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Official Publication of the New Jersey State League of Municipalities

February 2016

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A Look Inside

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On the cover: Image courtesy of Humberto Gunn

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“Your League staff does its best to let them know how their actions will effect municipal government, just as they do their best to let you know what State policy makers are up to in Trenton.”

Help Yourself... and Your Fellow Citizens

A new session of the New Jersey State Legislature began last month. In the two-year lifespan of the 217th session, our State Legislators will introduce a significant number of bills, intended to address problems brought to their attention by constituents, by the press, and by interest groups that may have supported them in the last election or that might support them in the next. Some of those bills will become laws.

Those laws will influence your ability to deliver vital municipal services effectively, efficiently, and economically.

Consider the caps that limit your budgetary flexibility. In 1976, New Jersey put the proceeds from the new income tax into the Property Tax Relief Fund. Most of the revenue went, and continues to go, to fund public education. For a number of years, but not anymore, some came back to municipalities in the form of Revenue Sharing. To ensure those revenues were used to defray the property tax burden, State policy makers imposed the cap on municipal expenditures. The expenditure cap was put in place to prevent local officials from using the new money for new services and programs, thus providing no net property tax relief. To their credit, those legislators saw the relationship between revenue needed to provide services and the services needed to enhance the quality of life.

Fast forward to 2006. Having promised property tax relief, a Special Session of the Legislature chose to ignore the revenue-expenditure balance and to simply impose a new cap on the tax levy. The imbalance of this approach, which was intensified by a more stringent cap in 2010, became quickly apparent. Absent an alternative funding source or relief from expensive State mandates, municipalities find it increasingly difficult maintain the vital quality of life services that made New Jersey an attractive place to live, visit, and start a business.

And absent State attention to the big municipal budget picture, things will only get worse.

Because of the offices you hold, and because voters have entrusted you with those offices, our Legislators should listen to your concerns. Your League staff does its best to let them know how their actions will effect municipal government, just as they do their best to let you know what State policy makers are up to in Trenton. But a letter, a phone call, an email, or a visit from you can have a significant impact.

Please take the time to read the special “2016 Legislative Guide” section in this month’s issue. And please get involved, as much as your time allows. ♣

Michael Darcy



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What our graduates say:

"Being in a cohort, made us supportive of one another and assisted us with staying on top of key assignments. We became a family! We encouraged each other during the rough times, family incidents, tough assignments, and ensured we all graduated on time."

– Chante', 2015 graduate

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

– Mike, 2013 graduate

NOW & THEN



Your Legislature, Your Municipality, Your Choices

While many of us have already jettisoned our New Year's resolutions, we understand the importance of maintaining what we have. And that goes beyond hitting the treadmill now and then and into good governing.

This month our 2016 Legislative Guide explores how you can keep in touch with your State legislators through the League and on your own. Being an advocate for your municipality doesn't end at the edge of your town. Charleston Mayor Riley shared his insights on ethical governing with his New Jersey counterparts at this year's League Conference and this month's *NJ Municipalities*.

Our NJ Focus is on water, which surrounds us in New Jersey, and U.S. Mayors in the February 1956 issue of *NJ Municipalities* cite it as one of their most-pressing issues. The worries are still there, from maintaining aging infrastructure to considering the privatization of municipal water systems. What hasn't changed over the years is the League's commitment to its members and sharing solutions to municipal problems. 📌

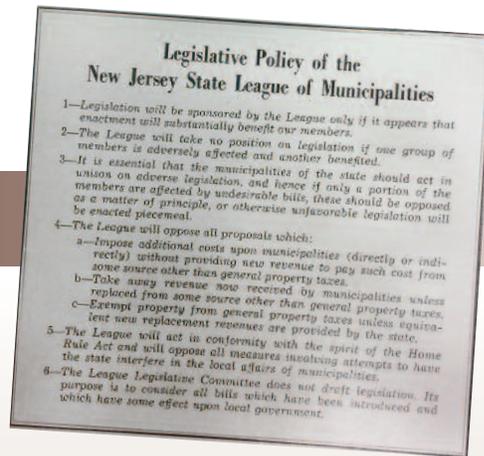


Amy Spiezio
Managing Editor

Time Capsule: February 1956

Legislative Policy of the New Jersey State League of Municipalities

- 1—Legislation will be sponsored by the League only if it appears that enactment will substantially benefit our members.
- 2—The League will take no position on legislation if one group of members is adversely affected and another benefited.
- 3—It is essential that the municipalities of the state should act in unison on adverse legislation, and hence if only a portion of the members are affected by undesirable bills, these should be opposed as a matter of principle, or otherwise unfavorable legislation will be enacted piecemeal.
- 4—The League will oppose all proposals which:
 - a—Impose additional costs upon municipalities (directly or indirectly) without providing new revenue to pay such cost from some source other than general property taxes.
 - b—Take away revenue now received by municipalities unless replaced from some source other than general property taxes unless equivalent new replacement revenues are provided by the state.
- 5—The League will act in conformity with the spirit of the Home Rule Act and will oppose all measure involving attempts to have the state interfere in the local affairs of municipalities.
- 6—The League Legislative Committee does not draft legislation. Its purpose is to consider all bills which have been introduced and which have some effect upon local government.



How Mayors Rank Their Most Urgent Problems

When asked: "Which of the following problems do you regard as of first-rank importance to your community now? (please check one or more)," U.S. mayors from 900 U.S. cities in the 10,000 to 100,000 population bracket answered:

- 55% More and steadier employment in factories
- 47% Preservation of downtown commercial property values
- 41% More facilities, such as water and sewage
- 32% More schools
- 17% More housing

— *The American City*, Jan. 1955

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Are You Ready to Run?

Ready to Run, the Center for American Women and Politics' (CAWP) annual bipartisan two-day campaign training event, is slated for March 18-19 at the Douglass Campus Center, Rutgers-New Brunswick.

Demystifying the process of running for elected office and introducing participants to elected and appointed leaders, campaign consultants, and party officials, Ready to Run® features two tracks:

- “I’m Ready to Run, Now What?” for women who are ready to run for office soon.
- “I’m Not Ready to Run Yet, But...” for those starting to think about their options.

Participants in both tracks will participate in plenary sessions

on communications and media, internet strategies, and fundraising.

In addition, a Diversity Initiative offers three pre-conference programs: Elección Latina; Rising Stars: Educating Asian American Women for Politics; and Run Sister Run: Women of the African Diaspora Changing the Political Landscape, that will take place immediately prior to the main Ready to Run program on March 18.

Cost is \$199 before Feb. 12; after Feb. 12, the rate is \$250. Limited scholarships are also available. 📌

@ For more details or to register, visit cawp.rutgers.edu/ReadytoRun. Questions? Contact Jean Sinzduk at sinzduk@eagleton.rutgers.edu.

Green Scene

Wall Township Named Environmentalist of the Year & Six Municipalities Honored by the Governor’s Environmental Excellence Awards

The Wall Township Environmental Advisory Committee was honored with the Environmentalist of the Year award for its longtime environmental successes, including the 2015 publication of a commemorative book on the committee’s 35-year history.

Six municipalities along with a host of municipal and civic groups, businesses, and agencies from across the state were honored by the Christie Administration for their commitment to protecting and enhancing New Jersey’s environment.

The 16th annual Governor’s Environmental Excellence Awards (GEEA), sponsored by the New Jersey Department of Environmental Protection, the New Jersey Environmental Infrastructure Trust, and the New Jersey Corporation for Advanced Technology, in partnership with the New Jersey State League of Municipalities, recognized nominations that featured unique or valuable environmental projects and activities.

“This year’s honorees are to be commended for their leadership,” said Department of Environmental Protection Commissioner Bob Martin. “Through their innovations and dedication to environmental protection, these recipients are setting strong examples and high standards for everyone in New Jersey to follow and are helping to building strong local partnerships. As stewards of New Jersey’s environment, we salute the significant contributions of this year’s winners.”

Others recognized at the ceremony at the New Jersey State Museum included:

Bloomfield Township, Long Beach Township, Carneys Point, Highlands, Pennington, along with several private and non-profit organizations. 📌

@ For more information about GEEA, visit: nj.gov/dep/eeawards/



Planning & Participating in a Mayor's Book Club

December 2015
Dr. Vicki Cohen, Director, School of Education, Fairleigh Dickinson University, Author
Mayor Timothy McDonough, Hope Township, Editor

EDUCATIONAL FOUNDATION, INC. 

Mayor's Book Club Guide Offered by NJLMEF

Encouraging young students to read and connecting community members to the schools and their municipal leaders, the Mayor's Book Club program is a success story in building literacy and good relationships. The program has a proven five-year track record of bringing Mayors into their school districts' classrooms to get them started on the journey to reading 1,000 books as a group by the end of the school year.

The free downloadable publication, "Planning and Participating in a Mayor's Book Club," is an instructional manual funded by the NJLM Educational Foundation (NJLMEF) authored by Dr. Vicki Cohen, Director, School of Education, Fairleigh Dickinson University. She and her staff shared their experiences and advice for successful Mayors Book Clubs.

Editorial credit went to Mayor Timothy McDonough, Hope Township. Mayor McDonough was one of the original champions of the Mayors Book Club when the concept was introduced by the NJLM Educational Foundation in 2010.

The Board of the NJLM Educational Foundation thanked Dr. Cohen and Mayor McDonough, adding that they hope other schools and mayors can use this guide to create lifelong readers in their own communities. 📖

@ This and other papers are available on the Foundation's website at njlmef.org. A direct link to the Mayors Book Club manual is njlmef.org/Mayors-Book-Club.pdf

Hanover's Email Newsletter Blasts Off

The Township of Hanover has debuted "Great Things Happen In Hanover E-blast," the municipality's newest online publication. Subscribers will receive free monthly editions showcasing happenings in the Hanover Township community.

Navigating the E-blast, which subscribers can opt to receive on their PC's or mobile devices, is easy and structured to appeal to all readers. E-blast blurbs will function as an "online" community bulletin board, with "READ MORE" links offering additional information for subscribers interested in learning more about a particular event.

In addition to regular contributions from the Township's departments, the "Features" section will highlight upcoming public events the Township's boards and commissions will be hosting. The E-blast is a green, cost-effective way to potentially reach up to 10,000 subscribers, providing a central source for announcements and information from the Township on programs of interest to the community.

"As we continue to move Hanover forward with media that's an effective and timely communication link," noted Mayor Ron Francioli, speaking on behalf of the Township Committee, "our E-blast launch is an engaging, key component in both promoting our community and keeping our residents and businesses well-informed of ways to take advantage of recreational, cultural, educational, community-service, and a host of other opportunities." 📖

@ To subscribe to "Great Things Happen In Hanover E-blast," visit hanover-township.com and click on the "E-blast subscribe button" on the Homepage to complete a quick registration form.

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Ocean Police Create Safe Exchange Zone in Waretown

The Ocean Township Police Department initiated a new community policing program, “Safe Exchange Zone,” intended to address the safety concerns brought about with online purchases from websites such as Craigslist, eBay, Facebook groups, and classified ads, etc. The Zone also provides a safe location for families with visitation rights to make custodial exchanges.

According to the department, the effort is a preventative move. “The Ocean Township Police Department has no known transactions that have gone awry, however it is our commitment to always put community safety first.”

Regardless of the safe space, the department representatives emphasized that buyers still have to beware. “While we are implementing the Safe Exchange Zone to provide a safe area for buyers and sellers to meet, it is important to remember that people you meet online are strangers and can pose dan-



gers. Not every buyer or seller you meet online is someone who is true with their intent.”

The new program was launched in December. The Safe Exchange Zone is located in the front visitor parking lot of the Ocean Township Police Department, 50 Railroad Ave., Waretown. Two designated parking spaces have been clearly marked for the program where buyers, sellers,

and parents can meet and make the exchange. The marked area is under 24-hour video surveillance, recorded by state-of-the-art security cameras.

The Ocean Township Police Department will not be used to make illegal transactions of narcotics, dangerous or deadly weapons, or any other dangerous materials, department representatives noted. “In addition, department employees will not be used to witness or be a part of these transactions. We are just providing a safe location to conduct your transactions.”



Garden State Municipalities Ranked by HRC for LGBT Equality Jersey City Scores Perfect 100

Jersey City earned a 100-point score in the Human Rights Campaign’s (HRC) fourth annual report assessing LGBT equality in 408 cities across the nation, including 10 in New Jersey

The 2015 Municipal Equality Index (MEI) evaluates LGBT policies and practices in cities and towns across the nation. The average score for cities in New Jersey was 69 out of 100 points, well above the national average of 56. Other scores were: Asbury Park: 63, Jersey City: 100, Lambertville: 88, Montclair: 62, New Brunswick: 65, Newark: 67, Ocean Grove: 66, and Trenton: 70.

Key findings contained in the MEI, issued in partnership with the Equality Federation, provided a snapshot of LGBT equality in 408 municipalities of varying sizes, and from every state in the nation. The

cities researched for the 2015 MEI include the 50 state capitals, the 200 most populous cities in the country, the five largest cities in every state, the city home to the state’s two largest public universities, and an equal mix of 75 of the nation’s large, mid-size, and small municipalities with the highest proportion of same-sex couples.

The MEI rates cities based on 41 criteria falling under five broad categories:

- Non-discrimination laws
- Municipality’s employment policies, including transgender-inclusive insurance coverage, contracting non-discrimination requirements, and other policies relating to equal treatment of LGBT city employees
- Inclusiveness of city services
- Law enforcement
- Municipal leadership on matters of equality

 The full report, including detailed scorecards for every city, as well as a searchable database, is available online at hrc.org/mei.



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Saving Lives

27 Municipalities Join Narcan Program to Save 42 Lives in 2015

A total of 27 police departments equipping their police officers with Narcan as part of a Morris County Law Enforcement program collectively saved 42 people from succumbing to a fatal opiate overdose through the administration of Narcan (Naloxone) in 2015.

The program, in which Morris County police officers are trained and equipped to administer the antidote Narcan in cases of heroin or prescription opiate overdose, is a partnership between the Morris County Prosecutor's Office, participating municipal police departments, and Atlantic Ambulance, noted Morris County Prosecutor Fredric M. Knapp.



The following Morris County Police Departments had officers provide Narcan during 2015:

- | | |
|---|--|
| Town of Boonton Police Department, 1 | Montville Township Police Department, 4 |
| Boonton Township Police Department, 2 | Morris Township Police Department, 1 |
| Butler Borough Police Department, 1 | Morristown Bureau of Police, 3 |
| Denville Township Police Department, 1 | Netcong Borough Police Department, 1 |
| Florham Park Borough Police Department, 1 | Pequannock Township Police Department, 2 |
| Hanover Township Police Department, 1 | Randolph Township Police Department, 4 |
| Jefferson Township Police Department, 1 | Rockaway Township Police Department, 6 |
| Lincoln Park Police Department, 2 | Washington Township Police Department, 2 |
| Madison Borough Police Department, 1 | Wharton Borough Police Department, 8 |

At least 37 individuals died in Morris County during 2015 from an opiate overdose. However, in 2015 Narcan was administered by first responding police officers a total of 48 times and is credited with 42 "saves." ❧

Be Featured in nj NOW

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

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New Jersey State League
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2016 Legislative Guide

Be a part of the process—and the promise—of progress

Make the Call

NJLM President's Letter

Actions taken by our State policy makers in Trenton can cause difficulties for local officials, who work to balance the demands of their citizens for first-rate services and programs with the need for lower property tax rates. But actions taken by those same policy makers can also solve problems. Likewise, their failure to act can prevent or prolong our struggles.

Just as we were elected to make tough choices, so were they. And just as we constantly hear from different parties, trying to influence our decisions in different ways, so do they. If they don't hear from you, then the odds are that their final decisions will not benefit your constituents, your municipality, or your colleagues in municipal government all around our Garden State.

For 100 years, now, the New Jersey League of Municipalities has worked to ensure that local officials are able to have a positive influence on the proceedings in our State Capital. Their work on our behalf is absolutely necessary, and it has always been absolutely first rate. But it has never been completely sufficient. Decision makers in Trenton need to know that you trust our staff to represent your needs and concerns on a multitude of issues. And they need to hear that directly from you.

We give the staff the credibility they need whenever we pick up a phone and call a legislator and tell her or him that we support the League's position on any matter that is vital to us as stewards of the public's interest in their hometowns.

This year's Legislative Guide is dedicated to giving you the information that you need to have a positive impact on the legislative process in New Jersey. It's a good place to start.

But if you have the time and the inclination to get more involved in the League's legislative action, please contact



our Assistant Executive Director Michael Cerra, who also serves as our Government Relations Director. He'll be happy to hear from you. And we'll all be glad to have you as an active ally in our efforts to make New Jersey's municipalities even better places to live, work, and raise a family.

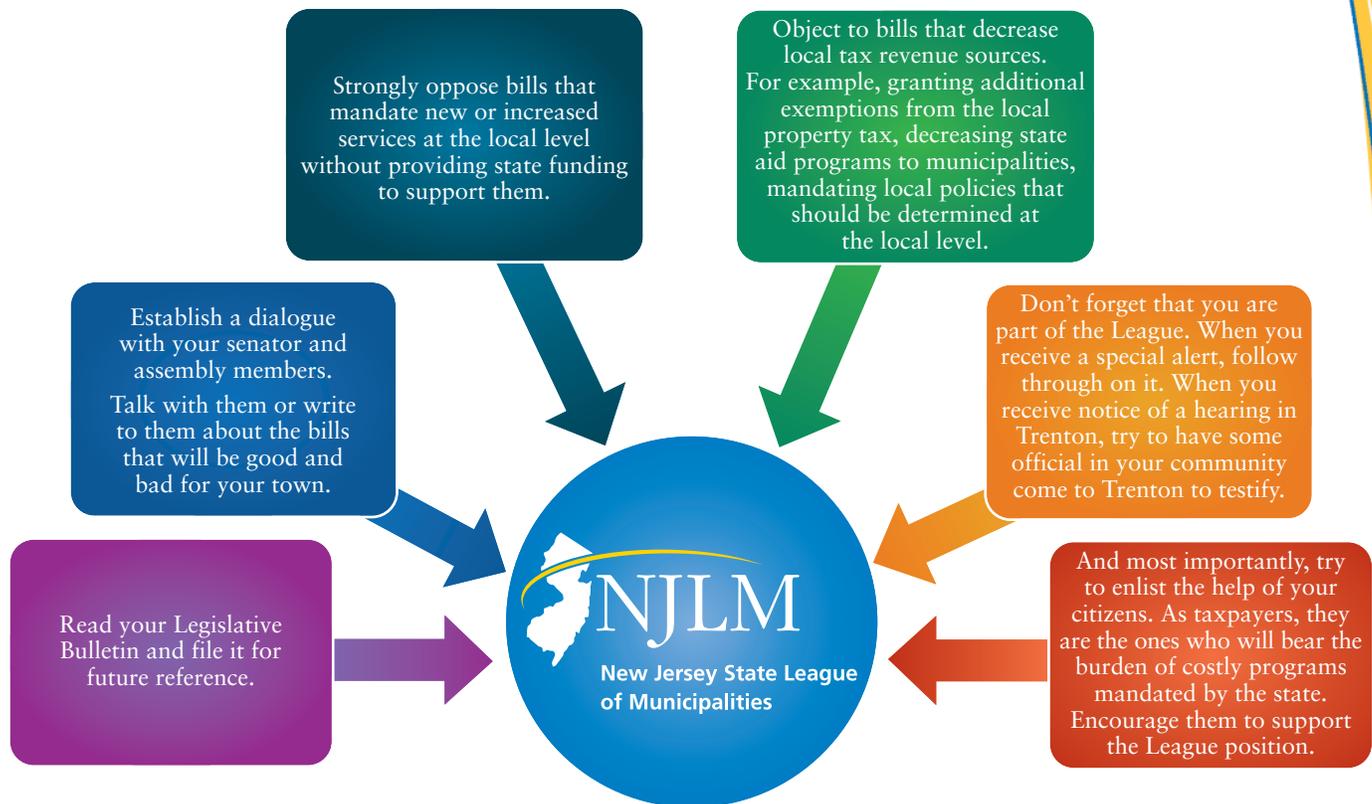
Thank you. 📞

Sincerely,
Joseph Tempesta, Jr.
President, NJLM, and
Mayor, West Caldwell

IN THIS GUIDE:

- **President's Letter**
- **Getting Active**
- **Your Role in the Legislative Process**
- **How Committees Work**
- **2016 Legislative Committee**
- **Members of the 2016 Legislature**

The League of Municipalities speaks on your behalf, and to be effective, it needs you to take an active part. Here are some of the things you can do to help the League help you.



Remember, what happens in Trenton has a very direct bearing on your town, your programs, and on your ability to serve your citizens. It is vitally important that the Legislature and the Governor be kept informed of the local viewpoint. There is a lot to be done. Work with your League and through your League, so we can get the job done together. ♣

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OFFICE OF LEGISLATIVE SERVICES Bills and other related information can be viewed and printed, free to the public, through the Office of Legislative Services' website, www.njleg.state.nj.

Digitized bills from the 1996-1997 session through today can be searched by Bill Number, Bill Sponsor, Bills in Committee, Keyword(s), and Bill Subject.

Providing an overview of the NJ Legislature, the site features History, Districts, Bills, Laws and Constitution, Committees, Rules, Ethics, Continuing Education, and Publications. The site also has information about legislators, including office locations and legislative schedules, as well as audio and video of live and archived proceedings.

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Contact: Government News Network/Govnet at 172 W. State St., P.O. Box 2041, Trenton, NJ 08607; 800-GOVNET-9; fax 609-393-1990; web: govnet.com

@ Check the League Home Page, njslom.org, for the latest information on the League's legislative activities.

A Stake in State Government

Your Role in the Legislative Process



The debate in the legislative halls in Trenton is of major importance to you, the municipal official. As a municipal official, you demonstrate a broad and deep concern for your neighbors and your communities. And, as an active member of the League of Municipalities, you show a further commitment to the men and women who similarly serve all around our Garden State.

In the spirit of this concern and service, you help to make both your municipalities and the League positive communities for both the present and the future of New Jersey.

One of the ways you help is in your attention to and action on State legislation. Your League of Municipalities Legislative staff is dedicated to keeping you informed of developments in Trenton and to making State officials aware of local problems and concerns.

The League Legislative team buttresses your direct communications with your elected State Representatives by keeping you informed about proposals put forward by New Jersey's 40 Senators and 80 Assembly Members, as well as by the Governor's Administration. And, the team works in the state capitol telling key policy makers exactly how you feel about the issues at hand.

Your State Legislators may come to different conclusions on various issues than those reached by municipal servants. Communication is the key to changing minds and winning allies.

How the League's Legislative Action Team Helps You



Bridgeton Mayor Albert Kelly, 1st Vice President, NJLM & Mike Cerra, NJLM's Director of Governmental Relations and Assistant Executive Director.

The League has a veteran staff of duly registered Governmental Affairs Agents. Under the leadership of Mike Cerra, our Director of Governmental Relations, they monitor the weekly meetings of Assembly and Senate Committees and provide the Committee Members with background on the League's position on the bills under their consideration.

AT THE CONFERENCE First, they listen to you. They meet you at the League Conference, they come to your county league sessions, you call or write the office, you send them resolutions you've adopted. Also, they read newspaper articles to learn your concerns and opinions and they meet you at various other functions and seminars. Finally, you respond to surveys that they send, from time to time.

The longer they've been listening and the better they've paid attention, the better prepared they are to recognize proposed legislation that would present you with a problem or an opportunity.

AT THE OFFICE Back at the office, they review lists of bills, recently introduced or amended. They flag those most likely to affect local government. They pull copies of those bills for more thorough analysis. Based on that analysis, they prepare an agenda of bills to take before the League Legislative Committee.

That Committee is composed of over 100 local officials, just like you. In fact, if you can spare one work day a month, 6 to 9 days a year, we encourage you to join that Committee. There you can help your colleagues from all around our State and serve on one of our four Subcommittees—Taxation and Finance, Intra-Municipal Affairs, Land Use, Environment and Community Development or General Legislation. Each of those Subcommittees has an agenda of 10-15 bills, which it studies, debates, and votes upon. Then we convene in the Committee of the Whole, which takes final action on the recommendations of the Subcommittees.

After the meetings, your League Legislative Action team returns to Trenton. Based on the Committee's debates and action, they draft position letters on the various bills. These are sent to sponsors and to any Legislators who could be asked to vote on the proposals. Our Committee actions are also briefly summarized and published in our Legislative Bulletin, which enjoys broad circulation among municipal officials, State Legislators, and Executive Branch Officers.

Finally, the Legislative Action team reports on several of them in the "Legislative Update" column—a regular feature of the award-winning magazine, *New Jersey Municipalities*.

KEEP ON COMMUNICATING

How can you help in the ongoing campaign of the New Jersey State League of Municipalities to defeat bad legislation and encourage the passage of good legislation?

Many bills die, each session, with no debate in any of the various Committees of the New Jersey State Senate and House of Assembly. But more receive attention in those forums, which represent the best of representative democracy in our Garden State. There, Legislators who have become experts in their committee jurisdictions—Judiciary, Law and Public Safety, Transportation, Local Government, Budget and Appropriations, Insurance, Education, Environment, etc.—listen to arguments for and against passage of scores of proposals over the two-year session.

Whenever they consider a bill on which the League has a position, your League Legislative team will let them know what your position is—and why you've taken that stance.

But when your help is needed on a deadline, the members of the League Legislative Action team rely on their "Legislative Alert" letters and, if aware of your interest in a particular matter, personal emails and phone calls. They use these tools most often whenever a particularly good bill needs a push and whenever an especially bad bill seems ripe for passage. At other times, they use these tools to inform you of the nature and consequences of new laws or regulations.

So, there we are. Through the League, municipal New Jersey makes its voice heard in our State Capital. Through the League, what's being said and done in the Capital City is broadcast to you. 📻



Inside the Legislative Process



Idea Developed

A legislator from either the Senate or General Assembly may sponsor a bill individually or at the suggestion of a constituent, interest group, public official, or the Governor. The legislator may ask other legislators in the same House to join as co-sponsors.

Bill Drafted

At the legislator's direction, the Office of Legislative Services, a non-partisan agency of the Legislature, provides research and drafting assistance, and prepares the bill in proper technical form.

Bill Introduced

The prime sponsor delivers the bill to the House. Copies of the "proposed" bill are printed. The bill title is read aloud at the next session by the Senate Secretary or General Assembly Clerk. This is the first reading. The bill is made available in electronic form

Committee Reference

The President of the Senate or Speaker of the General Assembly usually refers the bill to a committee for review, but may send the bill directly to second reading to speed its consideration.

Committee Action

When scheduled by the chair, the committee considers the bill at an open public meeting. The committee may report the bill to the House as is, with amendments, or by a substitute bill. If not considered or reported, the bill remains in committee.

Second Reading

When the bill is reported to the floor (or referred directly without committee review), its title is read aloud for the second reading. The bill can also be amended on the floor at this point.

Third Reading

When scheduled by the President or Speaker, the bill is given a third reading. As it is posted for a vote, members may debate the bill. To ensure thorough consideration, rules prohibit a second and third reading on the same day, except by an emergency vote of 3/4 of the members.

House Vote

A bill passes each House when approved by a majority of the authorized members (21 votes in the Senate, 41 votes in the Assembly).

Second House

When a bill is delivered to the second House, it will go through the same process from first reading, committee referral through final vote. If the second House amends the bill, it is returned to the first House for a vote on the changes. A bill received final legislative approval only when it passes both Houses in identical form.

Law

A bill becomes law upon the Governor's signature or after 45 days if no action is taken. If the House of origin is in recess on the 45th day, the time is extended until it reconvenes. (Different rules apply to bills passed during the last 45 days of a two-year session.) If vetoed, a bill can become law if the Legislature overrides the veto by a 2/3 vote in each house. A law takes effect on the day specified in its text or, if unspecified, the next July 4.

Governor's Action

After legislative passage, the bill is sent to the Governor.

The Governor may sign it, conditionally veto it (returning it for changes), or veto it absolutely. The Governor may also veto single line items of appropriation bills.

The League would like to thank all the members of the Legislative Committee. Our advocacy efforts would not be possible without their willingness to share their valuable time and expertise.

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Left to Right: Republican Leader, Senator Kean, District 21; Assembly Speaker Prieto, District 32; NJTV Chief Political Correspondent Michael Aron; Senate President Sweeney, District 3; Assembly Republican Leader Jon Bramnick, District 21; and NJLM President, Mayor Tempesta.

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A Flood of Choices: Considering Privatization of Water Utilities

A look at the major factors in deciding on municipal water system management

By Daniel J. Van Abs, Ph.D., PP/AICP, Associate Professor of Practice, Rutgers University-School of Environmental and Biological Sciences

Municipalities with publicly-owned water systems, whether for drinking water or sewage, face a fundamental choice—retain control, contract for management (public-private partnerships, or PPP), or sell (full privatization). These government utilities are municipal utilities, operated as municipal departments, or municipal utility authorities (MUAs) serving one or more towns.

If the municipality keeps control or contracts out, they can make a different decision later. The decision to sell is essentially permanent.

In every case, the choice should not be made absent hard, public analysis.

WHAT ARE THE CRITICAL FACTORS FOR CONSIDERATION?

Two major questions should be answered. First, why change from public management? Second, what should be gained from private management?

We should be very clear in our understanding of one point. These decisions have nothing to do with who owns the water, and what operational standards must be met. The law is very clear—water resources of New Jersey are owned by the public and are managed on their behalf by the State of New Jersey. The drinking water and wastewater treatment quality standards are all the same regardless of ownership, as are construction standards.

So what really changes with ownership? The major changes may include:

1. The burden of management
2. The capabilities of the utility
3. The source and use of utility funds
4. Rate implications

Let’s look at each of these changes in light of the two questions noted previously.

THE BURDEN OF MANAGEMENT New Jersey has more public community water supply utilities than municipalities. Some are small private companies, such as for mobile home parks. Others are large investor-owned utilities. Many are municipal utilities or MUAs. We have fewer public sewerage entities, nearly all of them government-owned.

Regardless of municipal administration, the work of a municipal utility is overseen by the municipal governing body, few of which have real expertise in utilities. When all is going well, the tendency is to focus on more familiar municipal priorities, such as police. When things go bad or a major rate increase looms, it is understandable that elected officials seek ways to outsource management.

The smaller or poorer the municipality, the more likely this is to be true.

This is one reason we have municipal utility authorities (MUAs), which have appointed boards that can become familiar with utility issues. The MUA board can hire necessary expertise to run the utility. This system works well as long as no major issues slop over into the political realm.

Unfortunately, major rate increases, declining service quality, conflicts over service areas, and a desire to monetize utility assets bring MUAs into conflict with elected officials. The result again is that elected officials may opt for private management. In this case, both small municipalities and cash-starved ones (regardless of size) will be tempted to act.

What might they want to achieve through a PPP or sale? First, to be relieved of a responsibility that is complex, costly and diverting them from other major public priorities. Second, to limit or eliminate public liability for future costs. Third, to shift control to those perceived to have greater expertise, access to capital, or flexibility.

Two major questions should be answered. First, why change from public management? Second, what should be gained from private management?

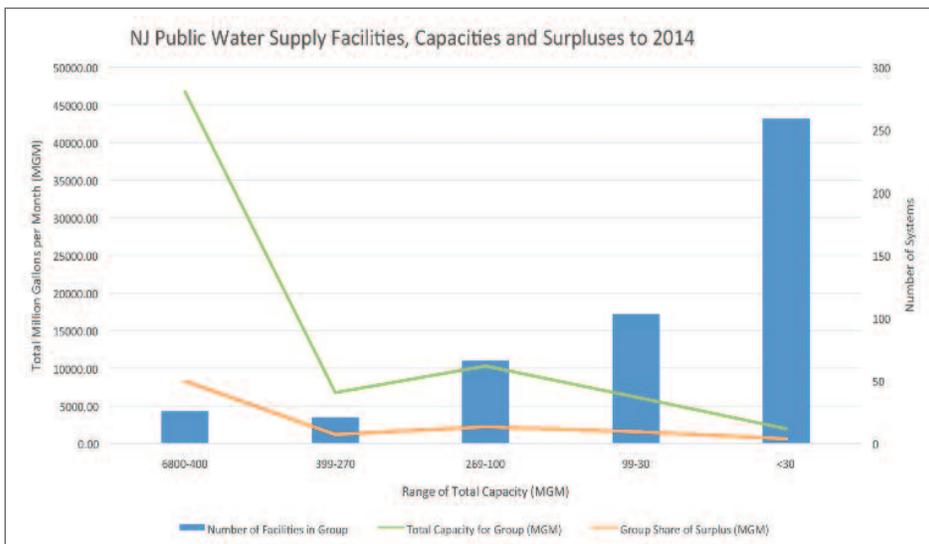
THE CAPABILITIES OF THE UTILITY Major players in the public and private sectors have told me that a water utility of sufficient size can be operated in a competent, cost-effective manner under public ownership. The simpler the system, the smaller that “sufficient size” will be. Unfortunately, what is possible doesn’t always happen.

It is reasonable that larger organizations will have greater capabilities, as they are sufficiently complex to justify and afford staff with greater expertise. However, most large water utilities in New Jersey are investor-owned companies. Government utilities generally avoid mergers, acquisitions, public-public partnerships, and the like. They remain static while the private sector grows.

The desire for enhanced capabilities might drive elected officials toward private sector involvement. They generally neglect to investigate similar public sector opportunities, or give up due to lack of willing partners.

THE SOURCES AND USES OF UTILITY FUNDS

Municipal utilities and MUAs may receive their funding directly from customers (through rates), from the municipal ad valorem



Privatization of Water Utilities

tax (paid to the utility through the local budget), or both. Municipal utility and MUA revenues should serve utility purposes. However, under existing law municipalities may divert some revenues for other municipal purposes. Some do, some don't.

PPP firms get their funding through the contract. Going to a PPP contract may increase utility revenues through better collections, but may decrease revenues to the municipality by redefining what can be diverted. A private utility gets its funding from the ratepayers. Both PPP contracts and outright sales often come with upfront cash payments that benefit taxpayers by offsetting property tax revenue needs for a year or so, but are paid for by utility customers through rates long term.

A recent state law reduces oversight of these payments. All in all, that seems like a bad deal for ratepayers, but elected officials may see the funding as a

boon that helps get them through another bad budget year.

RATE IMPLICATIONS Some interests oppose private ownership of water utilities, in part because of the profit motive. As noted above, elected officials can also find ways for government utilities to provide a "profit" but in this case it benefits taxpayers at the expense of ratepayers, who are not necessarily the same entities.

What the elected officials may hope for, especially in the case of a PPP, is that the private company will be able to reduce costs sufficiently to allow for their profit margin without a significant increase in rates. The rates are often specified in the PPP contract. However, those contracts also generally make the municipality responsible for major capital costs, either entirely or beyond a fixed amount in the contract. So, while one part of the rate may be fixed, another critical part is not—and that

part is highly likely to grow as our infrastructure ages and crumbles. For a sale, the rates become the problem of the Board of Public Utilities, and the municipal officials are off the hook.

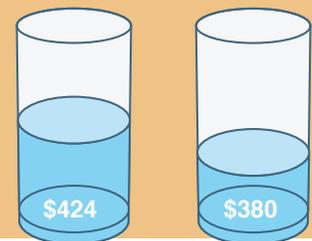
SO, DOES PRIVATIZATION COST MORE?

The best response: To whom and for what? My team at Rutgers was unable to find a statewide inventory of water utility rates, and so compiled 2013 drinking water and sewer rates in municipalities with combined sewer systems, for a New Jersey Future study.

For a nominal household in municipalities with combined sewer systems use of 60,000 gallons per year, annual average drinking water costs of \$380.

For investor-owned drinking water systems, the average annual cost for the utilities was \$424, 11.6 percent higher.

None of the sewer systems were investor-owned utilities.



The problem with comparing rates is that we have no real sense of how well maintained each system might be. Are investor-owned rates higher because of greater capital investments, higher financing costs, or profit margins? The latter two can be determined, but the first one requires an understanding of the overall capital needs for both the government-owned and investor-owned systems, which are not generally available.

The problem with comparing rates is that we don't really know what we are comparing. The entire debate degrades into unsupportable claims. Therefore, municipalities are likely to use the four issues above as their benchmarks for decision making.



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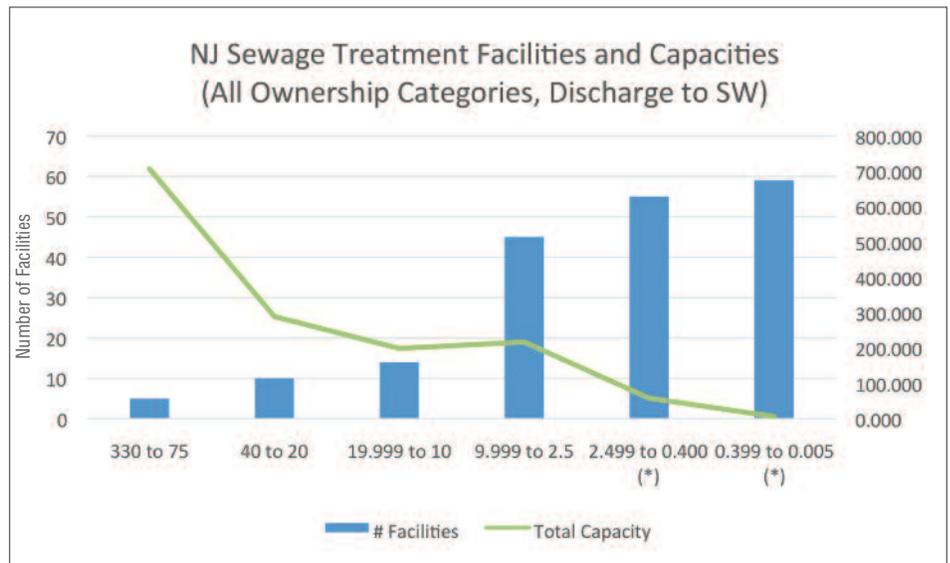
Privatization of Water Utilities

Well-run systems in financially sound municipalities are unlikely to be privatized—the problems that drive change don't exist, and so inertia will win. Problematic utilities, or those in fiscally-strained municipalities, offer perceived benefits. PPP contracts offload responsibility and gain short-term cash. For sales, negotiations set the price even though the utility may not have much real net worth (assets minus liabilities).

BPU and the Ratepayer Advocate no longer have much leverage to ensure a fair price, and so the costs probably will be folded into the broader rate structure of the private company. The result is that the rates of many people go up a little, and the rates of a few people could drop significantly. It's a local political win, but a societal loss.

FINAL THOUGHTS My conclusions include several points:

- Public enterprises should be able to



match private sector capabilities but are too often constrained from doing so.

- Privatization can be a valid approach, but is certainly no panacea.
 - Privatization is seen as a method to outsource problematic issues.
- Finally, we lack the information to

credibly compare costs of public and private ownership, in part because we lack decision-making systems that require analysis before action. ⚡

The views in the article have not been reviewed or endorsed by Rutgers University.



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Getting In Sync

When it comes to managing clean water utilities, it's all about timing

By Peggy Gallos, Executive Director, Association of Environmental Authorities

Timing is everything. In comedy. In football. In music. And, as it turns out, in public water and wastewater infrastructure, too.

Well-managed public utilities that do long-term capital and financial planning carefully time their repairs, upgrades, and replacement projects to maintain the high quality of service that communities need to function at their best, protect public health, and maintain economic prosperity. Well-timed management of infrastructure also keeps rates stable and minimizes rate increases. The alternative is running systems until components fail—which is expensive. Leaky and broken pipes alone, according to the National Taxpayers Union, costs the U.S. \$4.1 billion annually.

Public systems that are well managed have municipal leaders who value long-term planning. They have tools to help them assess needs and the financial resources to meet them, and they are led by professionals who understand of how to manage expenditure and debt.

LAKEWOOD TOWNSHIP is one example of what can be done when all those elements are in the mix. Lakewood Township Municipal Utilities Authority (LTMUA) expanded services in a variety of ways to keep up with the fast pace of population growth of the township, all while keeping rates among the lowest in Monmouth and Ocean counties.

The authority operates a wastewater collection system, two drinking water treatment plants, five water storage tanks,



A project in Jackson brings a high-density polyethylene (HDPE) pipe under a creek along a road to keep the system up-to-date and efficient.

and 85 miles of water mains in an 11 square mile service area. LTMUA drilled a new aquifer storage and recovery well in 2010. In 2011, it replaced an aging water tank in the Lakewood Industrial Park with a new one. LTMUA built a new water treatment plant in 2012 featuring state-of-the-art treatment processes that will ultimately treat water from eight wells.

LTMUA also integrated its metering infrastructure with a fixed-based antenna located at one of its water tanks and replaced approximately 6,500 meters to make them compatible with the fixed based system. This enabled the authority to read its meters remotely, without sending any meter readers into the field except for regular repairs and maintenance. The modern meters help save money, expand service to new users, read meters in real time and identify system leaks.

LTMUA is also in the process of drilling several new wells and developing a Geographical Information System (GIS).

HOW THEY DID IT: Lakewood

The authority financed most of these projects through the NJ Environmental Infrastructure Trust, which provides low-interest and zero-interest loans, as well as grants, to public systems. According to *NJ Business* magazine, in FY2015, DEP approved 45 clean-water projects for \$177 million and 16 water-treatment projects totaling almost \$33 million. Another \$200 million worth are in the pipeline. For this year, DEP has received 254 applications representing more than \$1.5 billion.

The achievements in Lakewood occurred because of leadership, said LTMUA Executive Director Justin Flancaum. “This work grew out of the long-term vision developed by our MUA board, in consultation with the Township.

“The MUA, as a public entity, is able to maintain infrastructure and employ the latest technologies at rates that are lower than the private purveyor that serves another section of the municipality—the Township Committee is very appreciative that the MUA can do this,” says Albert Akerman, a member of Lakewood Township Committee who, in December, completed a term as mayor.

Since 2007, Jackson’s water and wastewater utility agency has been fortunate enough to spend \$29.9 million on infrastructure—with little impact on rates. And even though the authority is starting a \$10 million project soon, the rates are expected to stay fairly constant.

The new \$10 million project will connect the stand-alone water system at theme park Six Flags Great Adventure in Jackson Township to the township system, resulting in much better efficiency.

Although the project had been talked about for years, Harpell forecast that it could be postponed until the township’s water and wastewater agency was in a better financial position and the rate impact was mitigated.

HOW THEY DID IT: Jackson

“If we tried to do this project in 2007 or 2008, it would have had a major impact on rates” says David Harpell, Executive Director of the Jackson Township MUA. Because Jackson MUA thought strategically about timing, they were able to negotiate an agreement with Great Adventure. The theme park agreed to pay half the costs, saving \$5 million that would have been borne by the ratepayers. This factor, plus others

such as borrowing on favorable terms, meant ratepayers got the improved reliability and performance in the system but at a more favorable rate impact. A typical water user, who might have seen a \$5 a month increase if the project had been done in 2007, instead has seen an impact of less than a dollar.

The Jackson MUA board, as well as the township elected officials who appoint them, support making such investments. “The question is are you going to let the infrastructure manage you—by letting it go and simply reacting to line failure or equipment breakdowns? Or are you going to manage the infrastructure by investing in it?” Harpell asked. “It really helps when you’ve got leadership that has that perspective.”

Good guidance also helps. “I know of a system that was advised it needed to spend \$600,000 on an upgrade but upon further consultation, they found they could address the need at one-third that cost,” said Harpell. “It is all about getting the right advice.”

HAMILTON TOWNSHIP (Atlantic County) “If you can plan your finances right, you can really keep capital projects from having a big impact on your

Leaky and broken pipes alone, according to the National Taxpayers Union, costs the U.S. \$4.1 billion annually.

JACKSON David Harpell, Executive Director of the Jackson Township MUA keeps a keen eye on the utility’s debts, initiating projects at the optimum time in the financial cycle whenever possible.

“You can actually reduce your operating costs by making some smart capital improvements—and obviously the level of service to the rate payers is better,” he says.



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Getting In Sync

rates,” said Steve Blankenship, Executive Director of the Municipal Utilities Authority for Hamilton Township (Atlantic County). HTMUA, which has an operating budget of \$4.8 million, provides water and sewer services to over 20,000 residents.

Blankenship stays on top of capital needs—and financial plans—utilizing an asset management system that includes GIS (geographic information system) and hydraulic models that help analyze water quality, system capacity, fire flows, and water and sewer main breaks. It allows the MUA to chart weaknesses (capital needs) in the systems and to determine the best time to tackle them financially.

HOW THEY DID IT: Hamilton Twp.

“It’s a dynamic process,” said Steve Blankenship, Executive Director of the Municipal Utilities Authority for

Hamilton Township (Atlantic County). “It’s like living in a house. Over time things degrade and they need to be replaced. As a utility, we’re on 24/7, so we have to be able to provide our services 24/7.”

It is also essential to consult professionals who have expertise in water and wastewater matters. Specifying this when advertising for professional services is important.

Water and wastewater systems are not ever really completed. They expand to meet growing communities. They change to accommodate more efficient technology or evolving water quality requirements. Old pipes need to make way for new ones. The changing climate impacts them significantly too. So it is important that the municipal officials responsible for them make sure the funds collected from ratepayers remain available.

Some municipalities transfer funds out of water and sewer accounts, and then, unfortunately, the funds aren’t there for the system when they are needed. AEA reviewed 100 municipal budgets and found that over a three-year period, \$80 million collected from water and sewer ratepayers within those municipalities had been transferred for other uses.

Water and sewer ratepayers are best served when those responsible for their systems understand the value of timing, planning, and wise investment of funds collected to support the system.

Peggy Gallos is the executive director of the Association of Environmental Authorities (aeanj.org).

Citation: The Underground Infrastructure Crisis: Rebuilding Water and Sewer Systems without a Flood of Red Ink, January 18, 2010. National Taxpayers Union Issue

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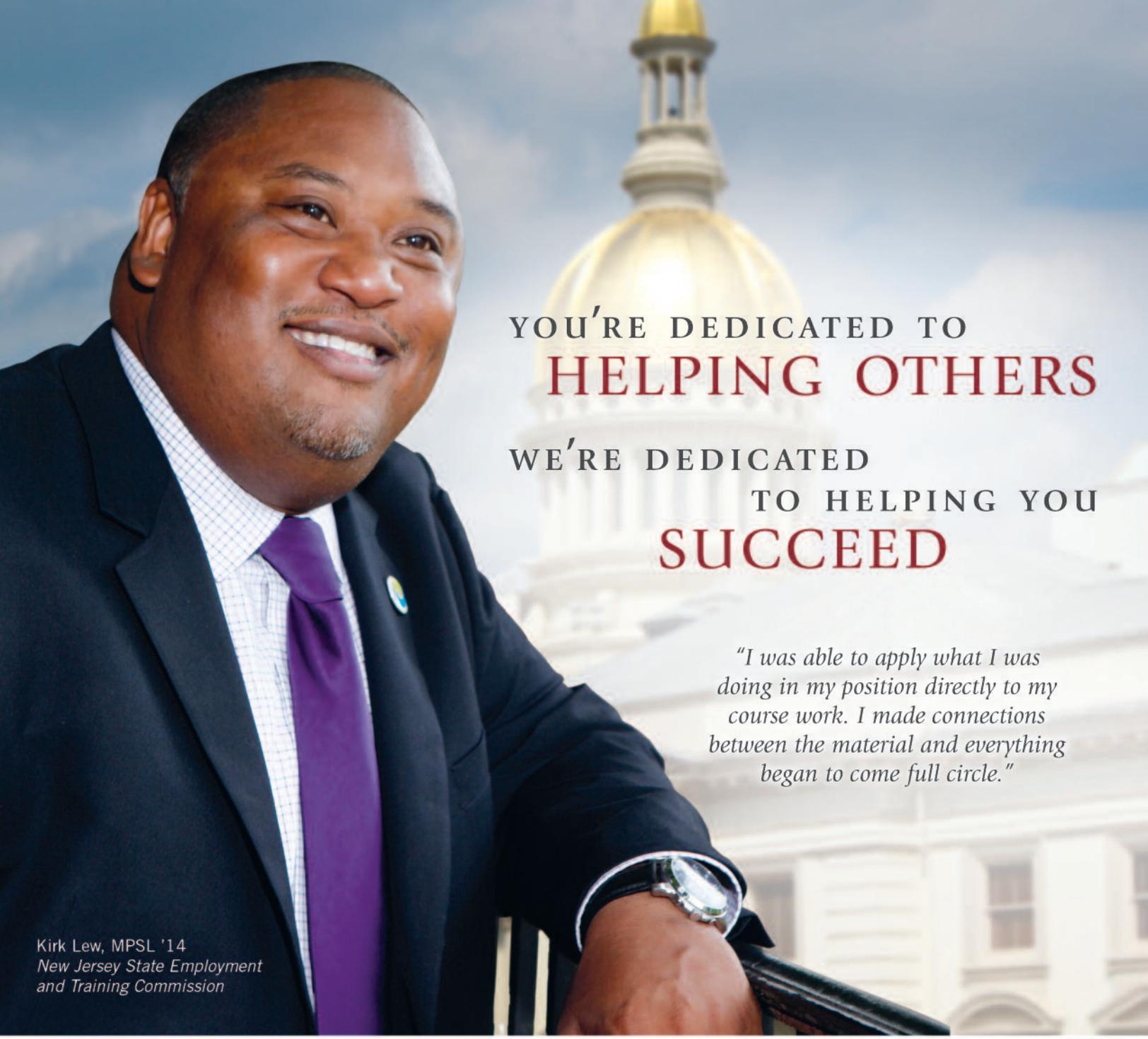


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OUTLOOK 2016: Cutting Taxes, Growing the Economy

The legislature's top priority in 2016 must be to make New Jersey more affordable by cutting taxes and growing the economy.

By Thomas H. Kean, Jr., Senator, District 21; Republican Leader

This state's nation-high property, income, and death taxes are driving generations of New Jerseyans to states with much lower tax burdens. Noncompetitive state regulations make it difficult for municipalities to attract and retain employers and important property tax ratables.

To address those issues, we must pass overdue Senate Republican bills to give local government officials more tools to lower property taxes.

We must finally pass civil service, sick-leave payout, and health benefit reform to annually save property taxpayers hundreds of millions of dollars and avoid a \$725 million federal "Cadillac Tax" that could instead fund municipal and school aid for property tax relief.

Affordability in New Jersey hinges upon consolidation and shared services among schools, counties, and municipalities; and a bipartisan bill that passed the Senate, but needs to pass the Assembly, would facilitate such maneuvers where it makes sense.

Economic growth reforms are essential to decrease government dependence on New Jersey's overburdened taxpayers and eliminate the state's stigma as the nation's worst business climate.

In 2016, New Jersey's local officials must be allowed to usher in vital opportunities to grow jobs, tax ratables, and tourism, free from unworkable court mandates and obstructive state regulations.

Such mandates as COAH come at the expense of middle-class property owners and do nothing to help low-income New Jerseyans access the higher paying jobs, public services, and mass transit that they need to be successful. We must pass legislation introduced to abolish COAH's failed programs and give our communities the authority and flexibility to provide enough affordable housing for those who need it most in areas that make sense. This bill will protect home values and ease tax burdens in towns that are already overcrowded.

Senseless red tape is also stymieing small business economic growth opportunities, which produce the revenues needed to lower property tax burdens across New Jersey.

For example, we need to address archaic liquor laws that are blocking dozens of brewpubs and microbreweries from opening or expanding in virtually every county, while farmers markets, retail stores, and movie theaters are being banned from enhancing

their operations with local liquor products. We should pass now-bipartisan legislation that I introduced to permit local breweries to sell their products at community farm markets in non-dry municipalities; allow consumers to enjoy local food at micro-breweries; and allow New Jersey brew pubs to annually increase their sales within and outside of New Jersey.

In April, Senate Republicans concluded a months-long statewide tour, during which we met with local officials, community leaders, K-12 and higher education administrators, entrepreneurs, and employers of all sizes. We culminated that tour by rolling out a 36-bill package to create jobs and grow the economy without costing taxpayers extra money.

So far, 21 of those bills have garnered Democrat sponsorship, more than a dozen have advanced in the legislature, and the governor signed into law two of the innovation bills. We hope to enact this entire 36-bill package, available at www.senatenj.com/solutions/jobs/.

New Jerseyans' property taxes mostly pay for public schools, which are funded via a flawed and inefficient state funding formula. We must enact reforms to adjust school funding weights to equalize the per-pupil allotments for education and allow hundreds of suburban communities to keep more of their tax dollars in their own classrooms. To create more effective and efficient public school districts, we should also pass Senate Republican solutions to create school choice that allows children in every ZIP code to succeed; and enable schools to keep the best teachers, administrators, and staff.

By reducing costs and growing the economy we will be better equipped to address the justified concerns about state and local transportation funding.

We must enact an accountable and sustainable Transportation Trust Fund solution to provide municipalities and counties hundreds of millions a year in TTF funds they rely on. Without funding, emergent road projects could lead to more borrowing and debt service costs that increase property taxes.

We need to ensure funding is available and constitutionally dedicated for essential transportation purposes and prevent waste and abuse. New Jersey spends the most by far per mile of any other state and Senate Republicans have introduced legislation to cut costs and ensure that transportation dollars are spent efficiently in order to finish more projects without breaking taxpayers' backs. ♣

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

OUTLOOK 2016: Investment Critical to Growing New Jersey's Economy

By Stephen Sweeney, Senator, District 3; President of the New Jersey Senate

As municipal officials, you understand that you must grow your local economy, improve your transportation infrastructure, pay your bills on time, and make your municipality an attractive place to live, if you want your town to thrive in an increasingly competitive world.

Standing still, doing nothing is not a recipe for success. You can't starve your way to prosperity. As a former Gloucester County freeholder director for 13 years and New Jersey Senate President for the last six years, I know how critical it is to make smart investments to attract businesses, create jobs, and spur the revenue growth needed to ensure fiscal stability and a prosperous future for coming generations.

That is the philosophy that underlies New Jersey: Investing in You, a series of policy proposals the Senate Democratic caucus has been developing over the past several months, and other initiatives that have been advancing through the Legislature. Together, they constitute a long-range plan to enable us to make New Jersey a leader in economic growth, job creation, and innovation by capitalizing on our location at the crossroads of a Northeast Corridor market of 60 million people.

The prosperity of the 1990s—when New Jersey was an economic powerhouse—did not happen by accident. It was a direct result of the investments made by Governors Brendan Byrne and Tom Kean in transportation, K-12, and higher education. It's a formula that works.

We need to enact a \$2 billion a year Transportation Trust Fund to repair our crumbling roads, bridges and mass transit system.

We are committed to doubling county and municipal aid to \$400 million to make sure that our local roads and bridges are in a "state of good repair." This will enable you to borrow less and to hold down local property taxes.

My meeting with mayors from South Orange, Rahway, Metuchen, and North Brunswick underscored just how important transit-oriented development is to downtown revitalization, and studies show consistently that home prices rise faster near rail stations.

That's why we need to make sure that the new TTF expands the Hudson-Bergen Light Rail into Bergen County and finally extends rail service south of Camden by building light rail to Glassboro.

That's why we have been pushing so hard to double NJ Transit commuter capacity by building a new Port Authority Bus Terminal and launching a Gateway Tunnel project that will expand the Northeast Corridor and provide "one seat" rides to Manhattan on every rail line.

We also need to invest in rail freight to handle the doubled cargo that the Panamax superfreighters will bring into Port Newark once the Bayonne Bridge is raised, and to serve South Jersey's growing ports.

Our K-12 school system ranks among the nation's best, but we need to expand preschool education because it is one of the best investments we can make. We are proposing to expand pre-K immediately to cover 8,000 more children and plan to establish an innovative pilot program to leverage private sector money for additional preschool expansion.

We are also developing legislation to create a New Jersey Honors Scholars program to provide increased student aid to high-achieving students from every school district to attend research universities, four-year and two-year colleges. Keeping our best students here for college is the best way to ensure that they will stay here after they graduate.

Passage of a constitutional amendment to build two casinos in North Jersey will also provide development money to transform Atlantic City into an all-around recreational destination, as well as provide needed funding for senior citizen programs.

We will push legislation to allow senior citizens making up to \$100,000 to exempt all of their retirement income from state taxes, making it easier for them to afford to retire in the communities they love.

Investments like these—which make up the core of our New Jersey: Investing in You initiative are important, and so is responsible fiscal management. That's why we are also pushing a constitutional amendment requiring the state to ramp up to full actuarially required funding of its pension system within six years, a policy designed to put pensions for teachers and state employees on the same responsible fiscal footing as the pension systems for police, firefighters, and local government workers that municipalities have been paying into regularly year after year.

Working together, we can make New Jersey the innovative, prosperous, and affordable state we all know it can be. ♣

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

WASHINGTON



Veterans' Unemployment

By Tom MacArthur, U.S. Representative, District 3

I ran for Congress in 2014 because I knew the federal government could do more to empower individuals and private-sector companies to grow the economy from the ground up. As an entrepreneur who created and preserved thousands of American jobs, I saw this first hand.

With 65,000 veterans in the Third Congressional District, I am especially concerned that we help create good paying jobs for the men and women who served our country, and have now moved into the civilian sector. Our veterans deserve every opportunity to earn a good living. Over the past year, U.S. employers have made strides in reducing the unemployment rates among veterans, but it's not enough. The unemployment rate for younger veterans is still far above the national average.

During my time on the House Armed Services Committee I have seen firsthand the devastating financial and emotional impacts faced by veterans when they return from service. Our veterans are some of the most highly trained workers in America, yet many find only part-time work, while others find no work at all upon their return.

Employers know that those with military service are often the most highly trained, driven, and disciplined candidates. That's why I was proud to co-sponsor the bipartisan Hire More Heroes Act, which provides incentives for small businesses to hire more veterans. The Hire More Heroes Act will encourage small businesses to hire veterans and allow businesses to expand and grow our economy without being penalized. This bill received broad support and was recently signed into law by the President.

Another effort I've led this year directs the Departments of Defense and Veterans Affairs to work together to help our veterans transition from military to civilian employment. This provision was included in the National Defense Authorization Act (NDAA) and will result in additional training, skills assessment and transition assistance.

While I continue to work with both Republicans and Democrats to combat veterans' unemployment, many private sector companies have stepped up with hiring initiatives of their own.

In New Jersey, Uber, the ride sharing company, has made a big difference with the company's UberMILITARY program, which seeks to on-board veterans as driver partners. To date, nearly 1,000 New Jersey veterans and more than 10,000 veterans nationwide are driver partners. In total, veterans are earning \$1 million per week and the company has a goal of eventually bringing 50,000 veterans on board.

U.S. employers have made strides in reducing the unemployment rates among veterans, but it's not enough. The unemployment rate for younger veterans is still far above the national average.

In a similar commitment to veterans, Microsoft's Elevate America's Veterans program aims to help veterans and their spouses successfully transition from military to private-sector employment. Microsoft has invested in training and certification, job placement, career counseling, and other support services such as childcare, transportation, and housing to help in the successful transition into civilian life. Additionally, Microsoft has a 16-week program—Microsoft Software & Systems Academy—that provides IT training to eligible U.S. active-duty transitioning service members.

These programs, and others like them, are integral to our overall goal of helping every veteran find good and permanent employment. Our military men and women gain unique experience, but also sacrifice many opportunities when they serve our nation; and we owe them a great debt of gratitude. Employment should be at the top of the list. I will do everything in my power—and I applaud those in the private-sector that are doing the same—to ensure that service to our nation does not mean a lifetime of financial struggle. 🇺🇸

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The Postal Banking Alternative

By Albert B. Kelly, Mayor, Bridgeton;
1st Vice President, New Jersey State League of Municipalities

One issue that is shaping our state is income inequality. When we think of income inequality, we tend to think almost exclusively in terms of wages. But inequality, at least for the growing numbers of families at the margins, is also about the costs associated with banking and financial services.

Because we're talking about low-income individuals and families living paycheck to paycheck, we're also talking about those underbanked struggling with checking, savings, small loans, interest, and fees. In that context, we're talking about payday lenders, check cashing operations, and similar alternatives.

Those at or near the bottom, the ones who can least afford it, get crushed because they're poor, underbanked, or otherwise outside the mainstream of financial services and this is part of the vicious cycle that keeps them, and by extension whole communities, from getting traction.

According to a January 2014 White Paper (uspsoig.gov/sites/default/files/document-library-files/2015/rarc-wp-14-007_0.pdf) from the Office of the Inspector General of the U.S. Postal Service on Postal Banking as a possible solution, the average underserved household—some 34 million households comprising 68 million adults—has annual income of \$25,500. These numbers include a larger share of minorities, the young, immigrants, and undocumented persons.

Off the top, these households spend approximately \$2,400 a year on interest and fees for alternative financial services. These fees include getting paychecks converted into cash and then getting the cash reconverted back into money orders, bank checks, or electronic payments. In 2012, the unbanked paid \$89 billion in such fees and interest.

That \$2,400 makes a huge difference for families on the margins; this same report tells us that on average, those who filed for bankruptcy in 2012, were just \$26 a month short of meeting their monthly expenses. Go figure.

The point is that Postal Banking, which was a viable alternative in this country from 1911 to 1966, delivered basic services like checking to rural communities, farmers, inner cities, and immigrants, for a fraction of the cost of today's alternatives.

It would be much the same for loans. Today, those who need a small loan (\$200-\$1,000) for a car repair or some other emergency can't get one from a traditional bank.

The underwriting for such a loan costs more than the loan itself. What's left is the payday lender.

Interest on these loans can be anywhere from 300% to 500%, so that the original loan of a few hundred dollars can easily turn into a burden of thousands of dollars.

Traditional banks don't do much better when it comes to the underbanked. In her book "How the Other Half Bank," Mehrsa Baradaran points out that 75% of fees come in the form of overdraft fees and 90% of these are paid by just 10% of customers, mostly those at the margins.

A 2008 FDIC study notes that if overdraft fees were treated as the payment a customer makes to the bank for an extension of credit on the overdrawn amount, it would be the equivalent of a 3,500% APR.

This is the part of income inequality that's often overlooked—the built-in price of being poor. Spread over multiple families and neighborhoods, it becomes the price an entire community pays and the cycle isn't easily broken.

However, with Postal Banking being a model successfully executed in the past, we do have a way forward. With 33,000 postal branches nationwide versus just 7,000 bank branches, Postal Banking could be found wherever people needed it.

With the Postal Service operating at deficit over a \$5 billion a year since Congress changed the laws several years ago, the revenue from providing basic checking, microloans, and other basic services would likely make the Post Office self-sustaining.

As a federal entity, the Post Office would be able to recover unpaid balances from tax returns, rebates, and garnishing wages if necessary. At the very least, postal banking could be done on a trial basis over several years, if not nationwide, then perhaps in specific low-moderate income communities, within states, or even by zip code.

While there will likely be a good deal of pushback from those benefitting from the status quo, profit margins are not a good enough reason to maintain this status quo. There's much to be done in addressing income inequality.

A generation ago, Postal Banking provided a sensible way to address the needs of a diverse and changing nation with countless immigrants on the bottom rungs of society, in the shadow of the Depression and a World War. Given a chance, it could be that again. ♣

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

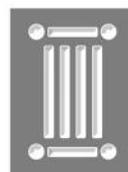
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Providing Affordable Housing For Our Garden State Veterans

By Bob Smith, State Senator, District 17

Military veterans sacrifice the comfort of their homes and families in exchange for the realities of war. Many of these brave men and women return home from deployment having missed application deadlines to apply for affordable housing opportunities that may have been available to them had they not been at war. According to the Center for American Progress, one in seven homeless people in America is a veteran. Nationwide, there are more than one million veterans at risk of becoming homeless, with tens of thousands currently without shelter.

The men and women who have served heroically in our nation's armed forces should not have to come back stateside to a situation where they do not have a roof over their head. After speaking with some of our veteran's years ago I was prompted to write legislation requiring the Council on Affordable Housing (COAH), in consultation with the Department of Military and Veterans Affairs, to promulgate rules and regulations to provide a preference for veterans who qualify for affordable housing assistance and to hold harmless military personnel from any affordable housing application deadlines which may have lapsed during their period of deployment in active military service.

This law is a big step to ensure that low and moderate income veterans will have access to the American Dream that they have fought so courageously for, including a home and establishing roots within a community.

The legislation was embraced by my colleagues in the New Jersey legislature and secured bi-partisan support. Working together with the Senators and Assemblyman to combat the

issue of rampant homelessness within the veterans' community, I shepherded this legislation through the NJ Legislature. It was unanimously approved in both the Senate and General Assembly and signed into law on January 28, 2013. New Jersey municipalities are encouraged to use this new tool as they go through the new judicial process mandated by the Supreme Court. Township attorneys should review P.L. 2013, c. 6 for guidance.

The law allows municipalities to enter into agreement with developers to provide preference to affordable rental housing for low and moderate income veterans of up to 50 percent of the available affordable housing units within new housing developments. This law is a big step to ensure that low- and moderate-income veterans will have access to the American Dream that they have fought so courageously for, including a home and establishing roots within a community.

Municipalities may have developers contact Terry Dearden, Legislative Liaison at The New Jersey Department of Military and Veterans Affairs (NJDMAVA) to advise the department of available housing. She may be reached at 609-530-6893. 

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

For Your Information

The Department of Military and Veterans Affairs also publishes the New Jersey Veterans; Benefits Guide which provides information on programs and services for our Veteran's here in the Garden State.

NJDMAVA is the best resource for information of veterans in the State of New Jersey and can also be an excellent resource to the municipalities with housing for our veterans. The NJDVMA stands by its promise of "serving those who served," and this booklet is an invaluable tool. The NJDVMA recognizes that too many veterans are unaware of all the federal and state program benefits, entitlements, and services they have earned in defense of our great nation.



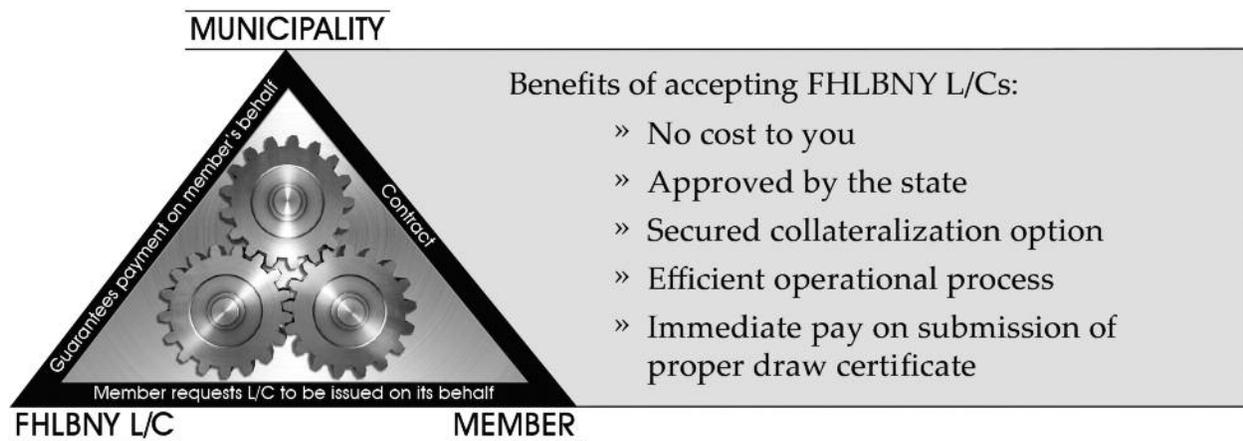
The booklet is available online at nj.gov/military/veterans or by calling 888-8NJ-VETS (888-865-8387).



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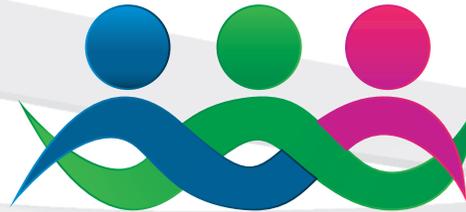
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Building Bridges

League speech explored Charleston's ethical leadership



By Joseph P. Riley, Jr., Former Mayor,
Charleston, South Carolina

Recently retired, Joe Riley was the Mayor of Charleston, S.C., since 1975 and was the Arthur J. Holland Ethics in Government speaker at this year's League Conference. This annual session, established in honor of the late Trenton mayor who served from 1959-1966 and 1970-1989 and was President of the US Conference of Mayors, is part of the Holland Program run by Rutgers University's Eagleton Institute of Politics. Mayor Riley was introduced by Peter Cantu, Mayor of Plainsboro for more than 35 years, and John Weingart, Associate Director of the Eagleton Institute of Politics.

Here, Riley speaks at last November's League Conference: *"I met Art as a young mayor at the U.S. Conference of Mayors' meetings, and I noticed him because other mayors would always be hanging around him. Art died 26 years and 4 days ago. One of the great honors of my life was that Betty [Holland] and the family asked me to deliver the eulogy at his funeral mass in Trenton. It's wonderful that Rutgers University perpetuates Art's memory and this facet of his public service..."*

I'd like to speak today about several components of our work as local officials. The first is this—you lead best when you understand peoples' hearts. The road to getting to the place we think is correct can be very bumpy and controversial, but if we know our citizens well; when we get there, their hearts will be fulfilled.

I ran for mayor in the mid-1970s to build racial bridges in a deep southern

city and I knew that wasn't going to be easy. But I knew that if real progress was made in racial understanding, that the citizens' hearts would be fulfilled.

When I hired an African-American police chief, he was the first African-American that most white Charlestonians had ever seen who had a professional job that was extremely and personally important to them.

When I came up with this idea to lead a march to Columbia 110 miles away to object to the confederate flag on our state capitol, I was called behind my back Little Black Joe, LBJ, because people said "He did that for the black votes." But that wasn't my thinking.

I just wanted to fulfill the hearts of the citizens, and I knew that until we made real progress in racial justice, that wouldn't be the case.

The most important thing I've done is the thing I'm working on right now, building the National African-American Museum. Forty percent of all enslaved Africans who came to the United States came to North America through Charleston. We weren't taught the history of Africans coming here and I felt that we had the duty in Charleston to help address that. Now we are working to build that museum, not just for the citizens of Charleston in South Carolina, black and white, but the citizens of our country.

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Conference Connections



Charleston's downtown faced a comeback struggle, but with strategic planning the community determined what was needed and then, block by block, worked at fixing the city.

VISION AND STRATEGY To get something done, it's important that we have a vision, and a strategic plan. The most important work that we do is the intellectual and emotional work of knowing what the right course of action is and

then developing that plan and then sticking with it.

And don't back down. Our downtown was dead, like the average American urban downtown in the 70s, but with strategic planning we determined what

was needed and then, block by block, we worked at it. It was controversial, we had lawsuits. People said we would ruin the city, the city's going to go broke, and all this kind of stuff.

When what we're working on is controversial, if there is that reservoir of trust, it gives you some valuable leeway to seek to affect that aspect of commerce that you believe is so important to your community.

But what we knew was that we needed to give life to the inner city and we needed to get human beings walking up and down the street and using the retail shops as they opened. And lots of people



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Charleston has worked to bridge social chasms to great success.

thing to do, but also ethical behavior gives us a huge asset—trust. You’ll see it help you effectively lead your community. When what we’re working on is controversial, if there is that reservoir of trust, it gives you some valuable leeway to seek to affect that aspect of commerce that you believe is so important to your community.

were mad but we stuck with it and of course, now the downtown is thriving. It’s one of the Top 10 shopping streets in America. Everybody is happy with it and proud of it and you can’t find anyone in Charleston who will ever admit that they were opposed to it.

THE PUBLIC REALM The public realm is so important. The public realm as we know it is everything that a human being sees or feels in the city that’s in the public sun—the streets, the sidewalks, the parks, the public spaces. In the American city for the most part, in the middle part of the 20th century, the public realm took a real hit. But we realized that every time you improve the public realm, you give something to every citizen, for they own the public realm.

They would never articulate that and maybe they don’t even know it except intuitively. But build buildings and public spaces and make them beautiful, and what you’ve done is given every citizen something of value. We’re better as a society if more of the things we value are more of the things we own together.

GOVERNING ETHICALLY And lastly, circling back to ethics, what I try to do when we’re dealing with things that are complicated and maybe edgy is to picture what a grammar school civics class would think if they were watching this discussion taking place in my office with no press present.

I work hard as best I can in my personal activities so that the citizens of my city would feel that I act ethically. I don’t take free tickets to baseball games; I pay just like everyone else. I don’t expect gifts, birthday presents, and all that.

You do all that because it’s the right

ACHIEVEMENT: LEAVES AN IMPRESSION



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Through Tragedy, A City's Finest Hour

In the Q&A period after his remarks, John Weingart asked Mayor Riley if he would talk about the shooting five months earlier (June 17, 2015) at the Emanuel African Methodist Episcopal Church in Charleston. Nine people, including Clementa C. Pinckney, the senior pastor and a state senator, were shot and killed by a gunman who said he had hoped to ignite a race war. Following are his remarks.

John asked me to discuss the church shooting and I'll tell you what happened. When the police chief called me at home and said, "There's been a shooting at the church and there are some fatalities," I said I'd be right down. I instinctively knew that everything I did and said had to be correct so I changed into a coat and tie because at that church, I needed to make sure that every step was taken to show respect.

Now I knew the pastor well. He was in the state senate and we had worked together on lots of things. When I got to the area near the church, I asked had Reverend Pinckney arrived yet and they said, he's inside.

There was no doubt in our minds in our collective community that this was a city for everyone.

I was with the police chief and I told him to brief the families. After he said someone was in the church and fired a lot of shots causing nine fatalities, the collective silence that followed will be with me until the moment I die. Human expressions of grief and anguish—different kinds of

silence. And then the sobbing, crying, and weeping. When we had a press conference at 1:20 at night, both the chief and I called it an unspeakable act of hateful violence, which was very important to the community. No whitewashing this, no question.

We had a great police force and also had invested in the best criminal technology. The dear souls were killed about 9:10 pm and by about 11:30 the next morning, that hateful man had been arrested in North Carolina.

It was very important to the community that we had labeled it what it was and that we had caught the guy. Now I'm not timid about talking about prayer and love and all that, and so I told the community that we were going to respond to this hate by loving each other and caring for each other. And obviously there was fear and worry about this hateful, despicable act of violence causing more violence but the community came together. Disasters—natural or human-caused—catch us as we are. Whatever you've been doing or not doing, it is too late to do or not do at that moment. Where you are is what you've got.

And we had worked hard for the 39-plus years on making our city a place that everyone felt a part of. There was no neighborhood that felt left out. There was no doubt in our minds in our collective community that this was a city for everyone. Then you saw the amazing act of forgiveness that stunned everyone two days later at the bond hearing when people came together—black people and white people.

By the way, and I keep saying this, that guy was not from Charleston. But he did not come from another planet or country, so it's a reminder to America that he's from America. He was from South Carolina. We haven't finished yet. But, the citizens of the Charleston community took the worst, most hateful act in our city's history, and few worse in our nation's history, nine people in a bible study in church and a guy comes in and sits down in a bible study crowd and kills them because they're black and he hates black people and he wants to cause a race war. What the community did was make their response to that hateful act maybe the city's finest hour. ♣

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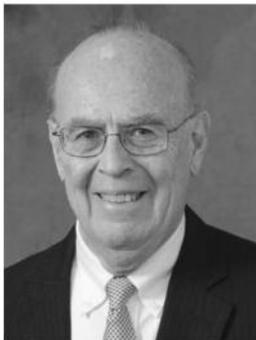
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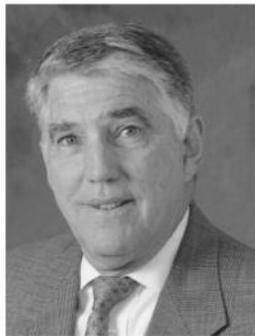
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Michael McGuinness,
Chief Executive Officer, NAIOP NJ

Hackensack Mayor John Labrosse (holding award) accepts NAIOP NJ's Public Partner Award at the President's Awards & Hall of Fame Dinner. Also pictured (from left): Fran Reiner (DMR Architects); City Manager David Troast; Councilman David Sims; Mayor Labrosse; Deputy Mayor Kathleen Canestrino; NAIOP NJ Past President Michael Seeve (Mountain Development); and NAIOP NJ President Clark Machemer (The Rockefeller Group). Projects involved in the efforts included Alcova Companies at 150 Main Street, Heritage Capital at 210 Main Street, and Meridia Metro at 240 Main Street.

invest in infrastructure and solicit input from local citizens, and are receptive to a development community that has its pulse on market trends. We hope these communities will be recognized as champions to be emulated by other towns.

In the words of Nobel Prize-winning playwright George Bernard Shaw, “progress is impossible without change.” New Jersey’s most enterprising municipal leaders are embracing change not simply as a necessity for moving forward, but rather as a tool to propel their communities into a bright future. And their achievements are being celebrated.

NAIOP NJ, the commercial real estate development association, recently presented its Public Partner Awards to the City of Hackensack and the Borough of Florham Park, recognizing their economic development successes stemming from innovative land use planning.

We have seen many towns struggle with lost ratables and high office vacancy rates due to the migration of businesses toward urban centers or the loss of major corporate tenants. Today, a new story is emerging: Communities are expanding local economies by rethinking approaches to attracting and maintaining jobs, and enhancing quality of life.

The most forward-thinking municipalities are rezoning and creating live-work-play environments where Millennials and Generation Z can afford and want to live. Employers chase talent. These towns get it: they are taking the initiative to

HACKENSACK: DOWNTOWN REVITALIZATION The City of Hackensack Rehabilitation Plan for the Main Street Area was adopted in June 2012 with the goal of transforming the downtown into a walkable, livable, and sustainable urban environment, while enhancing existing assets.

Encompassing 163 acres on 39 city blocks and 389 individual properties, the plan provides opportunities for new mixed-use development, including retail, restaurants, offices, commercial spaces, civic areas, and entertainment options, as well as diverse housing.

“Because Hackensack is an urban municipality with little open space, infill redevelopment is our only logical path for progress,” noted Mayor John P. Labrosse, Jr. “Trends show that members of the younger generation want to live where they can walk out their doors for shopping, dining, and entertainment. We are eager to accommodate that.”

The Plan’s objective is to create a series of interconnected neighborhoods with improved infrastructure, parks, plazas, and open spaces that tie into two existing NJ Transit Rail Stations and the NJ Transit Regional Bus Station. The result will balance vehicular, pedestrian, and mass transit options to promote connectivity and minimize traffic.

Through a collaborative process, the city and the Upper Main Street Alliance, a Special Improvement District, developed the plan in a way that will preserve the history of the city while implementing cutting-edge redevelopment strategies. The plan changes zoning for the downtown area and provides a vision



Borough Administrator William Huyler (second from left) accepts the Public Partner Award for Florham Park. Pictured (from left) are NAIOP NJ Past President Michael Seeve (Mountain Development); William Huyler; Borough Engineer Michael Sgaramella; Planning Board Member Jane Margulies; Planning Board Member and Zoning Board Chair Michael Cannilla; and NAIOP NJ President Clark Machemer (The Rockefeller Group). Buildings involved in the program included the new Jets training facility, the Rockefeller Group's Building, and BASF's facility.

for revitalization through increased development flexibility and density that promotes the permitted uses throughout the downtown area.

Hackensack has invested its own resources to encourage development. Early in the process, the city conducted a Developers Symposium with over 100 local, regional, and national developers. Steering Committee meetings, public workshops and meetings, and the creation of a project website provided for continual input to and from the public.

“We have focused a lot of effort on making it easy for real estate companies to get involved here,” Labrosse said. “With the Rehabilitation Plan, zoning is already in place. We also instituted a pre-application methodology, where interested parties can meet informally with local officials to present their ideas. That way projects are already vetted before they launch into the formal process.”

The city continues to meet weekly with interested property owners and real estate professionals to discuss potential projects and opportunities and identify potential underlying issues to be addressed. “It has been a pleasure to work through the system of redevelopment in Hackensack,” Labrosse noted. “It has been a true partnership.”

Today, Hackensack has at least six major projects in the works, three of which have shovels in the ground. “Five years from now, I fully expect to see Hackensack recapture its former grandeur—but in a different form,” Labrosse concluded. “We have a beautiful, one-mile stretch of downtown that

will welcome 1,500 to 2,000 residents in multi-family properties with ground-level retail and dining; and serve as home to a thriving arts district highlighted by our new cultural center. The pieces are all coming together.”

FLORHAM PARK: CAMPUS TRANSFORMATION NAIOP NJ also honored the Borough of Florham Park for its efforts resulting in The Green at Florham Park becoming one of New Jersey's most prestigious and successful mixed-use developments. Upon the announcement that ExxonMobil was closing its local operations in 2002, the borough undertook a rezoning of the

268 acres from single-tenant use to provide multiple, mixed options, including residential, hotel, office, and medical.

“It is incumbent upon towns impacted by large vacancies to rethink and redevelop these sites for new uses,” said Florham Park Mayor Mark Taylor. “In our case, we were not looking to increase the 830,000-square-foot building envelope that Exxon left, but rather redevelop it into the multiple and diverse envelopes that businesses of today want to occupy and be near.”

This was the first step in what would become a successful partnership between Florham Park and the property's owner/redeveloper—a partnership of

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The Rockefeller Group and The Gale Company. “Rockefeller Group and Gale came to the table looking to collaborate,” Taylor said. “Our team—from local officials to traffic experts and emergency respondents—and theirs shared a common goal from the outset: to do the very best things we could do for this property, and for the economies

of Florham Park and Morris County.”

The New York Jets moved its headquarters and training facility from Hempstead, N.Y., to The Green, and BASF consolidated its operations and moved there. In 2015, Summit Medical opened a new facility there, bringing a needed amenity to Morris County, while The Rockefeller Group and Korman

Communities broke ground on the AVE corporate suites. In 2016, Archer Hotel will break ground at The Green.

“These buildings are coming in and bringing employment with them,” Taylor said. “That’s a big key, especially in this area where residential properties are so expensive. It has changed the face our town and is helping to keep our economy moving forward on both the residential side and the commercial side.”

The borough has also benefitted from other real estate partnerships. KBS’s Park Avenue at Morris County has attracted law firms, pharmaceutical companies, and financial advisors. Bergman Realty Corporation, which recently purchased Florham Park Corporate Center, is closing in on a securing a large single tenant for the former AT&T property.

Florham Park’s focus on commercial real estate has enabled the replacement of vacating tenants with new ones, strengthened its economy and contributed to its selection by *NJ Monthly* as the Number-One place to live in the State of New Jersey. “This further emphasizes the fact that we have done and continue to do the right thing to strengthen our town and to keep our employment growing here,” Taylor concluded.

NAIOP NJ: ENGAGING PARTNERSHIP

Hackensack and Florham Park have set benchmarks for working collaboratively with community and business leaders to support responsible development and economic growth. Their willingness to be flexible, determination to drive new business and ability to gauge market conditions provided the ultimate keys to success.

NAIOP NJ is committed to fostering productive relationships with community leaders as they partner with developers to address local challenges and attract jobs and ratables. We are working hard to engage local officials and recognize those who are taking bold steps to enhance economic development. Our Public Partner award speaks to that. 📍

@ NAIOP NJ invites local officials to attend its annual Public Policy Symposium in March and to visit the Local Officials Resources page at naiopnj.org.

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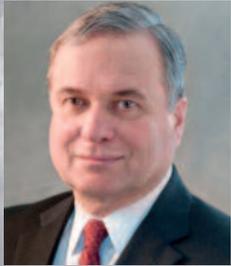
Attorneys Join NJLM Legal Team



The League Executive Board has appointed Keith Bonchi, Robert Muñoz, Samuel “Skip” Reale, and Fred Semrau to the NJLM Legal Team. The four will serve as Associate Counsels for the League.

“We extend the warmest welcome to an important addition to our legal team,” said League Executive Director Michael J. Darcy, CAE. “These outstanding attorneys will provide advice and guidance that enables the League to respond to the legislative and judicial rulings that may impact our members and their communities.”

Mr. Bonchi, Mr. Muñoz, Mr. Reale, and Mr. Semrau have extensive experience working with communities on issues regarding local, state, and county matters.



Keith Bonchi is General Counsel at GMS Law. He focuses on commercial law with an emphasis on General Equity Litigation involving municipal leins and real estate. As longtime counsel to the Tax Collectors and Treasurers Association of New Jersey he has offered countless legal opinions guiding the TCTA and their members. He is a Past Chairman of Civil Litigation Committee of Atlantic County Bar Association; Past Chairman, District I Ethics Committee; Arbitrator, New Jersey Superior Court; Faculty, National College of Advocacy.

Robert Muñoz is an equity shareholder at Davidson, Eastman & Muñoz, P.A. He has a strong track record in working with municipalities on local, state, and county issues. For more than 30 years, he has also served various boards and governing bodies in Monmouth, Middlesex, Mercer, and Morris counties. He presently represents Freehold Township, Holmdel Township, and Millstone Township as their Municipal Attorney. A founding partner of the firm Davison, Eastman & Muñoz, P.A., he chairs the firm’s Tax and Estate Planning Department. He has his J.D. from New York University School of Law and his LL.M. in Taxation from New York University.



Samuel “Skip” Reale is Of Counsel at Helmer, Conley & Kesselman, P.A. Prior to joining the firm, Mr. Reale was a partner of the Kearns, Reale & Kearns law firm in Willingboro, NJ. He focuses his practice on litigation, alcoholic beverage licensing, transactions and administrative proceedings, and local government law matters. Mr. Reale has served as Solicitor to the Mount Holly Township Planning Board and former Solicitor for the City of Beverly, and currently serves as litigation counsel for the Township of Bordentown and the Township of Edgewater Park. Mr. Reale earned his undergraduate degree from Rutgers University – Camden and earned his law degree from the Stetson University College of Law.



Fred Semrau is a partner at Dorsey & Semrau. The firm concentrates in representing and servicing municipalities throughout the state. Mr. Semrau serves as the General Counsel to the Municipal Excess Liability Fund, the Morris Joint Insurance Fund, and serves as municipal attorney for several municipalities located in Passaic, Morris, and Sussex Counties. In addition, the firm serves as Special Tax Counsel for a number of municipalities. Mr. Semrau earned his undergraduate degree from Fordham University and his J.D. from Seton Hall University. In addition to practicing law, Mr. Semrau is also a Certified Public Accountant.

Thank You to Joseph Betley, Duane Davison, and Edward J. Kologi

The League’s Executive Board would like to thank Joseph Betley, Duane Davison, and Edward J. Kologi for their years of service as NJLM Associate Legal Counsels.

“Joseph Betley, Duane Davison, and Edward J. Kologi have been great friends to the League throughout the course of their terms,” said NJLM Executive Director Michael J. Darcy, CAE.

Mr. Betley is a shareholder and Co-Chair, School Law Department, at Capehart Scatchard. He has worked with the League on a variety of issues.

Mr. Davison is an equity shareholder and founding member of the firm Davison Eastman and Munoz and has represented the League in public forums related to topics

impacting local government.

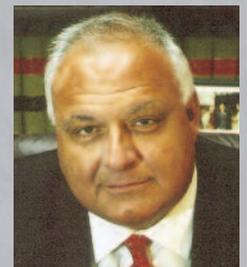
Mr. Kologi is a partner at Kologi and Smith and has authored articles on various legal issues for the League’s *NJ Municipalities* magazine. 



Joseph Betley



Duane Davison

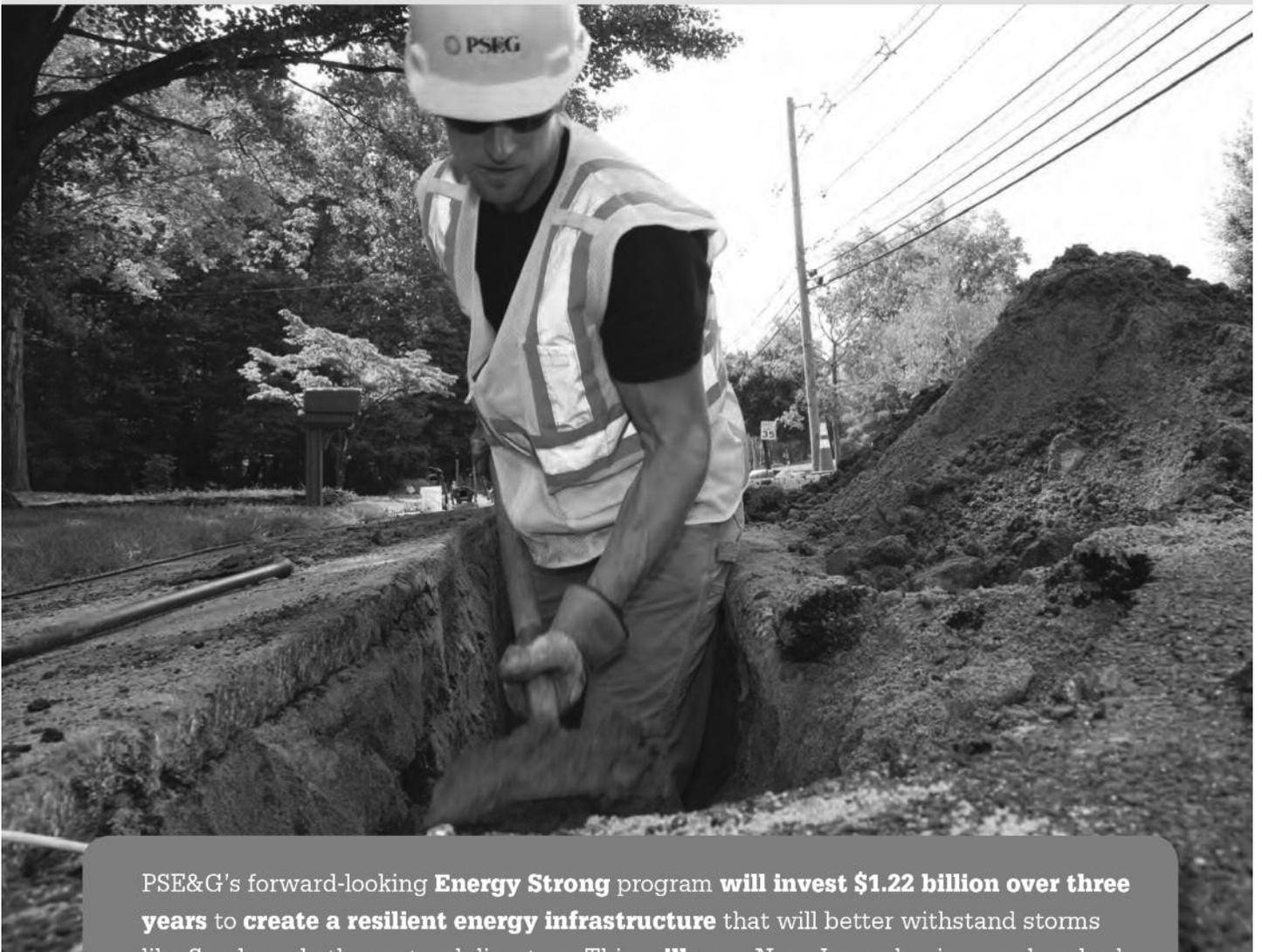


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Legal Team

Supporting League Efforts

The League has been very busy advocating for municipalities in the courts this past year.

Our legal department participated in nine amicus interventions in 2015 at the New Jersey Appellate and Supreme Court levels. Indeed, the League even participated in a case before the Council on Local Mandates.

The legal matters at issue were diverse: residential licensing for rentals; zoning for heliports; OPRA; the Local Bond Law's impact on the Faulkner Act and, of course, Affordable Housing. The League participates in these cases because they have significant legal precedent.

A SPECIAL WORD ON AFFORDABLE HOUSING The League was successful in our fight to prevent the state from seizing "non-committed" Affordable Housing Trust fund moneys. But, the process constructed by

the State Supreme Court's March 10, 2015, order continues. This is uncharted territory. However, the League's legal team is spending a great deal of time and resources to help your town navigate a safe course.

The League's General Counsel, William J. Kearns, Jr., assisted the League in monitoring cases which will have an impact on municipalities and has shared his vast experience with our membership by conducting a number of training sessions during the year. We are also proud to report that Mr. Kearns was recently awarded the prestigious Charles S. Rhyne Lifetime Achievement Award by the International Municipal Lawyers Association.

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. ♣

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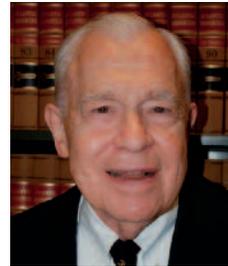
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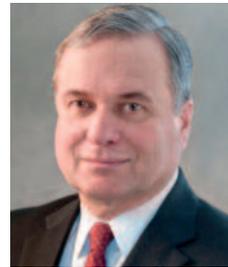
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LEGISLATIVE UPDATE

No Other Level of Government Does More

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

According to the most recent U.S. Census Bureau's Survey of State and Local Government Finances, in 2012 New Jersey local governments spent \$2.8 billion for police services to protect our residents, our businesses, our visitors, and their property. The State of New Jersey spent a little less than \$500 million. In the same year, New Jersey local governments spent \$1.5 billion on sanitary sewerage services. The State of New Jersey spent a little under \$3 million.

For solid waste management, the State expended \$39 million; while local governments spent about triple that amount. For housing and community development, the local expenditure was almost \$1.1 billion. The State spent \$465 million.

For Parks and Recreation, the State spent about half as much as the \$566 million expended by New Jersey local governments.

ROAD WORK The State Department of Transportation (DOT) reports that New Jersey's municipalities are responsible for 64 percent (28,539 center line road miles) of our roads. County governments are responsible for another 22 percent (6,649 center line road miles). Together, local governments are responsible for 39 percent of our bridges. Local roadways and bridges carry about 55 percent of all traffic.

Municipalities in New Jersey adopt and enforce ordinances that regulate traffic safety, building construction, housing standards, property maintenance, the character of neighborhoods, parking, littering, noise and the treatment and control of animals.

We think it is safe to say that no other level of government does more, day in and day out, to protect the health and safety of the residents of, businesses in and visitors to New Jersey.

No other level of government does more to protect their property and preserve its value. And no other level of government is more sensitive to the hopes and concerns of the individuals and families of our Garden State.

FISCAL RESPONSIBILITY Since the Recession hit in 2008, Mayors working with local governing bodies, deserve credit for making the tough decisions in tough times. They have pruned budgets, pursued savings, engaged in tough negotiations, reduced the workforce, shared services, cut spending, applied best practices, emptied reserve accounts, and deferred investments.

But the priorities of New Jersey municipalities merit careful attention and serious consideration by all.

They did this as property values declined, tax appeals increased, development and economic activity stalled, employment slumped, and property tax relief funding was diverted to the State budget.

EMERGENCY RELIEF In addition to all that, and thanks to the expertise and energy of dedicated municipal government professionals and the selfless service of thousands of volunteers, with critical support from the State and the Federal governments, local governments have provided vital lifeline services to our citizens before, during, and after natural disasters.

Despite all of this, local governments have continued to balance their budgets and deliver essential services, while funding numerous state mandated responsibilities and meeting all their public employee pension funding obligations.

School districts educate and protect our children and secure the future of New Jersey. We depend on the State and Federal government services now more than ever. Counties have a role to play. But the priorities of New Jersey municipalities merit careful attention and serious consideration by all. We sincerely hope State policy-makers will respect these few in 2016.

NJLM Legislative Principles

- **Strengthen** our communities by safeguarding the institutions, through which people can, cooperatively, shape the future of their own communities.
- **Continue** the review of potentially unnecessary and duplicative bureaucratic requirements which inhibit the construction and renovation of sufficient safe and affordable housing for the families of our less-affluent fellow citizens.
- **Promote** policies that will permit communities to achieve and sustain compliance with appropriately high public health and environmental standards.
- **Advocate** a spirit of cooperation among state and local governments, which emphasizes the solution of problems, rather than the assessment of blame.
- **Support** policies that will permit communities to utilize flexible solutions to site remediation problems.
- **Champion** efforts to maintain, for future generations, the natural diversity which draws millions of visitors to our State, and to bequeath to our children a healthier and cleaner environment.
- **Support** serious efforts to address New Jersey's regressive and anachronistic over-reliance on property taxes to fund essential public services and programs by promoting a special citizens' property tax reform convention
- **Oppose** any diminishment in property tax relief funding, which would inevitably exacerbate the burden borne by New Jersey's families and small businesses.
- **Support** fair and reasonable public pension and benefit reforms that appropriately reward current and retired public servants for their service without inappropriately burdening their fellow citizens.
- **Tackle** existing mandates by supporting legislative review and repeal or relaxation of unnecessary, unfunded requirements imposed on municipalities in the past, and remaining in effect, today.
- **Review**, with the intent to repeal, statutory impediments to greater intergovernmental cooperation.
- **Promote** the continuing dialogue between and among neighboring municipalities in order to find creative and cooperative solutions to existing and emerging problems. ↗

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LABOR RELATIONS

Interest Arbitration Weighs in on Chapter 78 Contributions Cadillac Tax Delayed Until 2020

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

In this column, we have closely monitored issues which have significant impact on public sector labor negotiations. As we all know wages and benefits comprise a large portion of a municipality's budget. Therefore, the handling of public sector negotiations is vital to a municipality's budget and its effect on the taxpayers.

Two recent developments have continued to alter the landscape of negotiations. The first is the extension of the recent Public Employment Relations Commission (PERC) decision in *Clementon Board of Education and Clementon Education Association* to an interest arbitration decision. The second was the recent delay of implementation of the much anticipated, but much dreaded Cadillac Tax until 2020. We will highlight both issues in this article.

We had previously reported on PERC's *Clementon* decision. In the first interest arbitration decision to address the contributions under Chapter 78 once Tier 4 payments become fully implemented, the arbitrator followed PERC's holding in *Clementon, Borough of Franklin Lakes and Franklin Lakes PBA, Local 150*.

In *Franklin Lakes*, the collective negotiations agreement expired on Dec. 31, 2014. While the parties disputed the term of the successor agreement, the PBA sought a reduction of the Chapter 78 contributions effective Jan. 1, 2016, which was during the successor agreement. The PBA argued that the effective date of the legislation was June 28, 2011. Four years passed on June 28, 2015, and as such, negotiations for reduced contributions were appropriate in 2016.

The Borough, on the other hand, argued that the legislation preempted the ability of the parties to negotiate the terms of health insurance premium contributions during this contract negotiation.

The Borough began making Chapter 78 deductions in January 2012. Therefore, Chapter 78 was fully implemented, i.e., the fourth year of contributions was to be completed in January of 2016. The Borough, therefore, argued that negotiations

could not occur during these contract negotiations, but rather were preempted until the contract before the interest arbitrator had expired.

Following PERC's decision in *Clementon*, the arbitrator agreed that negotiations as to health insurance contributions were preempted by the language of Chapter 78. Again, this decision puts public employers negotiating with any of its bargaining units of the following points that must be known prior to entering into negotiations with its bargaining units.

First, employers must know when Chapter 78 payments are fully implemented for each of its bargaining units. Full implementation occurs when Tier 4 payments have been made for a full year, not the day Tier 4 payments begin.

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

Finally, public employers must remember that Tier 4 is the starting point for future negotiations once health insurance contributions become negotiable. That is, Tier 4 Chapter 78 payments become part of the collective negotiations agreement and the parties must negotiate from that point once negotiations can begin. This framework was set forth by PERC in *Clementon* and has now been utilized in the interest arbitration analysis.

Just as important as Chapter 78 has been in the world of negotiating public sector health benefits, the looming Cadillac Tax in 2018 has also been a hot topic of conversation at the bargaining table and a recent legislative enactment has provided all employers a sigh of temporary relief.

Municipalities and all employers have been anticipating the effects of the "Cadillac Tax" as part of the Affordable Care Act ("ACA"), which was supposed to take effect on Jan. 1, 2018. The Cadillac Tax will impose a 40% excise tax on high-cost health insurance plans. ACA provides no relief to governmental

entities as government plans are specifically covered by it.

However, as part of its year-end spending and tax cut package, Congress agreed to delay the imposition of the Cadillac Tax for two years, until 2020. President Obama signed the legislation.

The Cadillac Tax was built into ACA as a method to help contain the rise of health insurance premiums. In essence, as part of ACA the Cadillac Tax, or tax on higher cost health insurance, would help fund the program to provide health insurance for everyone.

Here is how the Cadillac Tax will work. The 40% excise tax is calculated based on the amount of the premium that exceeds the annual limit. The annual limits were set at \$10,200 for individual coverage and \$27,500 for coverage other than individual. However, these initial limits are increased for qualified retirees and those who work in certain high-risk professions. For these individuals, the

initial limits are \$11,850 for individual coverage and \$30,950 for coverage other than individual.

High-risk professions include, among other type of professions, law enforcement officers and employees in fire protection activities. The annual limitation will be adjusted each year by the cost of living.

The responsibility for calculating the tax falls on the employer. The payment of the tax will be on a monthly basis. The excess amount to be paid is the aggregate cost of the plan that exceeds 1/12 of the annual limitation set forth above depending on the plan. It is 40% of that amount that is subject to the tax. So, for a family plan in a non-high-risk profession, 1/12 of the annual limit (\$27,500) is \$2,292. If the monthly premium is \$2,392, then \$100 is subject to excise tax. In this example, \$40 would be owed in taxes. If that is multiplied out by the number of employees within

the municipality, this amount can grow to significant numbers.

The daunting prospect of the Cadillac Tax is that whereas the annual limitation will be adjusted by the cost-of-living, the annual increases for health insurance premiums far outpace cost-of-living increases. Clearly, the excise tax will only get worse as time goes on. An additional two years is certainly welcome news for employers, but the specter of this tax still looms and is something that public employers must seek to alleviate in negotiating health insurance benefits in current and future negotiations in providing coverage that stays away from the effects of the Cadillac Tax. There will continue to be talk and discussion as to whether 2020 becomes a reality.

At the moment, however, the new effective date is Jan. 1, 2020, and municipalities must remain on notice for this potential reality. ❧

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GOLD DOME

While the Governor's Away...

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

New Jersey's 1844 constitution was outdated almost as soon as it passed. Few understood the magnitude of the changes that would take place in New Jersey (and America) over the next generation, including mass immigration and rapid industrialization. The weak governorship envisioned in 1844 reflected the sensibilities and needs of a vanishing New Jersey.

In 1947, New Jersey's leaders met again for a constitutional convention. Delegates had lived through the Great Depression and two World Wars. They had seen firsthand the power of a strong chief executive, like Franklin D. Roosevelt, to lead a nation.

So it was not surprising that our new constitution established the most powerful governorship in the nation. Even today, no other state imbues its governor with the full range of powers that New Jersey does.

The governor is the center of the decision-making wheel in our state, from which all spokes emanate. He holds it all together.

As we enter 2016, Governor Chris Christie is not around enough to be the major player that the system expects, and needs, him to be. During his pursuit of the presidency, Christie has certainly been in constant communication with his team in Trenton. And, indeed, the lights are on, the tolls are working, the state is operating.

But the governor's absence is having a profound effect on dealing with the big policy issues, where it has become increasingly more difficult to get things done.

Our governor is, literally, phoning it in.

Faced with the absence of the one person powerful enough to force all the players into a room and drive a compromise, legislators are seeking new ways to push major initiatives without him.

One way is by putting amendments to the state constitution on the ballot in 2016. In New Jersey, there are two ways to do this: First, by a 3/5 vote in both houses of the legislature in the same legislative year. The second way is a simple majority vote, in both houses, in two consecutive legislative years. The legislative year for the lame duck 216th New Jersey legislature ended in January when the members of the 217th session were sworn in. This is why there was a mad dash to pass proposed constitutional amendments before one session ended and another began.

Given New Jersey's "dark blue" tendencies in presidential election years like 2016, Democratic leaders are figuring that now is the best moment to put their favored positions on the

ballot. Higher Democratic turnout will likely boost the chances of passage of whatever is proposed.

The politics of 2017 and New Jersey's next gubernatorial election also come into play. No less than three current legislators—Senate President Steve Sweeney (D-3), Senator Raymond Lesniak (D-20), and Assemblyman John Wisniewski (D-19)—voted on these proposed amendments while also running for governor. A high-profile victory with a popular cause in 2016 is a great way to set oneself up for what is sure to be a fiercely competitive Democratic primary the following year.

Faced with the absence of the one person powerful enough to force all the players into a room and drive a compromise, legislators are seeking new ways to push major initiatives without him.

It is debatable as to whether the state constitution is the appropriate venue for making decisions on policy questions that previously were handled legislatively. The 2013 vote to enshrine in the constitution a procedure to automatically adjust the New Jersey minimum wage seems to have broken whatever remaining taboo there was about policymaking through amendment.

If Governor Christie was fully engaged and present in the state, it is not hard to imagine how different things would be. Most Trenton observers have no doubt that he'd be an active force in all of the current potential amendment issues—casinos outside of Atlantic City, pension payments, voting rights, transportation funding, and legislative redistricting procedures. None of these issues is without controversy. Today, they are being pushed towards a resolution through a process that avoids the governor completely, and that is a product of his absence as much as anything else.

In all of these debates, the governor is supposed to be central. The situation we find ourselves in today is that the same constitution designed to give the governor the power to influence policymaking is now being amended with unforetold consequences because he's not around to utilize that power.

While the governor is away, the legislature will play. And this game is only just beginning. ♣

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

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Your City Has to Fix Sign Codes After Reed—But It’s Manageable

By Lisa Soronen, Executive Director of the State and Local Legal Center

Cities can, should, and must revise their sign codes to comply with the Supreme Court’s ruling on *Reed v. Town of Gilbert, Arizona*. While it might not be easy, and all the fixes won’t make perfect sense, *Reed* provides cities an opportunity to ask themselves what they want their communities to look like and how they can get there creatively and legally.

Sign lawyers (yes, they do exist) agree on one thing and disagree on another. They agree that many sign codes in the United States had problems before the U.S. Supreme Court decided *Reed v. Town of Gilbert, Arizona*, last summer. They disagree on how big of a deal the *Reed* decision is and, more specifically, on how much *Reed* changed sign law. Regardless of who is right, post-*Reed* your city’s sign code is still in trouble.

The good news is that many of the problems are fixable even if the solutions aren’t perfect. The Supreme Court had been clear before *Reed* that content-based distinctions in sign codes could be unconstitutional. What the Court wasn’t clear about was what exactly content-based distinctions are and how often, practically speaking, they are likely to be unconstitutional. In *Reed*, the Court adopted a broad definition of content-based and concluded that content-based distinctions will almost always be unconstitutional.

Gilbert’s Sign Code treated temporary directional signs less favorably (in terms of size, location, duration, etc.) than political signs and ideological signs. The Supreme Court held unanimously that *Gilbert’s Sign Code* violated the First Amendment because it made content-based distinctions that in Justice Kagan’s words would not even pass “the laugh test.”

To summarize the Court’s opinion in five words: sign codes must be content-neutral.

Even if this sounds straightforward, it is much easier to understand what problems might exist in your sign code—and how to fix them—using real world examples. According to sign lawyers (before and after *Reed*), two of the most common problematic provisions in sign codes are special rules for political signs and real estate signs.

Take, for example, a sign code which stipulates that, 30 days before an election and five days after an election, no permit is required for signs that are eight square feet or less that advocate for or oppose a particular candidate.

So why is this provision content-based? Well, only political messages are allowed on these signs. To manage the clutter of too

many yard signs while avoiding controlling the content of speech on signs, many communities limit the square footage of signage in a yard. Instead of creating special rules for political signs, communities could allow any message on a certain square footage of signs which would, of course, include political messages.

But what about the fact that during silly season many people want to display multiple political signs which could exceed the normal sign allotment? One option would be to waive the square footage limitation for a time period that would just so happen to coincide with elections. But, of course, yard signs with any non-commercial message would have to be allowed during this sign free-for-all period—not just additional political signs.

Now let’s look at real estate signs. It is not uncommon for sign codes to say that one real estate sign of a particular size and duration is permitted on each lot. Why is this provision content-based? No other messages may be contained on such a sign.

What might be a solution that allows real estate signs? A sign code could say that, if a particular lot is for sale, one additional sign of a particular size and duration is allowed on the lot. This provision would regulate signs based on location and activity, not content. But again, the home owner could put any message on this additional sign—but presumably would put up a message about the property being for sale.

These two examples illustrate the sense and the absurdity of *Reed*. On one hand, in a democracy where all ideas and opinions are allowed it seems only fair that political messages don’t get special treatment. On the other hand, having special rules for real estate signs makes good practical sense and hardly seems designed to limit the marketplace of ideas.

Cities can, should, and must revise their sign codes to comply with *Reed*. While it might not be easy, and all the fixes won’t make perfect sense, *Reed* provides cities an opportunity to ask themselves what they want their communities to look like and how they can get there creatively and legally.

For further background on sign law, an overview of the *Reed* decision, and more solutions to problems with sign codes, listen to a recording of the SLLC/NLC webinar on *Reed*. The Fourth Edition of *Street Graphics and the Law* also contains suggestions on modifying sign codes to comply with *Reed*. 📌

This post originally appeared on CitiesSpeak, the official blog of the National League of Cities. Lisa Soronen is the Executive Director of the State and Local Legal Center and a regular contributor to CitiesSpeak.

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



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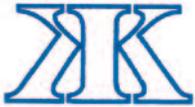
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Events

FEBRUARY

February 3

24th Annual Mayors Legislative Day

Statehouse Annex, Trenton

February 17

Emerald Ash Borer is in NJ— Now What?

Webinar—Your Computer

February 20

Budgeting for the Elected Official: Everything You Need to Know to Create, Balance, and Approve Your Municipalities' Budget

Conference Center at Mercer,
West Windsor

February 24

Personnel Policies: An In-Depth Look at the Policies That Should Be In Your Personnel Manual and What They Mean

Doubletree Hotel, Tinton Falls

February 26

A Quick Review of Budget and Audit Updates

Webinar—Your Computer

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