobilitie Management, LLC or Crown Castle N.G. East, LLC. The Board of Public Utilities (BPU) has designated some facility developer Competitive Local Exchange Carriers (CLECs) and/or Interexchange Carriers (IXC).

This situation raises three New Jersey law issues that need some review. The first issue has to do with facility developers’ claim that they are operating as CLECs and IXCs (public utilities) in renting out their wireless facilities. The second has to do with municipal consent to these proposals. And, the last issue worth looking at: how to deal with the ability of local government to recover fees for the use of the ROW.

Concerns Regarding Facility Developers’ “Public Utility” Status

It is unclear whether facility developers can rely on their “public utility” status when proposing to construct wireless facilities in the ROW. Some facility developers have claimed that they must be provided access to the ROW because they are a “public utility” subject to the BPU. While it is clear that some facility developers have been given CLEC and IXC status by the BPU, it is less clear whether their proposals to construct wireless facilities in the ROW fall within their legal status as CLECs and IXCs.

Facility developers are constructing wireless facilities that are rented out to wireless providers. Consequently, it is not clear

that this activity can rightly fall within the purview of “telecommunications carriers” regulated by the BPU. N.J.A.C. 14:10-11(a)(2). The issue turns on whether facility developers are providing “telecommunications services.” This term is defined as, “[1]the offering of telecommunications for a fee directly to the public, or [2] to such classes of users as to be effectively available directly to the public, regardless of the facilities used.” N.J.A.C. 14:10-1.2.

It is possible that facility developer’s proposed activities in the ROW may not be considered “telecommunications services” under New Jersey law. There is an argument to be made that facility developers are not providing telecommunications directly to the public. Unlike wireless providers, they are not licensed to provide wireless service by the FCC. Rather, they allow wireless providers to use their facilities in the provision of wireless service. Regarding the second possibility, it’s unclear whether this relationship – the renting of facilities to wireless providers—means that facility providers are providing telecommunications to “such classes of users as to be effectively available directly to the public.” Facility developers are not selling their wireless capacity to the wireless providers who, in turn, sell it to consumers. Rather, they are simply renting out their facilities to the wireless providers who use their own spectrum to provide service to consumers.

This issue has not been resolved in New Jersey. There are no cases on point and the BPU has not provided any guidance. It should be noted that some states, like Minnesota, have told facility developers that their status does not mean that local governments are required to provide access to the ROW. As will be discussed below, even if facility developers are operating within their status as CLECs or IXCs, they must still seek local approvals to install their facilities.

Municipal Consent to Use the ROW

Wireless providers and facility developers need to obtain municipal consent to use the ROW. As a matter of New Jersey law, local government has total control over the ROW. The Appellate Division has held that, “a telephone company is ... not a free agent in the placement of utility poles along a public road but must conform to the dictates of a local governing body expressed by way of ordinances with respect to the location of poles.” *Oram v. New Jersey Bell Telephone*, 132 N.J. Super. 491, 494 (N.J. App. Div.

Fees for Using the ROW

Municipalities should also be aware that, contrary to the claims of some facility developers, towns' ability to recover fees for the use of the ROW may be limited. The statute at issue provides:

a. No municipal, regional or county governmental agency may impose any fees, taxes, levies or assessments in the nature of a local franchise, right of way, or gross receipts fee, tax, levy or assessment against energy companies subject to the provisions of P.L. 1940, c.5 (C.54:30A-49 et seq.) prior to January 1, 1998 or *telecommunications companies*. Nothing in this section shall be construed as a bar to reasonable fees for actual services made by any municipal, regional or county governmental agency. [emphasis added] N.J.S.A. 54:30A-124.

The bold portion was added by way of statutory revision in 1997. P.L. 1997, c. 162. This language has not been construed by any court. However, it would appear to limit the ability of local government to recover revenue from telecommunications companies for use of the ROW. Given the existence of the above quote language, it's unclear whether these fees can be validly levied.

1975). Wireless providers must receive consent from the municipality pursuant to N.J.S.A. 48:3-19 before installing DAS or small cells onto existing poles. The placement of new poles and fixtures requires local approval pursuant to N.J.S.A. 48:17-10. Facility developers, if they are operating as a "public utility," must receive a franchise from the municipality pursuant to N.J.S.A. 48:2-14. If a facility developer will be using the poles of another utility in the ROW, they too must receive municipal consent pursuant to N.J.S.A. 48:3-19.

Municipalities can require that wireless providers go through the zoning process as a condition of their approval to use the ROW. As stated in last month's column, the federal Telecommunications Act (TCA) explicitly preserved local government's authority over the siting of telecommunications facilities. 47 U.S.C. § 332(c)(7)(A). Thus, wireless providers must comply with local zoning, subject to the other restrictions found in the TCA.

Likewise, facility developers, if they are operating as a "public utility" when installing wireless facilities in the ROW, are subject to municipal zoning. This is because public utilities are not exempt from the local zoning process. In *Borough of Red Bank*, the Appellate Division clarified that "public utilities are subject to the municipal zoning power." *New Jersey Nat. Gas Co. v. Borough of Red Bank*, 438 N.J. Super. 164, 180 (N.J. App. Div. 2014), quoting *In Re Petitions*

of *PSE&G*, 100 N.J. Super.1, 12 (N.J. App. Div. 1968). However, public utilities may appeal an adverse local zoning decision to the BPU. N.J.S.A. 40:55D-19.

Thus, even if a facility developer truly is operating as a "public utility" when it installs wireless facilities in the ROW,

that activity is subject to local zoning. However, an adverse decision could be appealed to the BPU. This option would not be open to wireless providers.

Concern Over Wireless Facilities Falling into the Term "Public Utility" in Zoning Ordinances

Municipalities should be careful to review their local zoning ordinances to ensure that wireless facilities, including DAS and small cells, do not fall within their code's definition of "public utility." Some municipalities provide public utilities an expedited land use approval process. The Appellate Division has interpreted the term "public utility," as used in a local zoning ordinance, to include a wireless facility. *Nynex Mobile Comm. Co. v. Hazlet Twp Zoning Bd of Adjustment*, 276 N.J. Super. 598, 611 (N.J. App. Div. 1994).

Thus, it is possible that a zoning ordinance's definition of "public utility" could inadvertently include wireless facilities.

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

Conclusion and Recommendations

This is a complicated area of the law that hasn't been well settled yet. The placement of wireless facilities in the municipal ROW is a very new issue that towns are dealing with across the state.

Keeping this in mind, it may be worthwhile to consider the following recommendations in reviewing your local zoning ordinances:

- 1) Determine whether wireless facilities, including DAS and small cells, can fall within your zoning ordinance's definition of "public utility."
- 2) Review height restrictions and determine how they would apply to DAS and small cells.
- 3) Determine whether or not your zoning ordinances require a variance for all wireless facilities. The FCC has

specifically declined to issue a declaratory ruling that "zoning ordinances requiring variances for all wireless siting requests [violates the TCA]." *IMO Petition to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting*, ¶ 67, WT-Docket No. 08-165 (11/18/09). Thus, this may be a tool worth considering in order to maintain more control over the siting of these facilities.

- 4) Determine whether or not your municipality has already signed a consent agreement or franchise for the placement of wireless facilities in the ROW. If so, your municipality may be limited in its ability to provide different requirements for the use of the ROW by other applicants in the future. Municipalities can regulate the ROW, but they must do so on a "competitively neutral and non-discriminatory basis." 47 U.S.C. 253(c).

- 5) Consider adopting uniform standards, after some discussion and research, for the use of the ROW. One such standard may be to preemptively limit the number of wireless facilities in the ROW. There is some concern about having the ROW fill up with wireless facilities. A "neutral and non-discriminatory" way to handle this is to simply provide a reasonable and standardized limit on the number of facilities that can be built per mile or per block.

- 6) The term of municipal consent or local franchise to use the ROW should be limited to a reasonable time frame such as 5, 10, 15, or 20 years.

These are worthwhile starting points. But, every town's situation is different. As always, it's important to discuss these issues with your municipal attorney as soon as possible and determine how to proceed. ♣

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LEGISLATIVE UPDATE

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



A-420

Requires PANYNJ to report monthly to counties within port district.

Status: A-420 – Assembly Transportation and Independent Authorities Committee

With a request for one amendment, the League of Municipalities supports A-420. This bill would require the Executive Director of the Port Authority of New York and New Jersey to provide each Freeholder Board situated in a county within the port's district and the New York City Council with a monthly report, listing activities that could have an impact in those counties or that city, and listing a summary of emergencies during the preceding month that required operational changes and the methods used by the Port Authority to notify those governments and the public about those emergencies. The monthly report would also need to list proposed infrastructure projects, a detailed explanation of the need, the cost, and the anticipated impact of the project on those within the area on the counties and municipalities within the port district.

The bill also requires that within 14 days of report submission, the Chairperson of the Board of Commissioners of the Port Authority (board) is to invite each member of each county governing body located within the port district and each member of the New York City Council to attend the next meeting of the board and be given the opportunity to respond to the report before the board.

From our perspective, only one amendment would be needed to better protect the public interest. Respectfully, we ask that the Executive Director's monthly reports, as well as the right to respond, also be provided to the NJ Mayors and municipal governing bodies in the Port Authority district.

If those requirements had been in effect in September 2013, they could have saved the Mayor of Fort Lee a lot of anxiety about the safety of his borough, the people of Fort Lee considerable consternation, and the taxpayers of New Jersey significant costs.

If amended to address this matter, we will enthusiastically support A-420.–JRM



A-4106

Establishes senior freeze credit applied directly to property tax bills.

Status: Introduced and referred to Assembly State and Local Government Committee

A-4106 would change the Senior Freeze Program from a reimbursement program into a credit program for most eligible homeowners. This would be similar to the administration of

the Homestead Benefit program, whereby eligible applicants receive a credit on their tax bill as opposed to a physical check being mailed to them. However, through the years, the Homestead Benefit Program credits have been delayed due to State budget limitations. For instance, in 2016, the 2013 Homestead Benefit was applied to eligible homeowner's 2nd quarter property tax bills. This legislation proposes applying the reimbursement a homeowner would be eligible for from the Senior Freeze Program (aka Property Tax Reimbursement Program) to not just one property tax quarter but more specifically, the 3rd and 4th quarter property tax bill.

The legislation would expand eligible homeowners to include those who reside in a cooperative, mutual housing corporation, or continuing care retirement community and who do not pay property taxes directly to the municipality. These eligible homeowners would receive a rebate payment instead of a credit directly applied to the applicable property tax bill paid during the current tax year.

We appreciate the sponsor's intent to administer the Senior Freeze program in the same manner as the Homestead Property Tax Credit as well as providing current tax year savings to eligible residents; however, we must oppose A-4106. We are extremely concerned about the timing of the credits being received and the process. A-4106 could have three out of the four tax quarters in one property tax bill that could reflect credits from the State. If the application deadline is extended from June 1 to October 15, as it has been done for the past several years, it will delay the distribution of the credit, resulting in the need for supplemental tax bills to be mailed, leading to increased municipal costs and taxpayer confusion.–LB



A-2778/S-1143

Requires municipalities to conduct lead paint inspections.

Status: A-2778/S-1143 – Assembly Housing and Community Development Committee/Senate Community and Urban Affairs Committee

We oppose this legislation, which would shift a State responsibility onto local property taxpayers.

Under current law, the DCA must inspect single-family and two-family rental dwellings for lead-based paint hazards at least once every five years. Currently, owners of tenant-occupied single- and two-family residential property must also file a certificate of registration with the DCA.

Under this bill, municipalities would be responsible for conducting inspections of single- and two-family rental dwellings

Legislative Update

for lead-based paint hazards, but the DCA would remain responsible for the promulgation of regulations concerning the presence of lead-based paint hazards pursuant to subsection (w) of section 7 of P.L.1967, c.76 (C.55:13A-7).

Shifting inspection and registration duties from the DCA to the municipality would impose an unconstitutional unfunded mandate.—JRM



A-4025

Authorizes bulk purchasing of heroin antidote.

Status: A-4025/S-2671 – Assembly Appropriations Committee/Senate Law and Public Safety Committee

This bill will save local law enforcement dollars by authorizing the Attorney General to negotiate discounts and contract for bulk purchases of opioid antidotes such as Naloxone, also sold under the brand name Narcan, on behalf of local law enforcement and emergency response.

E-Waste Management

The League supports S-981 and A-2375, regarding so-called “e-waste.” Specifically, this legislation would require each manufacturer of “covered electronic devices” to provide for the collection, transportation, and recycling of its market share in weight of all covered electronic devices collected in a program year. Similar legislation was pocket vetoed by Governor Christie.

The “Electronic Waste Management Act” intended to require manufacturers to provide for the recycling of residential covered electronic devices at no cost to taxpayers. Unfortunately, it has not worked out that way. Local governments now subsidize the program with taxpayer dollars. A-2375 intended to address this inequity.

We are further encouraged that the fiscal analysis prepared by the Office of Legislative Services (OLS) anticipates costs savings to local governments, if A-2375 were to be implanted.

A-2374 will ensure that manufacturers provide for a “free and convenient” recycling program for all covered electronic devices collected and eliminate the need for local governments to absorb these costs or eliminate their programs.

S-981 has passed the State Senate and joins its companion bill A-2375 at second reading in the Assembly and can be posted for a final vote. Please ask your Assembly representatives and the Governor’s Office for their support of S-981 and A-2375.



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In a June 2015 press release, Governor Christie announced that the Office of the Attorney General had negotiated a significant discount with the drug manufacturer Amphastar Pharmaceuticals, Inc., for Narcan. Police departments and other public first responder entities would receive a discount of nearly 20% per dosage via rebates from the manufacturers. Under the agreement, the Office of the Attorney General was to act as the administrative conduit in the rebate process in order to utilize the State's significant purchasing power.

The bill codifies the authority of the Attorney General to negotiate with drug manufacturers to secure discounts on drugs used as opioid antidotes, and to purchase these drugs in bulk.

We salute the Governor and the Attorney General for their leadership. And we salute the sponsors for ensuring the continuation of this local public safety imperative. We support A-4025.—JRM

A-3919/S-2379 **Limits open space acquisitions in municipalities.**

Status: Introduced and referred to Assembly Agriculture and Natural Resources Committee

Introduced and referred to Senate Environment and Energy Committee

In 1974 the legislature established the Green Acres Tax Exemption Program, which provides property tax exemption for certain nonprofit organizations that own and maintain natural open space property and which are willing to use that land for exclusively public recreation and conservation purposes. Any nonprofit organization that qualifies for exemption from Federal Income Tax under Section 501(c)(3) of the Internal Revenue Code and owns natural open space in New Jersey is eligible to make application to the Commissioner of the Department of Environmental Protection (DEP) under this program. According to DEP, since the program's inception, 75,885 acres of open space owned by 67 nonprofit organizations have been opened to the

public with 415 sites in 158 municipalities throughout the State.

A-3919/S-2379 would prohibit the granting of property tax exemption under this program without a municipality's consent if the land area proposed to be acquired, when combined with land already owned by the State, local government, or qualifying nonprofit for recreational and conservation purposes, exceeds 30% of the total land area of the municipality. The 30% threshold would not impact the Commissioner's power to certify any property that would be certified as of July 1, 2017, and that would continue to be certified without interruption.

If a municipality granted consent, the Commissioner would be required to prioritize the certification application. Priority would be given based on public recreational benefit, the development pressures for that property, the environmental significance of that property, and the likelihood that the public would lose access to that property if the tax exemption is denied.

In addition, DEP would be required to find that the use or proposed use of the property complies with local zoning regulations before making a decision as to

whether an application qualifies for property tax exemption under the program.

The League strongly supports municipal approval in the process; however, we are troubled with the 30% threshold applying only to preserved open space. A-3919/S-2379 takes a one-size-fits-all approach with no consideration to different municipal landscapes throughout the State. Open space is not the only tax exempt property located in a municipality, and a municipality may exceed the 30% threshold with little open space.—LB 



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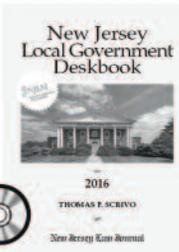
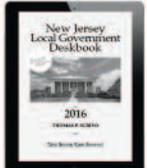
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EXECUTIVE DIRECTOR'S REPORT



Michael J. Darcy, CAE; Executive Director,
New Jersey League of Municipalities

Municipalities have been working through unprecedented challenges during 2016. And while these challenges may be unprecedented, they were not unforeseeable. What is unprecedented is the level of complexity, cost, and impact these challenges have risen to over time. The State pension crisis developed over decades and after countless warnings, false starts, and inaction. The Transportation Trust Fund replenishment, similarly, has been identified for a long time only to be ignored until road work stopped. The decades-long challenge of figuring out COAH also turned to crisis when the Council could not produce rules, causing the court to begin a new chapter in this long legacy.

Municipal officials have no choice but to meet these challenges. The impacts are local and felt by our neighbors, friends, and families. This year we highlighted public-private partnerships as a creative approach to meeting challenges. Through recognition programs, magazine articles, and conference sessions, we explored how P3s can make positive local impacts. Municipal officials continue to show their creative problem solving skills, enabling the government closest to the people to get the job done.

The League has worked diligently over the past year to provide support, advocacy, training, information, and, where urgently needed, the League provided amicus representation. As you read this report, I hope it exemplifies the critical importance of all municipalities joining together to meet these challenges through the work of the League.

LEGAL ADVOCACY

The League has been very busy advocating for municipalities in the courts this past year. Our legal department participated in nine amicus interventions in 2016 at the New Jersey Appellate and Supreme Court levels as well as participated and prevailed in a case before the Council on Local Mandates. The legal matters at issue were diverse:

- OPRA and electronic information
- Labor issues
- Business Improvement Districts
- Affordable Housing.

The League participates in these cases because they are important and municipal interests are well served by our involvement.

As always, the League's legal department has acted as a helpful resource to municipal attorneys. We act as a clearinghouse for ideas and practices. Attorneys must continually adapt to a changing legal landscape. Our legal department is a strong resource to help them in this task.

 Contact our in-house counsel, Ed Purcell, Esq., at epurcell@njslom.com

LEGISLATIVE ACTIVITIES

The League's Government Affairs team remains active at the Statehouse, articulating your concerns to State Legislators and Regulators. It was another year of challenges for municipalities;

the State's budget offered too little in terms of property tax relief funding to municipalities. Last-minute changes to the budget made via a line item veto raised concerns as municipalities faced additional penalties for failing to comply with then undetermined "best practices." The State faced a transportation funding crisis and a state order shutdown of projects funded by the Transportation Trust Fund. Over 300 municipalities remain before the Courts in order to voluntarily comply with affordable housing obligations while long overdue reforms to the Fair Housing Act remained stalled in Trenton.

Early in his tenure, League President, Mayor Joseph Tempesta of West Caldwell identified the replenishment of the Transportation Trust Fund, long-overdue reforms to the Fair Housing Act, maintaining the fiscal integrity of the adequately funded local pension and health benefits systems, and the promotion of public-private partnerships as the League's major legislative priorities.

The League was an active voice in Trenton on these and many other issues important to local officials, including:

- **HOSPITAL TAXES:** The League opposed legislation advanced in response to the Morristown Hospital Tax Court ruling. The League argued that if a non-profit hospital chooses to engage in certain for profit activities, it should pay its fair share, and that local property taxpayers should not subsidize such activities. We were pleased with the Governor's veto of the legislation and, working with other interested stakeholders, have suggested possible alternatives to the initial legislation.
- **AFFORDABLE HOUSING:** The League successfully sought the introduction of legislation to address the so-called gap affordable housing obligation, a flawed February ruling for an additional obligation imposed on municipalities for the period of time in which COAH was unable to adopt valid regulations. Fortunately, this ruling was reversed by the Appellate Decision in July. Municipalities continue to face potential litigation over the issue and the League continues to push for the passage of A-3821/S-2254 to remove the issue from the Courts once and for all.
- **PENSIONS & BENEFITS:** Our Task Force continues to review and develop alternatives to the Governor's "Roadmap to Resolution" report on Pension and Health Benefit funding.

 Contact Mike Cerra, mcerra@njslom.org, the League's Assistant Executive Director or the other members of the Government Affairs team: Senior Legislative Analysts Jon Moran, jmoran@njslom.org, and Lori Buckelew, lbuckelew@njslom.com; Associate Legal Counsel Ed Purcell, epurcell@njslom.org, and Legislative Administrator Ciara Bradley, cbradley@njslom.org.

We have launched a number of new initiatives and advocacy tools to advance our efforts on behalf of our taxpayers. If you haven't signed up yet for VoterVoice (njslom.org/votervoice/) or read the League's new "Town Crier" blog (njlmblog.wordpress.com) we urge you to do so. Our Government Affairs staff is always eager to hear your questions, comments, and ideas.

FEDERAL ACTIVITIES

The New Jersey League's Federal Relations team relies on information, analysis, and insights provided to us by the staff of the National League of Cities (NLC) in Washington, and on the efforts of New Jersey municipal officials who take the time to contact their representatives in Washington on matters that affect their communities and their fellow citizens.

These developments highlight our work in 2016:

- The massive \$1.6 trillion spending and tax cut package passed by Congress at the end of 2015, included a two-year delay of the Affordable Care Act's 40% excise tax on high-cost employer-sponsored health insurance that was scheduled to go into effect January 2018. We believe the tax would impose potentially serious negative impacts on local government workers, budgets, and taxpayers. Support for stopping the tax altogether is gaining momentum.
- Local governments dodged a mandate that would have forced states and localities to meet new pension reporting requirements in order to maintain their right to issue tax free municipal bonds. We have long-opposed this unwarranted intrusion into state and local finance, which did not pass.
- Late last year, the Department of Justice (DOJ) surprised police departments across the country with notice that the federal "equitable sharing" program was suspended, due to a funding shortfall. The equitable sharing program empowers federal, state, and local law enforcement to share proceeds derived from property that had been used to facilitate criminal activity. On March 28 the Department announced resumption of the equitable sharing program.
- In cooperation with NLC, in response to the crisis in Flint, Michigan, we asked Federal policy-makers to support robust funding for all water infrastructure mechanisms, including the Clean Water and Drinking Water State Revolving Loan Fund (DWSRF) programs and the Water Infrastructure Finance and Innovation Act (WIFIA).
- In April, League Past President and Elizabeth Mayor J. Christian Bollwage appeared before the House Energy and Commerce Subcommittee on Environment and Economy. Mayor Bollwage called for brownfields reauthorization, with increased funding, removal of funding caps, multi-purpose grants, eligibility clarification for previously acquired sites, and increased collaboration among all stakeholders.
- During the summer, we provided you with information needed to deal with threats like the Zika virus and to prepare for regulatory developments, like the new overtime rules, which go into effect Dec. 1, that will nearly double the salary threshold under which an employee is entitled to overtime.

We anticipate a lot more action in the coming year. And we will do our best to keep you informed and involved in our efforts.

BUREAU OF MUNICIPAL INFORMATION

One of the League's most valuable services continues to be the Bureau of Municipal Information. Many of the League's publications have been converted to digital versions that include more information, valuable Excel spreadsheets that can be manipulated by purchasers, faster receiving time, and a continuous provision of valuable data while keeping purchase costs down.

In 2016 the League updated Volumes 1, 2, and 3 of the League's License series, as well as the annual update of the Police and Fire Labor Data Contract Series.

This year, the League continued to offer the online Ordinance and Shared Service Libraries, a valuable service providing a sampling of enacted ordinances and shared services agreements from across the state on over 70 topics. The libraries may be accessed on the League's website and are searchable by keyword. The League also continued to offer its Grant Resource Center, an online resource center offering grant news, tools, funding announcements, and a monthly article providing funding tips and tools.

@The above is a sampling of what the Bureau of Municipal Information offers; in total the Bureau provides resources and information on over 20 topics at njslom.org/bureau.

NEW JERSEY MUNICIPALITIES

New Jersey Municipalities, the League's award-winning magazine, marks its 99th year with ongoing success. The issues included the addition of a column on the League's rich history, Now & Then, and an updated look for the must-read special Conference Sections in June, October, and November under the guidance of new Managing Editor Amy Spiezio, Creative Director Dawn Becan, and Advertising Manager Taran Samhammer.

The monthly issues continue to educate and inform more than 6,300 readers and a vast pass-along readership as vital source of information and news you need to govern in your community.

FEATURED IN 2016

- Nine issues of New Jersey Municipalities were published in 2016.
- The quality of articles submitted continues to increase while the issues have new infographics and improved cover and interior design for easy navigation.
- The magazine includes articles that feature large, small, rural, and urban communities in all parts of the state, putting the spotlight on hot-button issues via monthly features and departments useful to busy leaders.
- NJLM is dedicated to environmentally and socially responsible operations, printing on environmentally responsible papers.
- The monthly digital edition features a growing publication archive on the League's website.

League members share their views and ideas with a wide range of managers and policymakers. Members of the state and national legislatures also contribute to and read the magazine to maintain the ties between municipal issues and the state and national arenas. *NJ Municipalities* also includes a mix of pieces by state commissioners and other experts, as well as informative columns, opinion pieces, and advertising by leading providers of products and services.

@ Contact Managing Editor Amy Spiezio at aspiezio@njslom.org or NJM@njslom.org to suggest or contribute articles.

TRAINING AND IN-SERVICE PROGRAMS

The League continued to successfully present programs that broaden, deepen, and increase knowledge and skills of municipal personnel in various professions while collaborating with our Affiliate Groups. Approved continuing education programs also serve as a cost effective way for municipal professionals to maintain their respective state licenses.

In addition to the Annual Conference, the League offered 26 professional development seminars and webinars, educating more than 2,000 attendees in 2015/2016. Highlights include:

- Dealing With Difficult Employees: What Are Your Rights As An Employer in the Public Sector
- MLUL Preemptions: The NJ Permit Extension Act and FCC “Shot Clock” Rules
- The Open Public Meeting Act: A Discussion of the Proposed Changes, Best Practices, and Procedures Webinar”
- Beyond Code Enforcement: Understanding & Using Vacant and Abandoned Property Tools in Your Municipality Webinar
- Orientation for Newly Elected, Re-Elected, and Experienced Officials
- 24th Annual Mayors Legislative Day
- Budget Audits and Updates
- A Review of the Open Public Records Act
- Mini One Day Conference
- Prepping For Labor Negotiations

The League works cohesively with numerous accreditation bodies representing 14 government licenses including Continuing Legal Education for New Jersey and Pennsylvania Attorneys, Municipal Licensees, Tax Assessors, Recycling Coordinators, Planning and Zoning Board Secretaries, Zoning Officials, and Land Use Administrators.

In addition to these programs, the League also offers Legislative Update webinars to keep members abreast of current legislative action.

@ Seminars and webinars are listed at njslom.org/seminars or contact Program Specialist Danielle Holland-Htut, 609-695-3481, Ext. 118, or dholland@njslom.com

LABOR RELATIONS ADVISORY SERVICE

Labor Relations Advisory Service answers questions about perennial problems municipalities face in police and fire and civilian collective negotiations, Public Employment Relations Commission unfair practices and representation matters, Shared Service Issues, Civil Service issues, FMLA and NJFLA issues, FLSA and wage and hour issues, Americans with Disabilities Act issues, and Equal Employment Opportunity and New Jersey Law Against Discrimination issues.

The League’s Labor Relations Advisory Service is conducted by the League’s Labor Relations Counsel, Brian Kronick, and his colleague, Joseph Hannon of Genova Burns Giantomasi Webster LLC.

Brian Kronick and Joseph Hannon are available to respond to a broad range of public employer labor and employment law questions as a telephone or email service of the League. Inquiries to the League Labor Advisory Service over the years have included issues like the interest arbitration reforms and the 2% cap on awards under the 45-day “rocket docket,” furloughs and temporary layoffs, as well as health benefit and pension reforms.

@ Contact Brian Kronick at bkronick@genovaburns.com or Joe Hannon at jhannon@genovaburns.com.

ANNUAL CONFERENCE

The Annual League Conference continues to be a focal point of municipal learning each year. Local officials gather in the pursuit of knowledge and better ways to meet the challenges of good local government. Still the largest municipal conference in the United States, this three-day Annual Conference remains a critical mainstay in the portfolio of services provided by the League. Currently serving 17,000 people and offering 1,000 exhibit booths showing products and services to aid municipalities, it is a central point for learning what is available to help local official meet their challenges.

Pre-Registration, at just \$55, is the most affordable way for municipal officials to gain new solutions to both the perennial issues and the changing challenges.

Some of the features of this year's conference were:

- 85 League educational sessions and more than 50 additional sessions produced by affiliated municipal professional associations.
- Primers for newly elected governing body members.
- Sessions focused on municipal security issues and ethics training.
- New technical skills and new technologies creating new efficiencies.
- Information on economic development, planning, management and leadership, and understanding initiatives coming from State government.
- Insurance training sessions that result in premium reductions for attendees.
- The largest municipal exhibit hall in the country.

The conference is also a chance to acknowledge local officials' dedication to public service and the work of their colleagues in municipal government across the state. The 2016 Annual Conference provided all these opportunities while continuing to charge the lowest registration rate of any municipal league in the country.

@ Visit the Conference section of njslom.org or contact Exhibit Manager Kristin Lawrence at klawrence@njslom.org

NJLM EDUCATIONAL FOUNDATION

This past year was a time of transition for the NJLM Educational Foundation. Sadly, long-time president Mayor Art Ondish passed away in March. The Foundation Board of Trustees thoughtfully held a planning retreat to carefully consider direction and leadership for the future. The result was a roadmap for changes to the Foundation bylaws, and the election of Mayor Tim McDonough, Hope Township, as president along with Mayor Paul Anzano, Hopewell (Mercer), as vice president. The Foundation is now poised to resume its tradition of contribution to timely research and proactive approach to resolving the complex issues affecting New Jersey's diverse communities.

In 2016 the Foundation published the white papers "2016: The Changing Face of Cybersecurity & What it Means for Municipalities" by Morris A. Enyeart, Ed.D., and "Lift-Off to Tail-Off: More Economic Uncertainty" by James Hughes, Distinguished Professor and Dean, Edward J. Bloustein School of Planning and Public Policy, Rutgers, the State University of New Jersey. They can be found on the NJLMEF website.

To capitalize on years of experience piloting the Mayors Book Club, the Foundation contracted with Dr. Vicki Cohen at Fairleigh Dickinson University to distill the experience into a printed manual so others can produce Mayors Book Clubs. That manual, "Planning and Participating in a Mayors Book Club" is available for download from njlmef.org

In 2016, the Foundation continued the administration of the Michael A. Pane Memorial Fund, an honorarium to a local government professional (attorney, engineer, or planner) who personifies outstanding ability, integrity, and ethics in his or her dealings with local governments.

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

@ Visit the NJLM Educational Foundation at njlmef.org

LEAGUE COMMITTEES

The League's Trenton staff carries out a full agenda of activities, translating League policy objectives on many fronts. But policy itself is made by more than 250 mayors, other elected officials, and appointed officials who serve on numerous standing and ad hoc committees.

The committees and committee chairs are:

Executive Board: Joseph Tempesta, Jr., *Mayor, West Caldwell; NJLM President; Chair*

Legislative Committee: William J. Kearns, Jr., Esq., *NJLM General Counsel, Co-Chair;*
Kristina Hadinger, Esq., *NJLM Deputy General Counsel; Co-chair*

Conference Resolutions Committee: Albert B. Kelly, *Mayor, Bridgeton; NJLM First Vice President; Chair*

Nominating Committee: Brian C. Wahler, *Mayor, Piscataway; NJLM Immediate Past President; Chair*

NJLM Educational Foundation: Timothy C. McDonough, *Mayor, Hope; NJLM Past President; President*

Emergency Management Task Force: Timothy C. McDonough, *Mayor, Hope; NJLM Past President; Chair*

Emergency Medical Services Task Force: Chuck Chiarello, *Mayor, Buena Vista Township; NJLM Past President; Chair*

Land Use Law Drafting Committee: Clifford Gibbons, Esq.; *Chair*

Mayors Committee on New Jersey Life Sciences: Joseph Pannullo, *Mayor, East Hanover Township; Chair*

NJLM Economic Development Task Force: M. James Maley, Jr., *Mayor, Collingswood; Chair*

NJLM Legal Committee on Affordable Housing:

Edward Buzak, Esq.; *Chair*

NJLM School Tax Reform Committee: Gary Passanante, *Mayor, Somerdale; NJLM Executive Board Member; Chair*

Council on Affordable Housing Study Committee:

Janice S. Mironov, *Mayor, East Windsor Township;*

NJLM Past President; Co-Chair;

Colleen Mahr, *Mayor, Fanwood Borough;*

NJLM Third Vice President; Co-Chair

Telecommunications Study Committee: Brian C. Wahler, *Mayor, Piscataway; NJLM Immediate Past President; Chair*

NJLM Management Reform Committee: Wilda Diaz, *Mayor, Perth Amboy; Chair*

NJLM Statutory Funding Compliance Committee:

Janice S. Mironov, *Mayor, East Windsor; NJLM Past President; Chair*

Community Development Block Grant Task Force:

J. Christian Bollwage, *Mayor, Elizabeth; NJLM Past President; Chair*

Pension and Benefits Reform Committee: Joseph Tempesta, Jr., *Mayor, West Caldwell; NJLM President; Chair*

Tax Exemption Study Committee: Albert B. Kelly, *Mayor, Bridgeton; NJLM First Vice President; Chair*

NJLM Representatives on Statewide Committees are:

Phil Cocuzza, *Public Safety Director, Lambertville; Police Training Commission Member*

Michael J. Darcy, CAE, *Executive Director, NJLM; Member, Employer Support of the National Guard; Sustainable Jersey Board of Trustees, Ex-Officio Member; Downtown NJ, Inc., Board Member*

Caroline Ehrlich, *Chief of Staff, Woodbridge; Sustainable Jersey Board of Trustees*

Cheryl Fuller, *Former Manager, Englewood; Public Employment Relations Committee Member*

William J. Kearns, Jr., Esq., *NJLM General Counsel; State Supreme Court's Committee on Court Security Member; Attorney General's Municipal Prosecutors Oversight Committee Member; Local Government Ethics Task Force*

Robert V. Kiser, *Engineer, Princeton; Technical Advisory Committee for NJ Statewide Bicycle and Pedestrian Transportation Master Plan*

Janice Kovach, *Mayor, Clinton Town; NJLM Executive Board Member; Public Works Advisory Board, Department of Community Affairs*

Eric Jackson, *Mayor, Trenton; Public Works Advisory Board, Department of Community Affairs*

Dr. Edward J. Mahaney, Jr., *Mayor, Cape May City; NJLM Executive Board Member; Sustainable Jersey Board of Trustees Member*

Pamela H. Mount, *Former Committeewoman, Lawrence Township (Mercer); Clean Air Council Member; Sustainable Jersey Board of Trustees Member*

L. Mason Neely, *Finance Director, East Brunswick; Department of Environmental Protection Clean Water Council*

Joel Shain, Esq., *Attorney, Monroe Township (Middlesex); NJLM Representative, Board of Public Utilities Committee on Development of Rules for Municipal Electric Aggregation*

Raymond S. Heck, *Mayor, Millstone Borough; NJLM Executive Board Member; NJLM Representative, State Fire Safety Commission*

222 WEST STATE STREET URBAN RENEWAL CORP. BOARD OF TRUSTEES

The Corporation owns and operates New Jersey League of Municipalities' headquarters building

Paul Matacera, *President*

Peter Cantu, *Vice President; Mayor, Plainsboro*

Phyllis Marchand

Gene Feyl

Jonathan Dunleavy, *Mayor, Bloomingdale Borough*

Suzanne Walters, *Mayor, Stone Harbor*

Millard Wilkinson

Michael J. Darcy, CAE, *Secretary; NJLM Executive Director*

Mike Cerra, *Treasurer; NJLM Assistant Executive Director*

William J. Kearns, Esq., *NJLM Counsel*

NJLM EDUCATIONAL FOUNDATION TRUSTEES

Timothy McDonough, *President; Mayor, Hope Township; NJLM Past President*

Paul Anzano, *Vice President; Mayor, Hopewell Borough (Mercer)*

Michael Darcy, CAE, *Treasurer; NJLM Executive Director*

Michael Cerra, *Secretary; NJLM Assistant Executive Director*

James Benton, *Trustee; Executive Director, New Jersey Petroleum Council/API*

Robert L. Bowser, *Trustee; Former Mayor, East Orange; NJLM Past President*

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Mark Jones, *Trustee; Vice President, External Affairs, Jersey Central Power & Light Company*

Linda Kellner, *Trustee; Chief of Staff, NJ Resources*

Paul Matacera, *Trustee; NJLM Past President*

Monica K. McCormack-Casey, *Trustee; V.P./Government Banking Relationship Manager, TD BANK*

George Sous, *Trustee; Director, External Affairs, PSE&G*

Brian Turano, *Trustee; Vice President of Government Banking, Investors Bank*

Suzanne Walters, *Trustee; Mayor, Stone Harbor; NJLM Past President*

Louise Wilson, *Trustee; NJLM Educational Foundation Past President*

MEMBERSHIP AND FINANCE

The League is completing its 101st year of service to the municipalities of New Jersey. Our membership currently includes all 565 municipalities in the State of New Jersey.

The League’s fiscal year runs from July 1 to June 30. The budget under which the League is currently operating is set forth on this page. ♣

2016/2017 Adopted Budget

INCOME

1	Appropriation of Prior Cash Bal.....	\$0
2	Membership Dues.....	\$655,000
3	Magazine.....	\$310,000
4	Annual Conference.....	\$2,031,000
5	Interest.....	\$32,000
6	Publications.....	\$50,000
7	Labor Data.....	\$4,500
8	Seminars.....	\$120,000
9	Miscellaneous Receipts.....	\$5,600
10	Internet Advertising.....	\$121,000
11	Sub-Leases Base Rent.....	\$190,287
12	Sub-Leases Expense Rent.....	\$119,125
13	Sub-Leases Parking Space Rental.....	\$40,166
14	Corporate Supporters.....	\$82,000
15	Grant Station Subscription.....	\$1,235
16	Employee Medical Contributions.....	\$81,100
		\$3,843,014

EXPENSE

17	Salaries.....	\$1,193,527
18	Social Security & Medicare.....	\$92,000
19	Pension Employer Portion.....	\$155,000
20	Disability.....	\$950
21	Medical Benefits.....	\$433,000
22	Workers Compensation Ins.....	\$5,803
23	UCC.....	\$0
24	Automobile.....	\$13,300
25	Magazine.....	\$200,000
26	Office Expense.....	\$27,000
27	Legislative.....	\$28,000
28	Conference.....	\$516,000
29	Meetings.....	\$28,000
30	Postage.....	\$46,000
31	Equipment Payments.....	\$28,000
32	Maintenance on Equip.....	\$7,000
33	Printing.....	\$15,000
34	Books, Subscriptions.....	\$3,820
35	Grant Station Subscription Exp.....	\$1,100
36	Seminars.....	\$65,000
37	Telephone.....	\$15,000
38	Audit.....	\$4,400
39	Legal.....	\$213,826
40	Insurance Bond Premium.....	\$28,810
41	National League of Cities.....	\$34,000
42	Temporary Help.....	\$3,000
43	Miscellaneous Expense.....	\$0
44	Computer Expense.....	\$36,000
45	Internet Web Maintenance.....	\$30,035
46	Photocopying.....	\$6,000
47	Scholarships.....	\$3,000
48	Interlocal Service.....	\$4,500
49	Grant Advisory Service.....	\$3,500
50	222 Base Rent.....	\$357,249
51	222 Expense Rent.....	\$178,700
52	Commission Leasing.....	\$4,533
53	Online Ordinance Shared Services.....	\$2,100

\$3,783,152

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