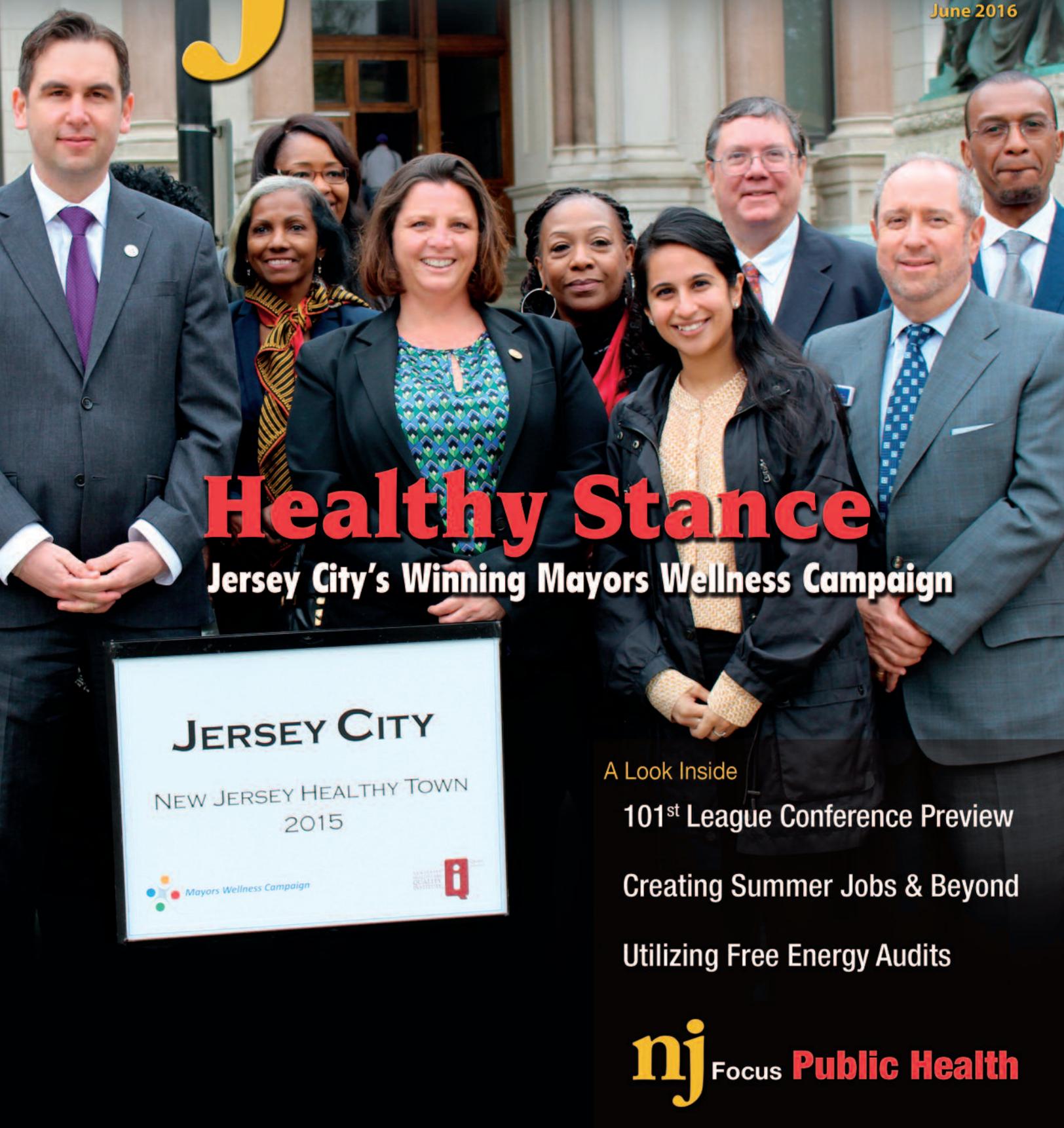


nj municipalities

Official Publication of the New Jersey State League of Municipalities

June 2016



Healthy Stance

Jersey City's Winning Mayors Wellness Campaign

JERSEY CITY

NEW JERSEY HEALTHY TOWN
2015



A Look Inside

101st League Conference Preview

Creating Summer Jobs & Beyond

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nj Focus **Public Health**



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New Jersey Municipalities Magazine

Volume 93 | Issue 6

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“One sign of leadership is the willingness to take responsibility for your decisions—to accept and to deal with any consequences.”

State Mandate— State Pay Turns 20

A little over 20 years ago, a little miracle happened in the New Jersey Legislature.

In order to protect our local property taxpayers from any future State-imposed property tax increases, Legislators from both parties agreed to ask the voters to take a long-cherished power out of their hands.

The power they had, and which they were willing to cede, was the power to impose unfunded mandates on New Jersey local governments. And the vehicle they used was a proposed amendment to the State Constitution.

The power to impose unfunded mandates gave Legislators and Governors the opportunity to take credit for new programs and services, without having to consider the costs. Other elected officials—those who served in municipal, county, and school district government—were left holding the bag and taking the blame for any increased property taxes that would be needed to do the job. And if there were unintended consequences, it was the locals who were left to deal with the mess.

One sign of leadership is the willingness to take responsibility for your decisions—to accept and to deal with any consequences. And one sign of integrity is a commitment to fairness. This year, we remember and salute the Legislators of 1995 for their leadership and integrity. By unanimous votes, in both Houses, they

honorably advanced a constitutional amendment that would limit their power—and the power of all future State level policy makers—to impose new costs on New Jersey’s already overburdened property taxpayers.

And we salute the voters, who unequivocally ratified that amendment and endorsed the creation of an independent body—the Council on Local Mandates—to settle any and all disputes that might arise, concerning the meaning and the reach of this key Constitutional principle.

The amendment took full effect, and the Council commenced operations the next year. And for 20 years now, our citizens have enjoyed the protection of both.

On the day after the voter ratification then-Senate President Don DiFrancesco—without whose leadership it never would have happened—best summed up this stunning victory for good government.

“The Constitutional Amendment will fundamentally change the way state government conducts its business. No longer will mayors or municipal managers need to worry about their budgets when legislation is passed in Trenton,” he said. “Voters put a dent in property taxes with every yes vote they cast yesterday. They’ve sent a loud and clear message to Trenton that it’s time to change the status quo and hold the line on taxes.”

Michael Darcy

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NOW & THEN



Healthy Wishes for Summer!

When the temperatures go up, schools get out, and the plants go into full bloom, the Garden State ramps up its ever-present thoughts about public health. Whether it's good eating, disease prevention, or getting healthier via exercise, municipalities increase their efforts to help residents live longer, better lives. In 1988, municipal leaders were also actively interested in promoting public health. Their challenges weren't so far off from the ones faced by officials today: better living, preventing drug abuse, and disease control.

At the Jersey Shore in 1988, there was a concentrated effort to clean up the beaches—and keep them clean. Citizens were reminded by the NJ State Department of Environmental Protection of the “New Jersey Shore: Keep It Perfect” campaign. That same year, Bayonne took guidance from then Surgeon General Dr. Koop and started a Task Force to Reduce the

Spread of AIDS. Education was a key component of both these efforts and that continues to be a major tool in the fight for healthy communities today.

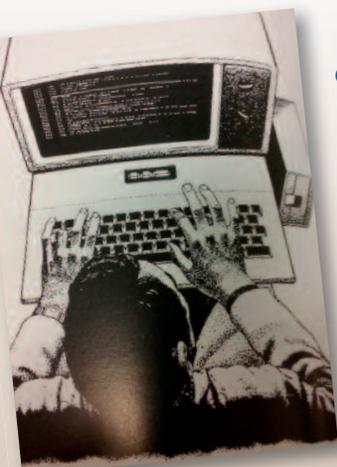
As the June 2016 issue goes to press, the Mayors Wellness Campaign celebrates its 10th anniversary. It's involving more and more communities by awarding efforts for promoting good health policies in communities from large urban centers to small rural areas for their programs to support lifelong learning about good health practices and behaviors. The State is also working with municipalities to ensure that children receive nutritious foods in the weeks that school is out.

This month's issue also focused on the future health of the management of municipalities by launching the 101st Annual Conference Preview. While the magazine is on its summer break, we hope you enjoy the Garden State and make your plans to attend the Conference. We'll have complete session information and more, including the details of a new Conference app, in the October issue. ♣



Amy Spiezio
Managing Editor

Time Capsule: June 1988



Computerizing Your Municipality

“As more and more municipalities are thinking about computerization with a view towards simplifying the processes and cutting costs, they may learn the hard way that all is not rosy in the land of computers.”

—Mervin Alexander, Vice President, Marking M.I.S. Consultants

Jersey Shore Summer of '88: Let's Keep It Perfect

“Because much of the litter and debris on the beach is put there by people using the beach on a daily basis, DEP again will run its “New Jersey Shore: Keep It Perfect” campaign. This practical cooperative effort with municipalities encourages and reminds beach-goers, leisure boat owners, and other residents to dispose of their trash properly....If each and every person visiting the Jersey shore would responsibly take care of their own accumulated trash, the beaches and water would be much cleaner.”

—Commissioner Richard T. Dewling, NJ State Department of Environmental Protection



Bayonne's Response to the AIDS Epidemic

“The Steering Committee reviewed the statistical findings with grave concern, and realized the need for a comprehensive community education program to combat this serious public health problem.”

—Brigid Breivogel, R.N., Chairperson, Mayor's Task Force on AIDS



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League Welcomes Two New Staff Members

Following a pair of retirements, the League of Municipalities is welcoming two new staff members to its Trenton-based headquarters.



Johnnifer Harris joined the staff in February as the new Assistant Financial Administrator, bringing not only a solid, deep background in financial process and systems, but also experience in managing registration functions for a conference. Her primary duties will include coordinating and contributing to the financial operations of the League, including many aspects of the annual Conference.

Harris' career path encompasses various aspects of accounting, administrative support, business administration, customer service, and human resources. Bringing with her the reputation of a self-directed professional with excellent analytical and problem solving skills, she has previously worked at Sears Roebuck & Company Credit Operational Centrals, Airgas Safety, Harriet Tubman PTO Aftercare, Inc., and Kilade Products.



Suzanne Allen joined the staff in April as Executive Assistant to League Executive Director, Michael J. Darcy, CAE. Her main responsibilities will include coordinating the day-to-day functions of the League's executive staff, administrative support of the Executive Board, and annual conference duties including staffing the information counter.

Allen has a background that includes support for senior management in corporate settings with such companies as Raytheon, Johnson & Johnson, Merrill Lynch, and Tyco. She has experience communicating and coordinating functions in the business and academic worlds.

She is a graduate of Rider University and has been a substitute teacher in Mercer County for three years.

In addition to her business-related work, Allen is also an artist in her free time. 🍷

PLEASE NOTE: 2016 MUNICIPAL DIRECTORY UPDATES

Bordentown City

Municipal Engineer: *George E. Hann*

Commercial Township

Mayor: *Ronald Sutton*

Corbin City

Attorney Address: Remove P.O. Box
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Dumont Borough

Municipal Administrator: *Raymond Herr*

East Brunswick Township

Mayor: *Kevin McEvoy*

Lavallette Borough

Acting Municipal Clerk: *Donnelly Amico*

Manville Borough

Municipal Engineer: *Stanley Schrek*

Mountain Lakes Borough

Municipal Clerk: *Valerie Egan*

Municipal Clerk Email: vegan@mtnlakes.org

Peapack & Gladstone Borough

Clerk/Administrator: *John Gregory*

South Orange Village Township

Acting Municipal Clerk: *Shinell Smith*

Teaneck Township

Acting Mayor: *Elie Y. Katz*

Vernon Township

Administrator: *Charles Voelker*

West New York Town

Municipal Administrator: *James Cryan* 🍷

NJ Municipal Clerk Selected to Lead International Organization



Vincent “Vinny” Buttiglieri, Township Clerk, Township of Ocean (Monmouth County) succeeded to the office of President of the International Institute of Municipal Clerks (IIMC) on May 25 during its 70th Annual Conference in Omaha, Nebraska.

Christina Wilder, retired Municipal Clerk of Hamilton Township (Mercer) and the

1992-1993 IIMC President administered the Oath of Office in front of over 800 attendees. Buttiglieri became the seventh Municipal Clerk from the State of New Jersey to assume this leadership position, and the first since 2004-2005.

The International Institute of Municipal Clerks was founded in 1947 and is the leading professional association serving the needs of municipal clerks, secretaries, treasurers, recorders, and other allied associations from cities and towns worldwide.

IIMC promotes continuing education and certification through university and college-based institutes and provides networking solutions, services, and benefits to its members worldwide. The 10,000-plus membership represents municipalities with populations ranging from 250 people to more than 10 million people in North America and 15 other countries, including Canada, England, Wales, The Netherlands, Belgium, Portugal, Israel, South Africa, Bulgaria and Scotland.

A RECORD OF SERVICE Buttiglieri has served as the Municipal Clerk and Deputy Tax Collector of the Township of Ocean (Monmouth) since March 2008. Prior to that, he was the Municipal Clerk/Administrator for the Borough of South Plainfield from 2001-2008. Buttiglieri was a Councilman from 1995 through 2000 in the Borough of South Plainfield.

Buttiglieri received his undergraduate degree from Seton Hall University and had a 15-year career in the finance field prior to entering local government, culminating with his position as a Cost and Budget Accountant for the New Jersey Highway Authority.

Buttiglieri received his Registered Municipal Clerk (2000) and his Certified Tax Collector (2011) certifications from the State of New Jersey, Department of Community Affairs.

He also received his Certified Municipal Clerk (2004) and his Master Municipal Clerk (2011) designations from the International Institute of Municipal Clerks.

He has been active on both the state and international levels since he entered local government. On the state level, he served as President of the Municipal Clerks Association of New Jersey (2010) after serving on numerous committees including Conference, Elections, Records, Legal Defense, Finance and Information Technology. Prior to being elected as Vice President of the International Institute of Municipal Clerks in 2014, Buttiglieri served as Region 2 Director (2011-2014) representing New Jersey, Maryland, Delaware, Pennsylvania, West Virginia, and Virginia.

He has also served as a member of IIMC’s Conference and Public Relations and Marketing committees, prior to assuming the position of Vice President of IIMC in 2014. He was Fundraising Chair of the 2013 IIMC Conference Planning Committee for the 67th Annual IIMC Conference held in Atlantic City.

A PLAN FOR THE FUTURE During his acceptance speech in Omaha, Buttiglieri stated that his focus in the upcoming year is going to be to continue to enhance and strengthen the numerous educational opportunities that IIMC currently provides to its members including those available on-line through Ed2Go and the University of Phoenix.

“The next 12 months will be a critical time for IIMC and IIMC education. IIMC, under the leadership of Dr. Long, in conjunction with our Institute Directors, has done a great job in providing quality high-level Clerk education and it is my goal that we continue to enhance these opportunities whether it be through additional online courses or different vehicles in which to deliver these courses.”

He added: “One size does not always fit all and that is certainly true when dealing with Clerk education. We are very fortunate that the Municipal Clerks of New Jersey have an incredible institute in Rutgers University, lead by our Institute Director, Laura Flagg. Not every Clerk is as fortunate. We cannot leave one clerk behind. The more learned they become and the more tools they can incorporate in their offices, the better equipped they will be to serve their governing bodies and their communities.”

He closed by thanking the membership for the trust they have placed in him and his family and friends for their never-ending love and support. Buttiglieri left those in attendance with the following quote which he hopes will be their focus over the next year—“The greatest part of ME is WE.” 🍀

Be Featured in



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.



During their visit to the League headquarters in Trenton, the students from Runnemede and representatives from the Borough of Runnemede's Council learned about NJLM's mission and the importance of local government.

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School Days Middle-Schoolers Drop by the League HQ

Students from the Borough of Runnemede visited Trenton for a lesson in local and state government that included a stop at the NJLM headquarters.

A group of 16 students from the two classes of eighth graders at Mary E. Volz Elementary & Middle School were selected for the trip based on their successful efforts writing essays noted Borough of Runnemede Council President Patricia Tartaglia-Passio Councilman, who joined the young scholars for their day in Trenton.

Tartaglia-Passio, along with Councilman Craig Laubenstein and Councilman/Finance Director John Ranieri, joined the young adults on a tour of the capital building and then stopped by 222 West State Street where NJLM Assistant Executive Director Michael Cerra shared insights on the organization's operations as well as how local government impacts the students' lives.

"It's a real pleasure and privilege to introduce the next generation of NJ citizens to the significance of local government in their daily lives," said Cerra. "These students were curious and interested in their government and how it works, and we were happy to share a few municipal insights." ❧



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Garden Statements

• Newark is celebrating its 350th anniversary this year. In celebration of this monumental event, the city has a year of events planned to highlight its achievements, history, and diverse communities. Some events, such as FACES of Newark, are interactive,

allowing the community to actively participate in the celebration. Those wishing to participate in FACES of Newark may submit photos of themselves, and these photos will be used to create individual glass tiles that will be added to a movable metal wall that will be on display throughout the year.

In May, the city's Founders Weekend Festival, a free festival held in Newark's Military Park, featured two stages of day and night concerts featuring artists, such as R&B star Faith Evans, as well as local artists and DJs. For more information, visit nc350.org.

• South Brunswick passed a resolution supporting anti-corruption legislation. The American Anti-Corruption Act is model legislation that aims to stop bribery, end secret money, and give every voter a voice. The township's local ordinance places limits on contributions made to candidates so they are in full compliance with the New Jersey Campaign Contribution and Expenditures Reporting Act. While South Brunswick enforces its own anti-corruption legislation, the township is also urging State and Federal government representatives to also support anti-corruption legislation.

• Betty Livingston Adams, a Research Fellow and Adjunct Faculty in the Department of History, has put the spotlight on life in Summit and Northern New Jersey in the early 20th century with her work, *Black Women's Christian Activism*. Adams examines the often overlooked role of non-elite black women in the growth of northern suburbs and American Protestantism in the first half of the 20th century. Focusing on the strategies and organizational models church women employed in the fight for social justice, Adams tracks the intersections of politics and religion, race and gender, and place and space in a New York City suburb.

• After six successful cleaning and greening efforts, Mayor Dana L. Redd kicked-off the seventh annual "Camden Clean Campaign," Wednesday, April 6, 2016, in the East Camden neighborhoods of Marlton and Stockton. Mayor Redd was joined by City Council Members, elected officials, also National Service Members (Americorps, VISTA, NCCC, State and National Senior Corps) for a press conference highlighting the impact of National Service Recognition Day and recognizing the efforts of participants and volunteers involved in the Camden Clean Campaign. The clean-up was the first of 11 cleaning and greening days for this spring and summer. ♻️

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Collaborating to Improve Community Health

By Deborah Brodsky & Janan Dave,
New Jersey Health Care Quality Institute



Jersey City Medical Center hosts a Happy Hearts Dance Competition.

Every municipality in New Jersey has its own style, its own local culture, and its own way of doing things. The Mayors Wellness Campaign works with nearly 380 New Jersey municipalities, and while we have certainly found that no two towns are the same, we have also seen that towns—whether in Sussex or Salem, Hudson or Cumberland—face very similar challenges and can learn from one another when working to tackle them.



Inspira Health Network hosts a Family Fun Day.

Recognizing these common challenges and building on successful collaboration with the New Jersey Health Care Quality Institute (NJHCQI), United Health Foundation, established by UnitedHealth Group in 1999 as a not-for-profit, private foundation dedicated to improving health and health care, has funded the Healthy Communities Create Healthy Citizens (HCHC) projects in Jersey City, Trenton, and Cumberland County to help address pressing health challenges in these communities.

These common challenges are apparent when examining the Community Health Needs Assessments (CHNAs) conducted by hospitals and health departments

across the state. As a direct result of the Patient Protection and Affordable Care Act, tax-exempt hospitals are required to complete CHNAs every three years. Not only do CHNAs provide detailed information about community health and identify key areas of concern, they are also useful tools for quantifying a community's progress in meeting their unique health care goals and for laying out strategies for health improvement. Though they span the state, Jersey City, Trenton, and Cumberland County identified similar key health priorities in their most recent CHNAs. The need for improved health literacy and chronic disease management, and the need for increased access to healthy lifestyle initiatives, stood out in all three CHNAs.

MAKING STRIDES Jersey City, Trenton, and Cumberland County have developed and implemented innovative programs that are making great strides in addressing the most pressing health challenges in their communities, but with limited staffing and financial resources their sustainability was questionable. The United Health Foundation-funded HCHC project will financially assist the three communities in making their limited staff time stretch further through collaborative community calendars and technology solutions that connect individuals to social services in their vicinity.

The project also seeks to support educational opportunities for residents of Jersey City, Trenton, and Cumberland County by funding educational materials in languages unique to each community's populations, and by promoting the availability of actionable health information to support lifelong learning about good health practices and behaviors.

Partners from both the health care and public sectors in Jersey City, Trenton, and Cumberland County have come together to develop strategies to tackle these health issues. To enhance and complement their efforts, the three-year HCHC project funded by United Health Foundation will work with Jersey City, Trenton, and Cumberland County to develop sustainable programs that address the common challenges identified in their CHNAs.

• **EXPAND ACCESS TO HEALTHY LIFESTYLE INITIATIVES** Opportunities for residents to exercise and cook with healthy ingredients can be hard to come by when parents feel it is unsafe for their children to play outdoors, and when the cost of produce is too high. One of Jersey City's top priorities is increasing access to healthy food. The city conducts several creative and successful programs to achieve this goal, including Cooking Matters at the Store, which is a supermarket tour hosted by the Jersey City Department of Health and Human Services. The Cooking Matters at the Store program teaches participants how to purchase healthy food at a reasonable price and to better understand the nutritional difference between canned and fresh produce. Participants receive a \$10 gift card upon completion of the program to purchase healthy foods. Nearly 2,000 residents have participated to date.

• **IMPROVE HEALTH LITERACY** The more knowledgeable NJ residents are about the health care system and their own health conditions, the easier it is for them to ask health care professionals relevant questions and manage their lifestyle. The city of Trenton makes a multi-pronged effort to improve health literacy by holding health literacy and cultural competency workshops,

Healthier Ranking

The patterns that emerged from the Jersey City, Trenton, and Cumberland County CHNAs were reinforced by the United Health Foundation's 2015 America's Health Rankings® Annual Report, which shows that national rates of diabetes and obesity are still rising, and that many premature deaths are preventable through lifestyle modifications.

Yet the report shows that in New Jersey, like in other states, local efforts to improve health are gradually having a positive impact on residents. For instance, in the past year physical activity has increased among adults, and premature death rates have decreased. Overall, New Jersey ranks as the 11th healthiest state in the nation.

Addressing the health of a town can present major challenges, especially when large and diverse populations have poor access to high-quality food and health care. Collaboration between community leaders and health care providers is a first step on the road toward improving wellness—and maybe even breaking into the top 10 healthiest states in the country. It is this type of passionate involvement in community health initiatives that helps ensure program sustainability.

Healthy Communities

lunchtime cooking demonstrations, and health fairs in residential buildings. The city holds weekly farmers markets and recently re-opened a walking trail at Trinity Cathedral in the city's West Ward.

• **IMPROVE CHRONIC DISEASE MANAGEMENT** Chronic disease is the leading cause of death in the U.S. Yet the prevention of chronic diseases, like diabetes and



Capital Health hosts a health fair showcasing healthy foods.

heart disease, can prove a monumental challenge without access to preventive

care and healthy lifestyle initiatives. In 2011, Cumberland County was ranked 21st out of 21 counties in NJ on the Robert Wood Johnson County Health Rankings and Roadmap. This sparked the development of the Cumberland-Salem-Gloucester Health Alliance whose mission is to improve health outcomes, including chronic disease outcomes, throughout the region. The Alliance runs highly coordinated programs like Live Healthy Vineland and Healthy Cumberland, which address health and wellness issues where people are the workplace, school, corner store, and home.

HEALTHY PARTNERSHIP “United-Health Group is grateful for the opportunity to partner with the New Jersey Health Care Quality Institute to improve the health and health care of the communities we serve,” said Scott Waulters, CEO of UnitedHealthcare Community Plan in New Jersey, a UnitedHealth Group company. “We look forward to seeing the positive impact NJHCQI programs will have on Jersey City, Trenton, and Cumberland County residents’ health and quality of life.”

Not only can municipalities around the state harness the results of their CHNAs to create strategies for community improvement, CHNAs can also be referenced for grant opportunities. NJHCQI hopes to add long-term support to community health improvement efforts already underway in Jersey City, Trenton, and Cumberland County by harnessing partnerships between municipal leaders and community providers, and making essential health resources available to residents in the communities that need it most. ♣

@ To learn more about Healthy Communities create Healthy Citizens, contact Janan Dave or Deborah Brodsky at 609-452-5980. For the full report, visit americashealthrankings.org/reports/Annual

The Power of Collaboration



SUMMERTIME IS FUN TIME FOR CHILDREN AND SAFETY MAKES ALL THE DIFFERENCE

Children eager to enjoy summer are enrolling in day camps and recreation programs run by towns throughout New Jersey.

“A great way to open the summer season is to make certain everyone is trained properly. And MEL has great training available,” said Carol Byrne, Tenafly Tax Assessor, who serves as Chair of the MEL Safety & Education Committee.

Registration is easy. Courses can be taken online at any time and address important safety issues: prevention of sexual abuse and bullying, safety on the playground, on trips, during transportation and in aquatics programs – and for professional lifeguards, a focus on responsibilities and skills needed on the pool deck.

“The MEL Safety Institute training is so convenient and really covers the key issues so well. I use it to make certain all our camp counselors understand their responsibility for making safety their top priority,” said Sheri Silversmith, Acting Director, Recreation and Senior Services, Jackson Township, a member of the Ocean County Municipal JIF.

The training programs are available at no charge to MEL/JIF members from the MEL Safety Institute at www.njmel.org.

The power of collaboration: ensuring accountable, quality efforts to promote safety throughout New Jersey.

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Why EMS Relationships Matter

An insider shares his view from both sides of the municipal government/emergency services relationship

By Sean Elwell, MSN, RN, NE-BC, TCRN, EMT;
Mayor of Elsinboro Township;
NJLM Executive Board



On my 16th birthday I knew exactly what I wanted to do. While most of my friends were planning their sweet 16 parties, I was visiting my local volunteer fire company. I was finally able to reach one of my goals, being a firefighter. What I didn't know was that my company mentor would “force” me to be an emergency medical technician (EMT). Maybe force is a strong word, but certainly encouraged.

Little did I know that completing this course would change my future. That one course led me to nursing as a career, which has spanned the bedside and leadership roles, creating programs, and serving on national boards. My role in emergency services remains extremely important to me. As an EMT and firefighter I have served as EMS Captain, Deputy Fire Chief, and Fire Chief in addition to my work as a municipal official.



Building partnerships and relationships is not something that happens overnight.

At this point you are probably asking why any of this matters. It matters because the emergency services community should be extremely important to you as well. Maybe it won't be your new career or even something you are even remotely interested in, but governing bodies and emergency responders need each other. Look no further than some of the natural disasters we have experienced over the last several years.

When disaster strikes, it is our emergency responders that we call and rely on to support our municipalities. Neither the governing body nor the emergency service organization can survive without each other. Like two sides of a coin, each side is different, but need each other to navigate these situations.

GETTING TO KNOW YOU Building partnerships and relationships is not something that happens overnight. It requires a clear understanding of each other's roles, mutual respect, and a commitment from both parties. We don't want our first interaction with our responders to be an emergency situation. That's not the best time for anyone to get to know each other.

So how do we support each other? While it may seem basic, these simple steps are the key to successfully building a partnership with the emergency services community.



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1. Communicate. Don't just communicate, but be authentic. Visit the station and spend time getting to know these individuals. It sure is a lot easier to call the person you know during that stressful time, rather than trying to figure out who is the right person to call.

Remember, everyone receives information differently, but face-to-face communication has been proven to be the best way to build relationships.

2. Keep informed. If an EMS bill comes across your desk, share it with those it may impact. Get their input and suggestions. Who better to be involved in those conversations than those doing the work?

Keeping these teams informed will show your continued value in them as a team. Using these topics to continue your conversations will ultimately fuel your partnership.

3. Try to understand. Put yourself in the shoes of those in the emergency services community. Try to understand what motivates these teams. As an elected official or emergency service provider, we all share the same goal, doing what is best for our municipality.

There is no silver bullet or magic pill to achieving a successful partnership. Building these relationships is a lot of work and takes time.

Most of the time you will find during these interactions that all they want is to know you care about them and support them.

4. Think outside the box. Ask them what they need to be successful as a team. Use this as an opportunity to set goals and determine what success really looks like for all parties. Often times we focus on the here and now, but take the opportunity to proactively plan for the future.

You will find that being on the same page will benefit you in the long run.



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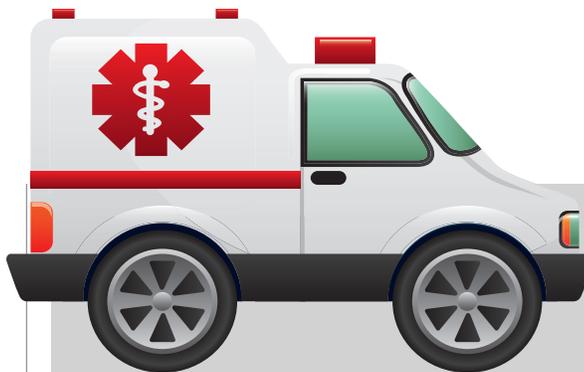
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GOOD FOR ALL Whether volunteer or paid, our emergency services communities are there when disaster strikes. No matter the time of day, day of week, or even holiday, our emergency responders serve our communities. Supporting these teams and building relationships benefits the entire community.

No, I am not telling you that you should buy the latest ambulance or provide the newest technology each time requested. I know that sometimes these requests can be daunting, especially with the financial challenges we all face. What I am saying is that these relationships matter. There is no silver bullet or magic pill to achieving a successful partnership. Building these relationships is a lot of work and takes time.

This will be time well spent. Let's raise the bar. As Orrin Woodward said, "Average leaders raise the bar on themselves; good leaders raise the bar for others; great leaders inspire others to raise their own bar." 🐾



Communicating with your Emergency Services

Keeping the lines of communication open can be a key to providing the best service and care for the community.

As municipal officials interact with individuals on emergency services teams, it is inevitable that questions will be asked or a request will be made. Make it a point to keep the communications circuit flowing, regardless of the outcome.

When a request is made, follow up with the person or team making the request. So often the answer is no and it is easy to want to avoid providing that answer.

If the answer is no:

- Offer an explanation when possible.
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Year-Round Nutrition

Municipal Governments Called Upon to Offer Summer Meals to Low-Income Students

By Douglas H. Fisher, New Jersey Secretary of Agriculture



Union City officials serve up summertime meals for local children.

More than 654,000 New Jersey children eat lunch at school every day, with 65 percent of those receiving free or reduced price meals. There are more than 302,000 children who eat breakfast at school, with 83 percent of those free- or reduced-price.

The National School Lunch Program and the School Breakfast Program, administered by the New Jersey Department of Agriculture, provide healthy meals to low-income students, assisting families who might otherwise struggle to provide these meals for their children.

Obviously, there is a need for healthy food all year long. When school is out for the summer, children who rely on the school meals programs from September through June can be at risk of hunger.

SUMMER PLANS To ensure children living in low-income areas receive the nutrition they need, the Summer Food Service Program (SFSP) was authorized in 1976. The state-administered, federally-funded program reimburses providers who serve healthy meals to children and teens in need at no charge primarily during the summer months when school is not in session. It is designed to reach those who are age 18 or younger and people over 18 who are mentally or physically handicapped and participate in public or nonprofit private



Officials from Bridgeton including Mayor Albert Kelly, NJLM 1st Vice President (far right) with local kids.

programs established for the disabled. Sponsorship is voluntary. The Department of Agriculture each year seeks to add new sponsors. Sponsors can be school districts, local government agencies, camps, faith-based, and other non-profit community organizations. The Department took a number of

steps to increase the number of children served last summer. Promotion of the program was stepped up, including a social media campaign, to court new sponsors and work with existing sponsors to add more feeding sites. Outreach meetings were held with community partners. And the Department worked

with the U.S. Department of Agriculture Food and Nutrition Service regional office to jointly expand the program. These outreach efforts resulted in 11 new sponsorships, which represented an 8% increase in program sponsor participation last summer.

MUNICIPAL PARTICIPATION Last year in New Jersey, 33 municipal governments were Summer Meals Sponsors, representing the highest program participation statewide, of all program sponsors. In the state's larger cities, such as Camden, Newark, and Jersey City, there are between 80 to 125 summer meals locations each year, providing summer meals to thousands of children. Camden has held numerous roundtable discussions in an effort to improve access to summer meals for city children.

BRIDGETON Mayor Albert Kelly saw a need to ensure more Bridgeton children were able to access healthy summer

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Year-Round Nutrition

meals. He worked with the Department of Agriculture, the U.S. Department of Agriculture and community groups to add 13 new feeding sites last year for a total of 15 feeding sites, which resulted in doubling the amount of children fed in Bridgeton in 2015, as compared to the previous year.

Mayor Kelly and his community partners went on to hold a “Need to Feed” summit in January to bring all the resources to prevent child hunger together in one room in an effort to share ideas and information. As a result of Mayor Kelly’s efforts, summit events are being replicated in all areas of New Jersey to increase SFSP program awareness.

UNION CITY Providing the Summer Food Service Program for 33 years, Union City had 14 feeding sites that served breakfast and lunch to about 1,800 children per day last year. One of the sites was Jose Marti Middle School, which we visited in July with USDA Deputy Regional Administrator Diana Limbacher, the day of the city’s kick-off event, an effort to raise awareness about the program and increase the number children served each day.

“Union City children are well-served by their city,” said Limbacher. “The city’s

efforts to bring more awareness to the Summer Food Service Program ensure that many more children will get a nutritious meal during the summer months.

Mayor Brian Stack said, through their efforts, the city was able to increase SFSP participation.

“We are working to feed as many children as possible,” said Stack. “Healthy and nutritious meals are critical to our children’s growth and development.”

This year the city will join with the local school district for building community-based solutions to ensure summer meals continue to be provided to the children of Union City.

A variety of Summer Meals expansion efforts also resulted in success in the City of Trenton, the City of East Orange, and the City of Perth Amboy and many others.

TRENTON The City of Trenton added additional sites and fed more Trenton children, including the first Summer Meals WIC Center Site.

EAST ORANGE The City of East Orange added additional sites, held many kick-off events and was recognized as the Top City for the “Let’s Move” initiative.



CONTINUING NEED: By the Numbers

In 2015,
New Jersey had:

108 Summer Food Service Program sponsors throughout the state with more than

1,100+ feeding sites &

2.7 million meals served.

Still, only 1 in 7 or 19% of the students who receive free or reduced price meals at school participated in the SFSP last year.

PERTH AMBOY The City of Perth Amboy added a breakfast meal to their existing sites that were previously only serving a lunch meal, and thereby, expanded the type and amount of meals available in Perth Amboy for children during the summer months.

Municipal governments are essential to the success of the Summer Food Service Program. Municipal officials are the leaders who drive the effort for ending hunger through community-based solutions. 🍴

@ To find out more about the Summer Food Service Program or to become a potential sponsor, visit bitly.com/njsummerfood or call 609-292-4498.

Those searching for Summer Food Service Program feeding in every site across New Jersey can text FOOD to 877-877 or call the National Hunger Hotline at 1-866-3-HUNGRY.



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WASHINGTON

Stepping Up on Lead Contamination

By Congressman Bill Pascrell, Jr. (District 9)

If there is any possibility that our children are being exposed to unsafe levels of lead, it is incumbent on us to be informed and take action. We must be proactive in addressing any potential contamination of our children's water supply and transparent about issues when they may arise. That is why I am calling for new federal investments for lead testing in schools and day-care centers and a renewed commitment from all levels of government to assist with lead testing in homes.

As frightening situations play out in the schools of Newark and the community of Flint, Michigan, many of us wonder if it could be happening in our households and in our children's schools. Unfortunately the answer is, yes, it could happen. In New Jersey, we have many buildings that were constructed before we knew the dangers of lead or ways to monitor and mitigate its negative impacts.

As you know, no amount of lead exposure is considered safe. Even low lead exposure can cause serious health problems, especially for infants, young children, and pregnant women. That is why it is critical that we take the necessary steps to ensure that all New Jerseyans receive safe and clean drinking water.

Residents should know that they can test their drinking water for lead, and in most instances testing kits are available for free from their water provider. It is critical to perform these tests because much of the time lead contamination occurs because of internal piping in homes or schools, not while moving through the water infrastructure.

Many of our elected officials, myself included, have been working with water providers and many have stepped up their monitoring as a result. I have also encouraged these providers to make more information available about lead testing and lead pipe replacement assistance, should a test come back unfavorably. Also, I partnered with Senators Robert Menendez (D-NJ) and Cory Booker (D-NJ) on legislation to bolster funding streams for big-ticket water infrastructure investments.

According to the National Institutes of Health, lead is much more harmful to children than adults because it can affect children's developing nerves and brains. The fight in Congress to pass funding for lead testing in schools and daycares is ongoing. I sponsored legislation to create a new \$100 million federal grant program through the U.S. Environmental Protection Agency (EPA) that would help school districts and child care

centers test their drinking water for potential lead contamination. A similar grant program was originally part of a 1988 bill called the Lead Contamination Control Act, but the legislative text outlining the program was struck down by the courts due to a drafting error. A companion bill in the Senate is being authored by Senator Chuck Schumer (D-NY), and we hope to gain support from our colleagues in Washington.

New Jersey public schools are now required to test for lead and will begin screenings in September, but all schools and child care providers should be testing for lead. Some school districts, like Paterson, were proactively testing prior to the recent change. In Paterson, they took 572 samples last year and found 25 water sources—a water fountain or a sink faucet—with lead levels above the EPA-recommended 15 parts per billion. These water sources were immediately taken out of use and steps were immediately taken to remedy the situation, but the public should have been made aware with the first red flag.

According to the National Center for Healthy Housing, childhood exposure to lead has lifelong consequences, including decreased IQ and cognitive function, developmental delays and behavioral problems. Very high levels of lead exposure can cause seizures, coma and even death. Exposure at any level is unacceptable.

After blocking additional funding to help prevent lead poisoning in our communities earlier this year, Governor Chris Christie seems to have finally realized that we must be proactive in protecting our kids against lead contamination. Students will be better served by the new testing requirements and parents will no longer be left in the dark about the quality of the water their children drink every day at school.

The State needs to do everything in its power to keep the children of New Jersey safe from the negative effects of lead. My office has proactively reached out to every superintendent in our district to track testing and protocols, and to encourage full transparency with parents.

From Parsippany-Troy Hills and Hamilton to Hopatcong and Hunterdon County, we are finding lead in school drinking water across our state and something needs to be done.

I am doing my best to address this situation at the federal level, and am working with state and local officials who are also trying to protect our citizens. We owe it to ourselves and our children to take all measures available to avoid the threat lead poisoning poses to public safety. ♣

Editor's Note: S-2107 is the companion bill to A-536.

The views expressed and the data presented by contributors are not endorsed by the League unless specifically stated.

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Pension Law Predicament Serves as a Detriment to Public Health and Safety

By Paul Tomasko, Mayor, Borough of Alpine; Executive Board, NJLM

On August 22, 2014, the Division of Pensions and Benefits in the State's Treasury Department sent a letter to local pension officers. The letter stated that "If the employer and employee make an arrangement prior to the employee's retirement to return to the same employer in any capacity, including as a volunteer—at any future time, regardless whether the position is covered by the former retirement system—the employer/employee relationship is not completely severed and the retirement will be invalid."

According to the federal tax law and the Internal Revenue Code (IRC), "Bona fide severance from employment" means a complete termination of the employee's employment relationship with the employer for a period of at least 180 days."

The loss of invaluable volunteers such as firefighters or members of a First Aid Squad, Planning Board, or Recreation Commission so that employees do not invalidate their pensions when they retire is a potentially life-threatening consequence, and one that must be avoided.

The situation is particularly acute with regard to emergency responders who may be required to recertify if they wish to resume volunteering after a six-month hiatus in the towns where they previously were paid employees.

We risk the ongoing loss of the most experienced and knowledgeable volunteers whom towns will be hard-pressed to replace. In addition, the aforementioned letter makes it more difficult for municipalities to transition positions because retirees are not able to come back to help their successor or to answer questions.

Two bills were introduced last year to address this predicament. They are A-4648 sponsored by Assemblyman Ronald S. Dancer and A-4399 (pre-filed for introduction in the 2016 session as A-536) sponsored by Assemblywoman Holly Schepisi and Assemblyman Anthony M. Bucco. They both are conditioned on the qualified status of the retirement systems (PFRS and PERS) under federal law being maintained. A-4648, which should be reintroduced in the 2016 session, applies to all volunteers and would provide "persons with a pre-existing volunteer relationship with their employer to retire from service as an employee covered by a State-administered pension fund or retirement system and continue to serve that employer as a volunteer."

Per the Summary Statement, A-536 is specific to volunteer firefighters and "provides that the retirement of a member of the Public Employees' Retirement System (PERS) or a member of the Police and Firemen's Retirement System (PFRS) who (1) on the date of retirement has attained the service retirement age applicable to that member and is a volunteer firefighter with the same employer from whose employment the member retires; and (2) remains a volunteer firefighter after retirement, will be a bona fide severance from employment, notwithstanding that the retired employee maintains the relationship of a volunteer firefighter with the same employer from whom the member retired"... "This bill will allow persons with a pre-existing volunteer relationship as a firefighter with their employer to retire from service covered by PERS or PFRS and continue to serve that employer as a volunteer."

Clearly, we need to do everything possible to encourage volunteerism, particularly the continuation of our most qualified and skilled volunteers.

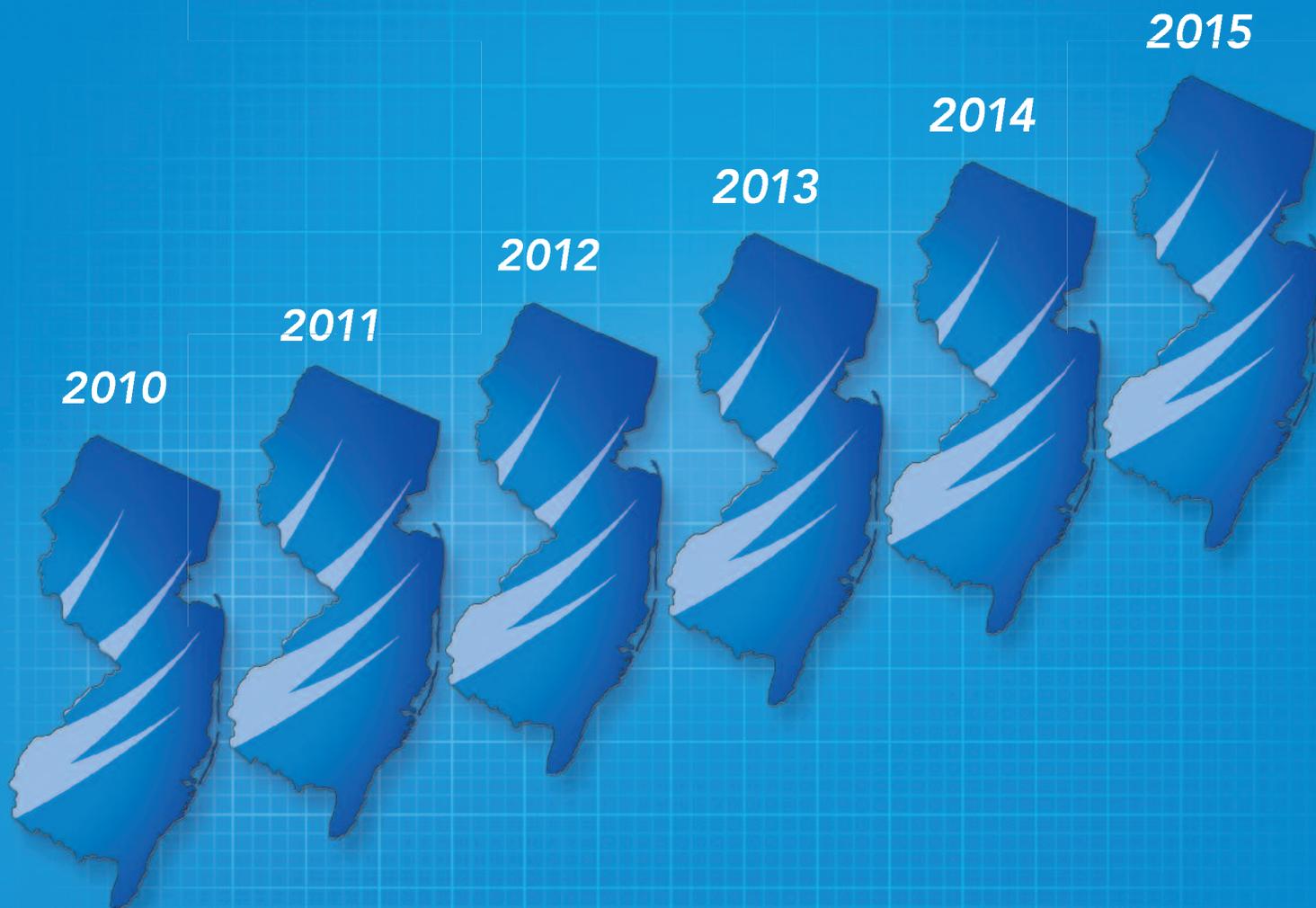
We appreciate the effort of these Assembly members in this regard. It is imperative that one bill or the other be advanced and enacted. In addition, we would urge members of the State Senate to step forward with companion legislation to help expedite the process.

To do nothing would be to waste our precious volunteer resources and the incalculable investment of time, training, and expertise they represent to our communities. Clearly, we need to do everything possible to encourage volunteerism, particularly the continuation of our most qualified and skilled volunteers. This unintended consequence in our pension laws does just the opposite and, in fact, only serves to hinder municipalities already struggling to maintain and nurture their volunteer forces.

On the League's Legislative Day (February 3) in Trenton, I spoke to our legislative leaders about the need to address and correct this. They need to hear from you also. ♣

Editor's Note: S-2107 is the companion bill to A-536.

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



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Summer Jobs and Beyond

Elizabeth develops youth opportunities for growth and community contributions

By J. Christian Bollwage,
Mayor, City of Elizabeth;
League Past President



Finding a job can be difficult for anyone, especially in a challenging economy. Securing an interview can be a promising first step; however, lack of preparation and an inability to convey your strengths during that initial meeting, coupled with little or no work experience, can make an offer of employment virtually impossible to obtain. For young people without access to assistance, guidance, and support, these obstacles can be impossible to overcome.

The City of Elizabeth recognized the need to bridge the gap between the dream of employment and reality of the intense competition associated with entering the workforce. Many factors can influence why an individual is chosen for a position among a pool of candidates; however, one staple that can be agreed upon is to make a great impression on your resume and during an interview. Living in a social media-driven world, the ability to communicate using the written word, instead of abbreviations and emojis, can prove frustrating; especially for young people.

When expressing interest in a job, the first introduction to an individual is often the resume; but if not taught in school how to properly format information, record your current educational and work status, as well as emphasize the strengths you bring to an organization, this exercise cannot only be overwhelming, it can negatively impact marketability.

YOUTH OPPS Youth Opportunities Services, also known as Youth Opps., is a program administered by the Office of Youth within the City of Elizabeth and funded in part by the County of Union through the Workforce Innovation and Opportunity Act. Open to Elizabeth students ages 16 to 21, this initiative helps students and young adults put their best foot forward as

they attempt to enter the workplace and become, for many, first-time employees. Acting as the lead, the Office of Youth received inquiries from interested students, who then completed the required paperwork to determine that necessary income requirements were met... then evaluated on basic skills, and ultimately approved and accepted into the program by the County of Union.

Once the core group of 25 students had been determined, the Office of Youth identified employment positions, where on-the-job experience was offered in lieu of wages within the community. Students are then paid for the completion of work hours, which total up to 20 per week for five weeks, through reimbursable grant funds provided through the Workforce Innovation and Opportunity Act.

In addition to the identification of available employment opportunities, young people are also provided with interview training and career development workshops, where valuable guidance as well as resources to facilitate success are provided. From dressing and conducting one's self in a professional manner to knowing about the services provided by the business or organization offering the position, job seeking yields more positive results when the applicant is prepared.

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Summer Jobs

FIRST IMPRESSION POWER Image and presentation also send a message to an employer in reference to your pride in appearance, commitment to the opportunity and respect for the process. Additional skills and manners discussed during the training, which takes place from 4 to 6 p.m. in City Hall include, but are not limited to: proper greetings, delivering an effective handshake, body language, how to complete a job application, how to write checks and balance a checkbook, as well as appropriate conduct during the interview and on the job.

When an offer to be hired is made and accepted, the Office of Youth follows the progress of the student worker throughout the duration of their employment. Discussions with the employers and progress reports are completed to determine an array of factors ranging from how the individual is taking direction and completing the assigned tasks in a timely manner to punctuality and interpersonal skills.

FINDING A PLACE

The Office of Youth also receives training support through The Workforce Innovation Business Center, located in The Mills at Jersey Gardens. This partnership further increases the availability of resources for students and establishes foundations that raise awareness regarding career-oriented and industry opportunities.

In 2015, the Center trained 102 residents and placed 110 individuals in employment positions.

Working together to accomplish a common goal, these initiatives broaden horizons and encourage planning for the future; helping our economy and community grow.

Upon completion of the program, the young people participate in exit interviews, where student feedback is provided and a final evaluation is made by the Office of Youth. All paperwork is then submitted to the County of Union for closeout.

Opportunity, education, and experience, are keys to success, particularly when addressing underemployed and underserved populations. Youth Opps. provides that priceless "first job" experience that has proven to be a valuable stepping stone for more opportunities.

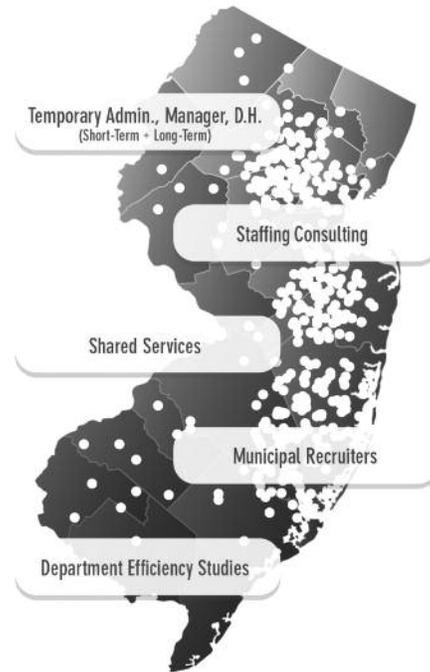
It also offers young people a stable environment they can rely on, positions they can depend on, and instills a sense of accountability to others. This initiative further exposes teenagers and young adults to forums, where there is potential for interaction with professionals, relationship building and the creation of new experiences. Increasing positive role models and alternatives while enhancing job-readiness training within the community, Youth Opps. is transforming lives within the City of Elizabeth. 📍

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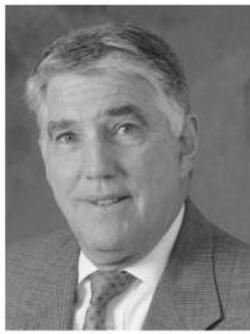
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Powering the Future

Free energy audits place municipalities on path toward lower costs and improved environment

By Richard S. Mroz, President,
New Jersey Board of Public Utilities

Municipalities searching for innovative approaches to lowering their energy costs and helping the environment are finding that a free energy audit, offered by the New Jersey Board of Public Utilities (BPU) through New Jersey's Clean Energy Program (NJCEP), is a great start.

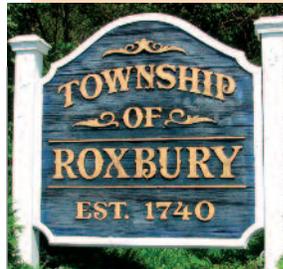
The Local Government Energy Audit (LGEA) Program provides up to \$100,000 in incentives to subsidize the cost of an energy audit for eligible facilities owned by municipalities, local government agencies, state contracting agencies, public agencies, New Jersey state colleges and universities, or select charitable nonprofit organizations. As of February 2016, more than 400 participants from across the state and nearly 1,400 facilities of all sizes have participated in the LGEA.

EASIER ACCESS In March 2016 the LGEA process was simplified, placing energy audits within the reach of an even greater number of municipalities and nonprofits. Municipalities previously were required to issue requests for proposals and undergo the often time-consuming process of reviewing bids from auditing firms. The new, more efficient process will enable customers that meet all the eligibility requirements to move forward with an audit following the submittal of a complete application. The NJCEP LGEA Program Manager will receive and review all applications, and conduct the audits.

Audit participants receive a list of recommendations for cost-effective, energy-efficiency upgrades as well as an estimate of the emissions reductions that would result from the projects. Participants may also receive an evaluation of appropriate demand response equipment and water conservation measures for their facilities. In addition, participants receive tailored advice on whether the recommended energy conservation measures are eligible for incentives through the NJCEP.

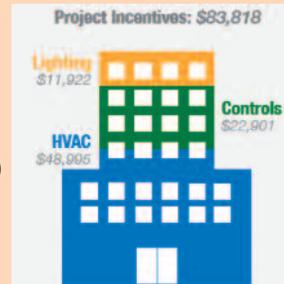
For municipalities that wish to apply for the state's Energy Savings Improvement Program (ESIP), a LGEA fulfills the program's requirement to undergo an energy audit. ESIP is a financing mechanism that allows public and government entities to pay for facility upgrades using a project's energy savings. 🚧

CASE STUDIES



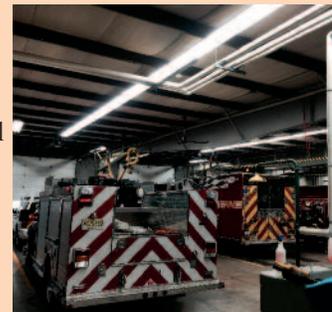
ROXBURY TOWNSHIP In response to results and recommendations found in the audit performed at the Kennedy Elementary School, school officials in Roxbury Township, replaced low-efficiency lighting with state-of-the-art T5, T8 and LED lighting and installed new high-efficiency heating, ventilation and air conditioning (HVAC) units at the school.

NJCEP incentives: \$84,000
Total Project Cost: \$120,000



HAMILTON TOWNSHIP (MERCER) In Hamilton Township, the Groveville Firehouse turned to LGEA to determine which of their equipment was best suited for upgrades. Using the Direct Install program, the firehouse installed new lighting and HVAC equipment.

NJCEP incentives: \$31,600
Total Project Cost: \$45,000



The upgrades at Kennedy Elementary and Groveville Firehouse have the added benefits of lowering operating expenses over the long term. The two projects are estimated to save the townships a combined \$23,000 in annual electricity and natural gas costs attributable to the use of more energy-efficient equipment.

Additionally, the energy savings translate into environmental benefits for all of New Jersey. The Kennedy Elementary and Groveville Firehouse projects will avoid more than 282,000 pounds of carbon dioxide (CO2) emissions each year. That's equivalent to planting 3,300 trees across the townships.

@ For more information on the suite of NJCEP programs including how to participate in LGEA, visit the website NJCleanEnergy.com/CI or contact a representative at 866-NJSMART.

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Green Works

Major New Jersey Environmental Legislation

By John M. Scagnelli, Partner,
Chair, Environmental and Land Use
Law Group Scarinci Hollenbeck;
NJLM Environmental Council

The year 2015 was an interesting year for New Jersey environmental legislation. A number of environmental bills were introduced during the 2014-2015 New Jersey State Legislature session that came to a close on January 11. Many of the environmental bills that passed the State Legislature were pocket vetoed by Governor Chris Christie after the close of the session. Several environmental bills, however, were signed into law by the Governor.

We discuss the most noteworthy of these environmental bills below, as well as the Legislature's action to block the New Jersey Department of Environmental Protection's (NJDEP) controversial Flood Hazard Rule Proposal (see sidebar page 38).

ENVIRONMENTAL BILLS SIGNED INTO LAW The Governor signed the NJDEP's Waterfront Public Access Bill, which was introduced in the Legislature on January 7 and passed both the State Assembly and Senate by unanimous votes on January 11.

S-3321/A-4927 and S-3321/A-4927 reestablished NJDEP's authority to require CAFRA or waterfront permit applicants to provide on-site public access to the waterfront and the adjacent shoreline, or off-site public access if NJDEP determines that on-site public site access was not feasible.

The bill was introduced in response to the Appellate Division's decision issued on December 22, 2015, in Hackensack Riverkeeper, Inc. and NY/NJ Baykeeper v. NJDEP, which invalidated the NJDEP's public access rules. S- 3321/A-4927 was signed into law as P.L. 2015, c.260.

The Governor also signed A-1726/S-308, which amends the Flood Hazard Area Control Act to require NJDEP to take certain actions concerning delineations of flood hazard areas and floodplains. The bill directs NJDEP to update its delineations of flood hazard areas as frequently as may be necessary to incorporate federal floodplain delineations within the limits of funds appropriated or made available to NJDEP, and further directs NJDEP to update its delineations of flood hazard areas at least once every 15 years and to prioritize the preparation of those updates based upon flood risks.

In addition, upon adoption by the Federal Emergency

Management Agency (FEMA) of a new flood plain delineation, the bill directs NJDEP to incorporate the federal flood plain delineation into the department's flood hazard area delineation for that area subject to certain conditions. The bill was signed into law as P.L. 2015, c.270.

The Governor signed into law S-2617/A-3944, which requires NJDEP to adopt regulations allowing the cultivation of commercial shellfish species in contaminated coastal and inner harbor waters for research, educational, and restoration purposes provided the area of cultivation is certified to NJDEP as not visible or easily accessible to the public.

Finally, the Governor also signed into law A-1958/S-1848, which amends the Freshwater Wetlands Protection Act to provide that the normal farming activities exempted from the requirement of a permit or transition area include cranberry bogs and blueberry fields and their related maintenance, irrigation, and repair activities.

POCKET VETOES The Governor pocket vetoed a number of environmental bills which were passed by the State Legislature:

- S-564/A-4186 would have established a solar roof installation warranty program in New Jersey State Economic Development Authority (EDA) and funded the program with \$2 million transferred by the Board of Public Utilities (BPU) from funds collected through the societal benefits charge, SCS for S-1420/ACS for A-1603 (Beach, Whelan) which required paint producers to implement or participate in the a paint stewardship program;
- A-3823 would have appropriated \$10 million to the Department of Community Affairs for the Lead Hazard Control Assistance Fund;

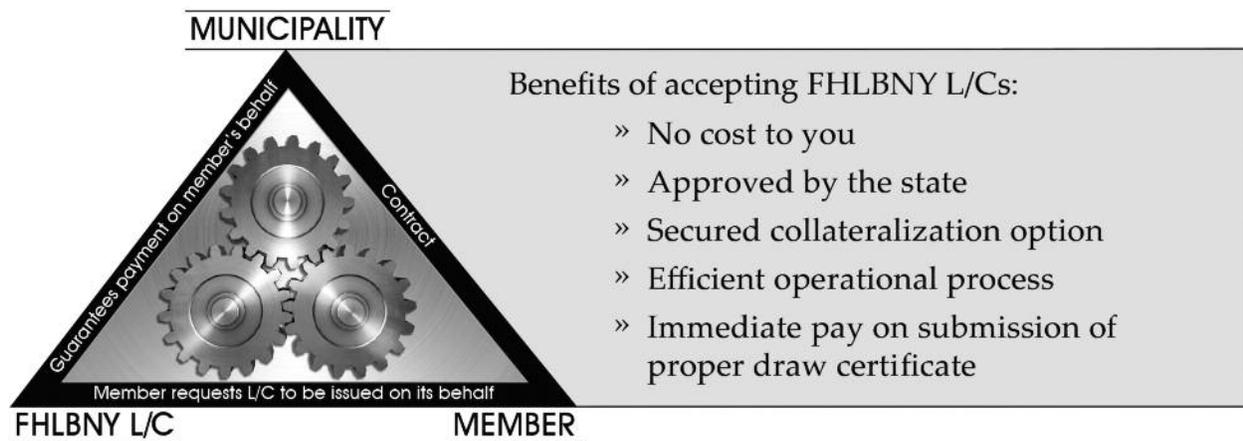




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Green Works

- A-4128 would have allowed an off-shore wind company to apply for a project off the coast of Atlantic City;
- A-4763/SS for and SCS for S-2973 would have revised the Electronic Waste Management Act in a number of respects, including requiring NJDEP to establish a statewide standard program for the collection, transport and recycling of electronic devices.

Other Bills pocket vetoed by the Governor include S-2769/AS for ACS for A-4197; A-4206 which would have dedicated corporate business tax proceeds to open space funding; and S-2491/A-4069, which would have established the position of New Jersey State Oceanographer.

READY FOR 217th LEGISLATURE

Another bill, Senate A-444 SCS, prohibits contribution actions against local public entities for clean up and removal costs or any other damages associated

Legislature Blocks NJDEP's Proposed Flood Hazard Rules

On January 11, the New Jersey State Assembly approved Resolution SCR-180 that confirmed NJDEP's Flood Hazard Area Control Rules, Coastal Zone Management Rules, and Stormwater Management Rules introduced by NJDEP on June 1, 2015, were inconsistent with Legislative intent.

Under Article V, Section IV, Paragraph 6 of the New Jersey State Constitution, the NJDEP Commissioner has 30 days following transmittal of the resolution to amend or withdraw the proposed rules or the Legislature can, by the passage of another concurrent resolution, exercise its authority under the State Constitution to invalidate the rules in whole or in part.

Both the U.S. Environmental Protection Agency Region 2 Office and the Federal Emergency Management Agency (FEMA) had raised concerns that NJDEP's proposed rules conflicted with federal regulatory requirements.

A major concern among opponents of the rules are provisions that would eliminate buffer protections along streams and other waterways, which they believe could degrade water quality by reducing vegetation needed to filter out pollutants and increase the likelihood of flooding.

with the discharge of hazardous substances and its companion Assembly Bill, A-1779 each passed, but were not sent to the Governor for signature because the bill versions did not pass both houses in identical form.

The bills will start again in their original version in the 217th Legislature. The Assembly has reintroduced its bill.

It was an interesting year for environmental bills passed by the New Jersey State Legislature, to say the least. 🇯🇵

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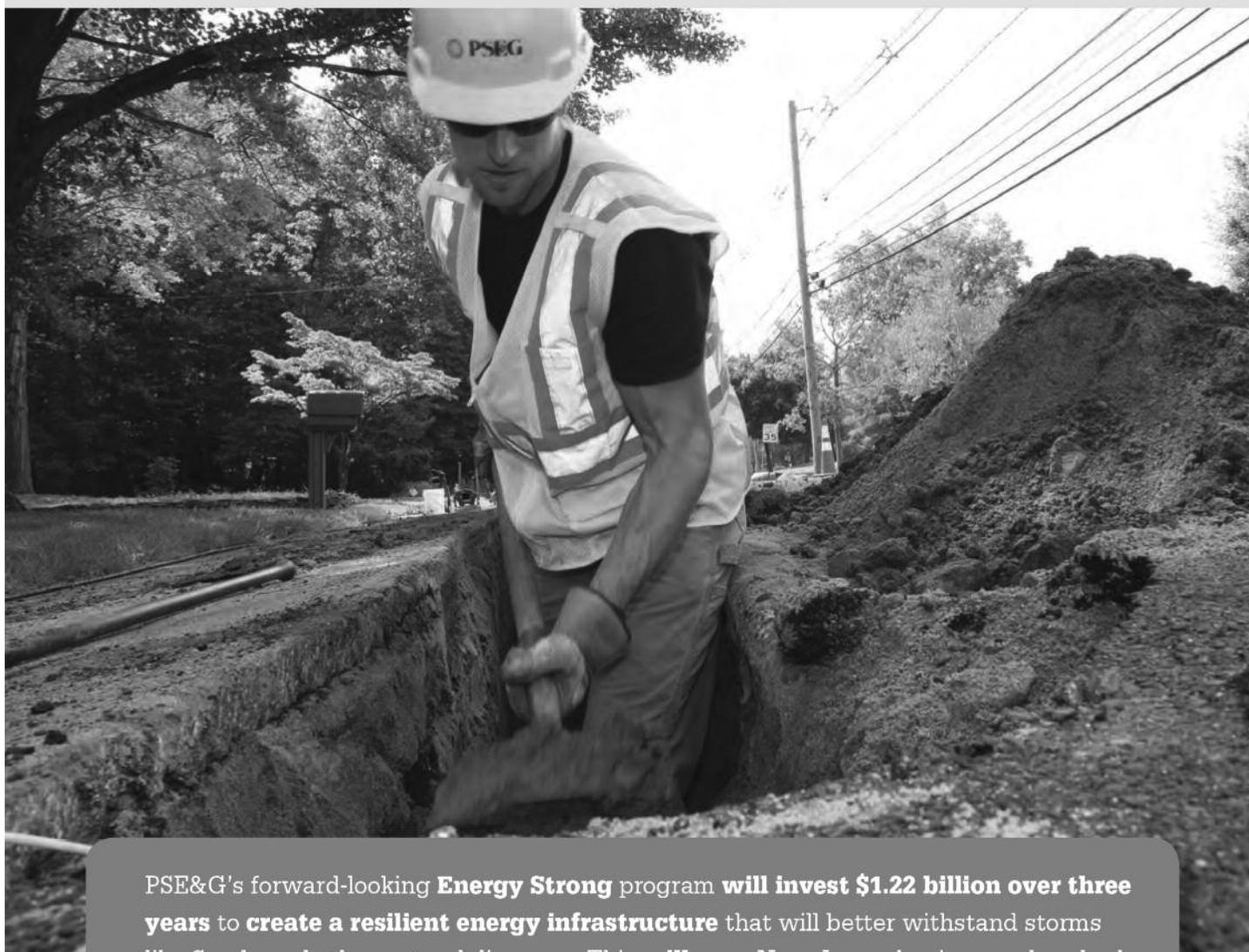
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Drive to Help

Assistance with navigating New Jersey State Government available for municipalities and residents

By Matthew C. Moench, Esq., Deputy Chief of Staff for Government Relations, Office of the Governor



Governor Chris Christie put his headphones on as he sat down in front of a microphone at New Jersey 101.5 Radio studios in Ewing on April 22 for his monthly “Ask the Governor” program, ready to field calls from listeners on the trending topics of the day. One of the callers that night was Stacey Pilato from Bound Brook, who detailed for him her predicament—her son’s learner’s permit had been destroyed by going through the wash and she was not able to get a replacement permit, even though she went to several different Motor Vehicle Commission (MVC) centers in her area. Pilato appealed to the Governor for help.

To her and everyone’s surprise, Governor Christie looked at his calendar and declared he had time in his schedule the next day to accompany her to the South Plainfield MVC to straighten things out. The next day, within 10 minutes, young Ike Pilato, with Governor Christie and his mom by his side, had his learner’s permit back.

HELPING CITIZENS This type of hands-on constituent services for New Jersey taxpayers is a key component of Governor Christie’s administration. Through his “Ask the Governor” program, he has helped countless citizens. However, such services are not just available to those callers lucky enough to get through the phone lines on “Ask the Governor,” but are available to individuals—including elected municipal officials—who contact the Governor’s Office of Community and Constituent Relations (“OCCR”).

During the radio show, the Governor frequently handles a dozen or so calls for residents on issues. However, that is only a fraction of the work the Governor’s office handles in between radio shows on behalf of residents. In the first two weeks of April alone, the Office fielded 1,346 phone calls and received 3,800 pieces of mail on a wide range of topics.

Governor Christie recognizes that citizens often turn to their local elected officials first when seeking help on any government-related issue, whether it is, in fact, a “local” issue or a “state” issue. From a stop light at an intersection to property tax relief, mayors and elected officials hear about it from their citizens.

OPENING COMMUNICATIONS Local officials often understand the pulse of their communities and know the issues that are most important to their constituents on every level. Therefore, Governor Christie is committed to ensuring open lines of



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Drive to Help

communication between each municipality and the Governor's office.

Every New Jersey town is assigned a Regional Director through the Office of Community Relations who serves as the initial point of contact for mayors and other municipal officials when contacting the Office of the Governor.

• **Community Resource** Each Regional Director serves on behalf of the Governor to be a resource for the municipalities within their region. The Regional Director can serve as a navigator for a municipality, trying to find its way through the state government system, or act as a sounding board to local officials who wish to express their opinions, and the opinions of their communities, regarding pending legislation, regulations, or policy initiatives.

• **Information Source** Regional Directors also are able to share information with municipalities regarding the Governor's policy initiatives' impact on municipalities, provide information during

emergencies or severe weather events, or detail grant or other financial assistance opportunities for municipalities.

• **Single Point of Contact** Most importantly, Governor Christie wants to ensure that municipalities throughout the state are able to have a single point of contact, readily accessible, through which they can exchange information, build relationships, and work together to the benefit of all of the state's residents.

For private citizen issues, local officials can refer their constituents to the Governor's Office of Constituent Relations. That office contains employees specifically trained and experienced to help people find assistance on any number of matters, including unemployment and disability benefits, permit questions, how to reach various state departments and agencies, information on government programs and policy announcements, and even share their views on pending legislation. 📌

USEFUL TOOLS

The Office of Constituent Relations and Office of Community Relations are useful tools for anyone needing assistance in the state or who wants their voice heard by the Governor.

The Governor's Regional Directors look forward to working with all municipalities throughout the state.

If any municipality does not know who their Regional Director is, or would like to set up a meeting, simply contact the Office of Community Relations at 609-777-2576 or directly contact the Regional Director.

@ Individual constituents can reach the Governor's Office at 609-777-2500 or constituent.relations@nj.gov.

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Hot Topics

Mayors' panel at NAIOP New Jersey's Annual Public Policy Symposium touches on impactful issues—and hopes for the future

By Michael McGuinness, CEO,
NAIOP New Jersey

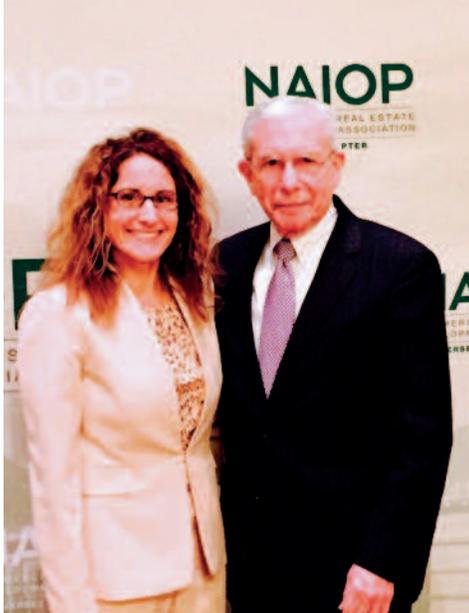
Affordable housing requirements, local resistance to projects, the depleted Transportation Trust Fund, and New Jersey's antiquated liquor license laws were just some of the issues in play when several of the Garden State's mayors gathered for a panel discussion, hosted by NAIOP New Jersey during its recent Annual Public Policy Symposium.

"Politics is local, and so is development," said Clark Machemer, president of the commercial real estate development association. "Shifting demographics, rapidly changing technology and the economic challenges we all face make it more important than ever for the private sector to partner with government at all levels to bring jobs and investments to New Jersey towns." Machemer asked the panelists about key issues they have been facing and how they have approached them.

AFFORDABLE HOUSING Mayor James Barberio of Parsippany-Troy Hills discussed the difficulty of meeting affordable housing requirements and ongoing challenges in the office market. "We have many vacant office buildings and significant challenges remain," he said. "However, we have been doing great things to attract businesses, and we are seeing a positive increase in ratables as a result."

MAIN STREET "The malls took a toll on downtown," said Hackensack Mayor John Labrosse, noting that the city's bustling Main Street of the 1960s and 1970s took a particularly big hit. "It is still a problem, but a rehabilitation plan was initiated in 2010, and we are now seeing new housing on Main Street."

Hackensack Arts Walk Concept for future redevelopment of a town center.



Economic Development Authority's CEO, Melissa Orsen, with Department of Community Affairs Commissioner Chuck Richman.

DCA's Chuck Richman: "We support local development"

The keynote speaker for NAIOP New Jersey's Public Policy Symposium, Chuck Richman of the New Jersey Department of Community Affairs, focused on programs and improvements that will support local development. This includes DCA's imminent rule adoption to rein in permit and inspection fees for "big box" industrial facilities, as well as affordable housing, where the goal is to develop "site consistency and municipal consistency—sensible, development-based standards."

The DCA commissioner admitted that government "has had trouble keeping up with technological innovation and we need to advance change. We're trying to bring the state into the modern era." Richman noted, for example, that online permitting "has saved \$10 million a year for those developers who have utilized it."

Adding that the DCA is also focused on changing the paradigm of how it does the broader range of regulations, Richman urged the state and municipalities to look at "a national code process."

APPROVAL PROCESSES Wayne Mayor Christopher Vergano took issue with New Jersey's lengthy project approval process. "Our state is the biggest enemy of development, more than any other state," he said, singling out the Departments of Transportation (DOT) and Environmental Protection (DEP). Nonetheless, "Wayne is thriving," he added, attributing much of that to the efforts of private developers.

PUBLIC PRIVATE PARTNERSHIPS Noting how his city has been through some difficult times, Mayor Eric Jackson of Trenton said his administration, in

seeking new retail and residential development, is looking to public/private partnerships to accomplish that. "We are in the midst of a rebranding campaign," he explained, with emphasis on branding Trenton as "The Capital City." Part of the effort is public safety, Jackson said, noting that crime is down 21 percent.

The panel also discussed how they manage the reactions of residents to their efforts to foster new development. Vergano said that, while he has had to overcome residents' opposition to

mixed-used development, "The biggest obstacle was working to get a DOT permit. Four months of delays are delays we can do without."

Citing DEP's adoption of FEMA flood maps before FEMA even adopted them, Vergano added, "We need more common sense in New Jersey."

Hackensack's Labrosse cited local resistance to PILOTs and the impact it is having on development. "The key is helping people understand that giving somebody a boost helps the community and enhances the project," he said.



Public Policy Symposium panelists (l to r), Moderator and NAIOP President-Elect/VP Public Affairs Dave Gibbons, Michael McGuinness, CEO, NAIOP New Jersey; Mayor Eric Jackson of Trenton; Hackensack Mayor John Labrosse; Mayor James Barberio of Parsippany-Troy Hills; Wayne Mayor Christopher Vergano; and NAIOP NJ President Clark Machemer.

Hot Topics

Despite resistance from residents, Barbiero believes that the answer for the vacant office space in his community is mixed-use. “Parsippany lacks a town center, and we need a place to live, work, and play.”

Jackson said his biggest challenge is Trenton totals 7.2 square miles, and state government occupies two square miles of that. “We have to be creative to

get developers and companies on the parcels we do have available. I wish we had the space for a larger employer like Walmart, but we do have opportunities for smaller businesses.”

TRANSPORTATION TRUST FUND

Many communities statewide continue to rely on monies from the nearly depleted Transportation Trust Fund

(TTF) for infrastructure repairs and upgrades. The panel expressed concern about how, if and when the Fund will be replenished, and spoke about how New Jersey’s municipalities are increasingly having to respond with local funds.

“Trenton’s response is to do a lot of infrastructure work in-house,” said Jackson. Vergano noted that Wayne “spends \$2 million a year of its local tax money on the local road infrastructure.” In terms of possible cutbacks, “We never touch the infrastructure part of our budget,” said Barbiero. “Still, we have to find a way to fund the TTF.”

LIQUOR LICENSE REFORM On the subject of liquor license reform, the mayors’ comments were aligned with a NAIOP New Jersey study indicating that reform legislation to expand liquor licenses only for restaurants would create over 15,000 jobs and more than 400 new restaurants, generating approximately \$1 billion annually in gross state and local revenues.

“The rules are outdated—we have to lower the hurdles,” said Jackson. “The current rules keep cities from their full development potential.”

Labrosse agreed, noting that the ability to include restaurants in redevelopment projects is an important investment factor. He pointed to Riverside Center, a retail property in Hackensack, whose tenants have 10 liquor licenses. “An ‘umbrella’ license would free up nine licenses for new restaurants.”

Vergano cited the economic potential of liquor license reform, adding, “People who might stop in for a drink will do other things—like go shopping.”

When the mayors were asked how they interact with their statewide counterparts to address mutual concerns, Labrosse said, “We look outside to see how others are doing things.”

Jackson said, “We look at who’s doing what, and who’s doing it well.” Noting that his administration’s comparisons extend beyond the state’s borders to the cities around the nation, he added, “We look at our neighbors outside of state lines—an approach that has been very helpful.”

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- Choose from over 35 sessions
- Conference Orientation
- Governing Body Responsibilities
- Vegetation & Road Management Session
- NJLM Resolution Committee Meeting

Wednesday, November 16

- 1,000+ Booth Exhibit Hall (8:30 a.m. to 5 p.m.)
- Choose from over 59 sessions
- Mayors Box Luncheon and Executive Briefing
- Annual Legislative Update
- Technology Sessions
- Mitigating Violent Extremism:
 - Arthur J. Holland Ethics in Government Speaker
- Grants and P3: Abandoned Property

Thursday, November 17

- 1,000+ Booth Exhibit Hall (8:30 a.m. to 1 p.m.)
- Women in Municipal Government Breakfast
- Choose from over 25 sessions
- Transportation Funding
- League Luncheon
- NJLM Annual Business Meeting
- Affordable Housing Update



101st Annual New Jersey League of Municipalities Conference and Exhibition

Atlantic City Convention Center • November 15–17, 2016

NJLM CONFERENCE PREVIEW

Putting Together Your Plans: 101st League Conference



**GETTING
THERE**

The 101st Annual League Conference will be held in the Atlantic City Convention Center Tuesday, Nov. 15 through Thursday, Nov. 17.



**STAYING
THERE**

This month, municipal housing forms were mailed to municipal clerks. The Housing Department reserves blocks of rooms for assignment only to League delegates using the official form or website.

Room reservation requests from municipal officials will be processed from June 1 through July 31. These room requests may be done online at NJSLOM.org/2016conf or on the "Municipal Use Only" forms available from your municipal clerk or the League office.

General room reservations for county and state officials and other interested parties will be processed starting August 1. General Housing Forms and Online Housing Reservations are available at NJSLOM.org/2016conf



**BEING
THERE**

Your visit to the League Conference is an opportunity to take part in the nation's largest gathering of municipal officials. Transportation from

hotels to the Convention Center will be provided by shuttle service.

For a list of League and Affiliate conference sessions and lists of exhibitors, visit NJSLOM.org/2016conf or the October issue of *NJ Municipalities Magazine*. Full details of each League and Affiliate program, including CEUs and speakers, will be in the November issue.



Exhibitors (At Press Time)

The following companies are exhibiting at the League Conference and are eager to offer their knowledge, products, and services to assist municipal officials. Be sure to stop by their booths to see how they can assist you!

To learn more about becoming an exhibitor visit njslom.org/exhibit
Contact: Kristin Lawrence, Exhibit Manager at 609-695-3481, Ext. 125 or klawrence@njslom.org.

- A & K Equipment Company, Inc.
- A+ Technology and Security
- Abbingdon Engineering, LLC
- AccessRec, LLC
- ACCSES NJ/ CNA Services
- AccuScan
- Action Data Services
- Adams, Rehmann & Heggan Assoc.
- Advanced Drainage Systems, Inc.
- Advocates for Children of NJ
- Aetna
- Aetna Medicare
- Aflac - Gina Candura Purazzo
- AIA New Jersey
- Air & Gas Technologies, Inc.
- All Covered
- Allen Associates
- Alliance Bus Group
- Allstate Power Vac
- Altec Industries Inc.
- American Hose & Hydraulics
- American Pipe Cleaning, LLC
- American Recycling Technologies
- American Tennis Courts, Inc.
- AmeriHealth Casualty Services
- AmeriHealth New Jersey
- Amy S. Greene Environmental
- AP Certified Testing LLC
- Applique Technologies Int'l.
- Aqua New Jersey, Inc.
- Aqua-Pipe/Sanexen Water Inc.
- AQUATECH-USA.com
- ARC Document Solutions
- Art Pride New Jersey
- Asplundh Tree Expert Co.
- AstroTurf
- ATI Quality Solutions
- Atlantic Coast Recycling
- Atlantic County Government
- Atlantic, Tomorrows Office
- AXA Equitable
- Axeon Specialty Products
- Badger Meter, Inc.
- Balady Promotions, Inc.
- Barber Beach Cleaners
- Barnegat Bay Coalition
- Bayshore Recycling Corp.
- BeachTech
- Ben Shaffer Recreation Inc.
- Benecard Services, LLC
- Bethlehem Precast, Inc.
- Beyer Bros. Corp.
- Beyer Chrysler Dodge Jeep Ram
- Beyer Fleet
- Beyer Ford
- BGIA
- BlueScope Construction Gov Serv
- Bobcat of North Jersey
- Bollinger Specialty Group
- Bortek Industries, Inc.
- Bosch Rexroth Canada
- Bowman Consulting Group
- Boyce Associates, Inc.
- Brinkerhoff Environmental Svcs
- Britton Industries
- Broadview Networks
- Brown & Brown Insurance
- Bruno Associates, Inc.
- BSP - Cell Tower Lease Experts
- Burlington Co. Bridge Commissn.
- Busch Systems International
- Buyers Products
- Cablevision Systems Stage
- CADCo
- CAIT Technology Transfer Group
- Cambria Truck Center, Inc.
- Campbell Freightliner, LLC.
- Capehart Scatchard
- Capital Benefits, LLC.
- Card Data Systems /Toshiba
- CASA Payroll Services
- Cascade Cart Solutions
- CEMCO
- Center State Engineering
- Certified Cirus Control Systems
- CFG Health Network
- Chambers Architecture, Inc.
- Chemung Supply Corp.
- Cherry Valley Tractor Sales
- CIT-E-NET
- City Fire Equipment Co., Inc.
- City of Atlantic City
- City of Long Branch
- City of Plainfield
- Civil Solutions
- Classic Turf Company
- Cliffside Body Corp.
- Cm3 Building Solutions, Inc.
- CME Associates
- Coded Systems, LLC.
- Commercial Recreation Specialist
- Commercial Utility Consultants
- Concept Print
- Concrete Pipe Assoc. of NJ
- Conner Strong & Buckelew
- Consolidated Fence Co.
- Contemporary Sprinter/Metris
- CONVAULT- SAFE SITE
- Cooper's Office Furniture
- Covanta Energy/ECovanta
- CRAM-A-LOT/J.V.Mfg
- Crane Materials International
- CRC
- Creston Hydraulics, Inc.
- CSI Technology Group
- DARE America
- DCO Energy, LLC
- Dejana Truck & Utility Equipment
- Delta Dental of New Jersey, Inc.
- Deluxe International Trucks
- Deschamps Mats Systems, Inc.
- Direct Flooring
- DMR Architects
- DocuSafe Records Management

Dome Corp. of North America
 Dossier Systems, Inc.
 Downes Forest Products, LLC
 Downtown Decorations, Inc.
 Downtown New Jersey
 DRS Imaging
 Eagle Wireless Communications
 Eastern Armored Services, Inc.
 Eastern DataComm, Inc.
 Eastern Lift Truck
 Eastern Surplus & Equip. Co.
 Eaton's Cooper Lighting
 Edmunds & Associates, Inc.
 EIRC Technology Services
 Electronic Risks Consultants
 Elizabethown Gas-Energy Smart
 eMaint
 Emerald Equipment Systems Inc.
 Emergi-Clean, Inc.
 EMEX, LLC
 Emilcott
 Empower Retirement
 EMS Council of New Jersey
 Enfotech & Consulting, Inc.
 Enovative Technologies
 Enterprise Fleet Management
 Enterprise Holdings Inc.
 Environmental Resolutions, Inc.
 Enviroisight
 Eppy's Tool & Equipment
 EVideoProductions.net
 Excel Environmental Resources
 EZ Dock Mid-Atlantic
 EZ Street Company
 Fail Safe Testing, LLC
 Fairleigh Dickinson University
 FDR Hitches
 FDU Off-Campus/Online Programs
 Felician University
 Ferrero Engineering, Inc.
 FF1 Professional Safety Services
 Fieldturf
 Finch Services, Inc.
 Fire & Safety Services, LTD.
 First Choice-OMER Hvy Duty Lifts
 First MCO
 First Priority Emergency Vehicle
 FKA Architects
 Foley Incorporated
 Force America, LLC.
 Franklin-Griffith Electric
 FreeSpan Structures, Inc.
 French & Parrello Associates
 FuelForce Multiforce Systems
 FuelMaster/Syntech Systems, Inc.
 Gabrielli Truck Sales
 GameTime Park & Playground Equip
 Garden State Bobcat Group
 Garden State Laboratories, Inc.
 Garden State Municipal JIF
 Gasboy
 Geese Chasers, LLC.
 General Code
 General Recreation, Inc.
 GEOD Corporation
 George Ely Associates
 Gillespie Group, Inc.
 Golden Equipment Co. Inc.
 GovDeals, Inc.
 GovPilot
 Gramco Business Communications
 Granturk Equipment Co., Inc.
 Green Ways Plus
 Greyhawk
 Groff Tractor New Jersey, LLC.
 Grotto Engineering Assoc LLC
 H. A. DeHart & Son, Inc.
 H2M Associates, Inc.
 Hackensack Riverkeeper Inc.
 Hanson Aggregates BMC
 Harbor Consultants, Inc.
 Harter Equipment, Inc.
 HCDNNJ
 Helac Corporation
 Heyer, Gruel & Associates
 Hoffman Services, Inc.
 Hoover Truck Centers
 Horizon BCBS of NJ
 Hudson County Improvement Auth.
 Hudson County Motors, Inc.
 Hunter Technologies
 Hunter Truck Sales
 Hydro International
 IAA Insurance Administrator
 IBEW Local 102
 Info-Cop By GTBM, Inc.
 Inservco Insurance Services

Insurance Design Administrators
 Integrated Technical Systems
 Integrity Health
 InterClean Equipment, Inc.
 Interport
 Investors Bank
 IPL Plastics Environment
 IPS Group, Inc.
 ITEM Ltd.
 J&J Bodies/USM/Bristol Donald
 Jack Doheny Companies
 Jasper Engines & Transmissions
 Jersey Central Power & Light
 Jersey Professional Management
 JESCO, Inc.
 Jewel Electric Supply Company
 Johnston Communications
 Joshua Marcus Group Promotions
 Kapsch TrafficCom
 KC Sign
 Keller & Kirkpatrick, Inc.
 Keyport Army & Navy
 Keystone Purchasing Network
 Kieley Equipment Co., LLC.
 Kimball Midwest
 Kubota Tractor Corporation
 Kueper North America
 LAN Associates
 Laurel Equipment
 Liberty Parks & Playgrounds
 Lightpath
 Lincoln Financial Group
 Lions Tail Limited
 Mack Camera & Video Service Inc.
 Maser Consulting
 MassMutual
 Mateflex
 Max Spann Real Estate/Auction Co
 Mayors Wellness Campaign
 Mazza
 McCarthy Tire Service
 McGrath Municipal Equipment
 McNeilus Truck & Manufacturing
 MGL Printing Solutions
 Mid-Atlantic Truck Centre
 Mid-Atlantic Waste Systems
 MIDJersey Chamber of Commerce
 Mike's Better Shoes
 Millennium Communications Group
 Millennium Strategies, LLC.
 Mitchell Humphrey & Co.
 Monmouth Truck Equipment
 Monmouth University
 Montana Construction Corp Inc.
 Mott MacDonald
 MTI America
 Muncie Power Products
 Municipal Clerks' Assoc. of NJ
 Municipal Excess Liability Fund
 Municipal Software, Inc.
 Municipity Software
 Munidex, Inc.
 Musco Sports Lighting
 My Downtown Mobile
 Najarian Associates
 National Water Main Cleaning Co.
 NetQ Multimedia Company
 New Jersey American Water
 New Jersey Conference of Mayors
 New Jersey Natural Gas
 New Jersey Natural Gas (NGV)
 New Jersey Planning Officials
 New Jersey Prevention Network
 New Jersey Wireless Association
 New Jersey YMCA State Alliance
 NJ - Board of Public Utilities
 NJ - Catastrophic Illness Fund
 NJ - Civil Service Commission
 NJ - Cooperative Purchasing & DSS
 NJ - DEP Local Gov't Assistance
 NJ - Dept of Community Affairs
 NJ - Dept of Transportation
 NJ - Division of Taxation LPT
 NJ - Highlands Council
 NJ - Housing & Mortgage Finance
 NJ - Motor Vehicle Commission
 NJ - Redevelopment Authority
 NJ - Unclaimed Property
 NJ Certified Animal Control
 NJ Clean Communities
 NJ Clean Energy Program
 NJ Emergency Preparedness Assoc.
 NJ Police Chiefs Association
 NJ Propane Gas Association
 NJ Recreation & Park Assoc.
 NJ SEM
 NJ Society of Prof Land Surveyor

For full schedule, visit NJSLOM.org/2016conf



All New for 2016: The League goes mobile!

Mobile app Download Day for the 101st Conference is October 5! Beginning this October, conference attendees should download the app to access a fully searchable session schedule, interactive map of the exhibit floor, a thorough listing of exhibitors, and up-to-date event information. Create a personalized schedule before you arrive onsite to maximize your conference experience!

NJ State Chamber of Commerce
 NJ Water Environment Assoc.
 NJEDA
 NJM Insurance Company
 NJMACC
 Norris Sales Co. Inc.
 North American Pipeline Services
 Northeast Communications, Inc.
 Northfield Bank
 Novus AGENDA
 NozzTeq Inc.
 Office Business Systems
 Oldcastle Precast Easiset Bldgs
 ONSPOT Automatic Tire Chains
 Oxford Engineering Company
 P.L. Custom Emergency Vehicles
 Party Perfect Rentals
 Pascack Data Services
 Payment Service Network, Inc.
 Peach Country
 Peirce-Eagle Equipment Company
 Penn Globe Gaslight
 Penn Jersey Machinery
 Pennoni
 Perma-Liner Industries LLC
 Philips Lighting North America
 Phoenix Advisors, LLC.
 Piazza & Associates, Inc.
 PKA Technologies
 Plainfield M.U.A.
 PMA Management Corp.
 PMC Associates
 PNC Bank, N.A.
 POM Parking Meters
 Presray Corporation
 Prior & Nami Business Systems
 Provident Bank
 Prudential
 PS&S Consulting Engineers
 PSE&G
 PSS
 Public Works Association of NJ
 Pubworks
 QPR - Quality Pavement Repair
 Qscend Technologies, Inc.
 QualCare, Inc.
 R&L Payroll
 Rain for Rent
 Ransome Cat
 Reclamation LLC
 Reed Systems LTD
 Remington & Vernick Engineers
 Remington, Vernick & Vena
 Republic Services of NJ
 RFP Solutions, Inc.
 RGA, Inc.
 Rileighs Outdoor Décor
 RIO Supply/Neptune
 Roberts Engineering Group LLC
 Robinson
 Rohrer Bus Sales
 Rutgers Continuing Education
 Sanitation Equipment Corp.
 Santander Bank, N.A.
 Save H2O NJ
 Schaefer Systems International
 SealMaster
 Sensus USA
 Servpro of Freehold
 SERVPRO Team Green

Seton Hall University
 SkyBitz Local Fleets
 Skyline Environmental, Inc.
 Smart Vent Products, Inc.
 SmartProcure
 Snow Dragon Snow Melters
 SolarCity
 Sonitrol Security Systems
 South Jersey Fed. Credit Union
 Spatial Data Logic
 Statewide Insurance Fund
 Statewide Traffic Safety
 Stewart & Stevenson/Atlantic
 Stormwater Compliance Solutions
 Storr Tractor Company
 Suburban Consulting Engineers
 SUEZ
 Sunbelt Rentals, Inc.
 Sunrise Systems
 Supreme-Metro Corp.
 Swiftreach Networks, Inc.
 T&M Associates
 T.M. Fitzgerald & Associates
 T.P. Bryan Electric Co., Inc.
 Tax Collectors & Treasurers NJ
 TD Bank, N.A.
 Tennant Company
 The ESC of NJ Co-op Services
 The Goldstein Partnership
 The Shauger Group, Inc.
 The Stresscrete Group
 The U.S. Conference of Mayors
 Thomas Edison State University
 Titan Tool
 Trackless Vehicles, LTD
 Traffic Plan
 Triad Associates
 Tri-State Safety Solutions
 Trius, Inc.
 Trumbull
 Turf Equipment & Supply Co.
 Turnkey Enterprises LLC
 U.S. Bridge
 U.S. Municipal Supply, Inc.
 Unique Paving Materials Corp.
 US Sports Institute
 USDA Rural Development
 USDA-APHIS Wildlife Services
 V.E. Ralph & Sons, Inc.
 Valk Manufacturing Co.
 Valley National Bank
 Van Cleef Engineering Associates
 Van Note-Harvey Associates, P.C.
 VCI Emergency Vehicle Specialist
 Virtual Towns & Schools
 VoIP Networks
 W. E. Timmerman Co, Inc.
 Warshawer Electric Supply Co.
 Waste Management of New Jersey
 WatchGuard Video
 Weather Works, LLC
 Whitemarsh Corporation
 Whitman
 Widmer Time Recorder
 Wilfred MacDonald, Inc.
 Wilmington Trust
 Winner Ford
 Winter Equipment Company
 Worknet Occupational Medicine
 Yeager Engineered Systems

NJLM CONFERENCE PREVIEW

Share the Excitement

While attending the conference, follow us on Facebook and Twitter @NJ_League or #njleague for immediate notices on changes to the schedule of League educational sessions, shuttle bus changes, announcements about sold-out League events, and important attractions. The exhibit floor plan and searchable list of exhibits may be viewed on smartphones at the new app!

CEUs for Municipal Professionals

In addition to dozens of League sessions approved for CEUs, NJLM's 21 Affiliated Associations are also producing sessions approved for CEUs:

- American Public Works Association—New Jersey Chapter
- Association of Municipal Assessors of New Jersey
- Community Recreation Society of New Jersey
- Government Finance Officers Association of New Jersey
- Governmental Purchasing Association of New Jersey
- Jersey Access Group
- Municipal Clerks' Association of New Jersey, Inc.
- Municipal Court Administrators Association of New Jersey
- Municipal Welfare Association of New Jersey
- New Jersey Association of County and City Health Officials (NJACCHO)
- New Jersey Building Officials Association
- New Jersey Institute of Local Government Attorneys
- New Jersey Municipal Electrical Inspectors Association
- New Jersey Municipal Management Association
- New Jersey Planning Officials, Inc.
- New Jersey Society of Municipal Engineers, Inc.
- New Jersey State Fire Prevention and Protection Association
- New Jersey State Municipal Prosecutors Association
- New Jersey State Plumbing Inspectors Association, Inc.
- Registrars' Association of New Jersey
- Tax Collectors and Treasurers Association of New Jersey

The 101st Conference is just around the corner. Mark these dates in your calendar to make the most of your experience:



June 1 Municipal Officials room reservation open. NJSLOM.org/2016conf.

August 1 Conference Registration opens via mail or at NJSLOM.org/2016conf

August 1 General room reservations open for county and state officials and others. NJSLOM.org/2016conf

August 31 Meal function ticket forms available at NJSLOM.org/2016conf

October 1 Conference reduced rate Pre-Registration ends. Onsite registration rates apply

October 5 Download Conference App

October 7 League Resolution topics due to Assistant Executive Director Michael Cerra mcerra@NJSLOM.org

October 28 Final text League Resolutions due to Assistant Executive Director mcerra@NJSLOM.org

November 9-10 Room cancellation deadlines (Nov. 9 for Caesars & Bally's)

November 15-17 101st League Conference

November 15 NJLM Resolution Committee Meeting

November 16 Mayors Box Luncheon and Briefing

November 17 NJLM Annual Business Meeting

November 17 Delegates League Luncheon



Conference
Connections



Meeting Challenges of Municipal Government

An invitation to the 101st Annual League Conference

Municipal officials, including you, spend hours and hours trying to make all of the pieces of the local government puzzle fit. Roads, housing, taxes, P3, and pensions all demand their spaces and finding the exact organization for the correct fit with your community can be more difficult than the trickiest jigsaw.

And that's where the 101st Annual New Jersey State League of Municipalities Conference can help. The nation's largest municipal conference has more than a century's experience bringing together the community of local government officials and helping them "Meet the Challenges of Municipal Government." Those challenges grow, change, and constantly vary so attending the Annual League Conference each year is critical to keeping everyone informed and educated on the very latest approaches, solutions, and case studies.

EDUCATION Each year, this annual three-day event offers more than 100 educational sessions covering topics from the basics of today's municipal challenges, to more advanced approaches to technical issues. Formal educational sessions are produced by the League, its 21 Affiliated Associations, and the Vendor Solutions Sessions. This year certain sessions will be carefully produced to include more advanced information to appeal to the experienced municipal official. The ability to accumulate Continuing Education Units (CEU) continues to be a top priority. The Annual League Conference is the most cost-effective method to achieve those credits required for professional recertification.

NEW IDEAS AND APPROACHES Wondering what's planned for the sessions in 2016? This year we'll be featuring thought leaders discussing new directions and options in a variety of topics, for example Mitigating Violent Extremism and Adaptive Reuse of Preserved Spaces along with a multitude of hot

topics such as OPRA and Chapter 78, and more advanced discussions on social media and implementing technology. A more complete list of topics is on njslom.org/2016conf. Also, new for this year the full education session schedule will be available on a mobile app starting in October. It will include useful search functions to help you customize your personal schedule.

EVENTS The Annual Conference is your critical opportunity to participate in the business of the League. Resolutions guide the League policy throughout the year and are considered on Tuesday. The Mayors Box Lunch and executive briefing is Wednesday. On Thursday the League Luncheon for all Delegates is a highlight each year followed later that day by the Annual League Business Meeting, where Resolutions are adopted and new League leadership is elected. Of course there are countless other events held by the League Affiliates, exhibitors, and related groups. These are opportunities to communicate with your peers from all over the Garden State about the subjects which resonate in your municipality each day. Peer-to-peer learning is an incalculably valuable part of attending the Annual League Conference.

EXHIBITS In addition to the sessions, the Conference offers the largest municipal exhibition in the country. The 150,000 square foot exhibit hall provides a unique, central setting for evaluating and selecting the services, partnerships, and products that can make municipal operations smooth and successful. Commercial vendors, government agencies, and non-profits are your information source in the 1,000-booth exhibit hall. The extensive list of exhibitors will be searchable using the conference mobile app starting in October. Using the mobile app, you can add "must see" exhibits to your personal schedule. You can also search and view the list now on njslom.org/exhibit

START PLANNING NOW On the following pages you will find more information to help you begin setting your own Conference schedule, coordinating your Conference week with your colleagues, and finding your own way to learn how to meet the challenges of municipal government. 📌

NJLM President Tempesta Presents Testimony

Discusses Municipal Concerns
with Senate and Assembly
Budget committees



NJLM President, Mayor Joseph Tempesta of West Caldwell; (l to r) Assemblyman Gary Schaer, Chair, Assembly Budget Committee; and Assemblyman John McKeon, District 27 at the budget hearings this spring.

State League of Municipalities' President, Mayor Joseph Tempesta of West Caldwell, spoke this spring before the Assembly Budget and Senate Budget and Appropriations Committees. Affirming local officials' commitment to the Governor's core principles—the need for fiscal restraint and a willingness to pursue “hard reforms” to build a stronger economy and to make the State a better place to live, Tempesta presented the municipal perspective on the most pressing issues in the state budget.

TRANSPORTATION TRUST FUND RENEWAL (No bill, as this is written) As part of his testimony, presented to the Assembly and Senate State Budget writing Committees in March, League President, Mayor Joseph Tempesta of West Caldwell commented on the impending insolvency of the Transportation Trust Fund. The League President stated:

On June 30, it isn't a pothole that awaits the New Jersey's Transportation Trust Fund. It is the end of the road. The State Department of Transportation (DOT) reports that New Jersey's municipalities are responsible for 64% (28,539 center line road miles) of our roads. County governments are responsible for another 22% (6,649 center line road miles). Together, local governments are responsible for 39% of our bridges. Local roadways and bridges carry about 55% of all traffic. ...Given the extent of the local infrastructure, and given the need for strong and steady investment in that infrastructure, we will ask for assurances that Local Aid will represent, at a minimum, 25% of annual Transportation Capital spending. And we will call for adjustments in funding, to account for the effects of inflation.

In the first year of the Transportation Trust Fund (FY 1985), Local Aid funding represented almost 22 % of total Transportation Capital funding. By FY 1997, Local Aid was down to 16%. By FY 2004, we were down to 12%. In FY 2016, Local Aid represented almost 22% of the total.

Average Local Aid funding over the 32 years was just under 16%.

If the funding level would have remained at the original 22%, total Local Aid for the 32 years would have been \$6.54 billion, or \$204.4 million, per year.

At 25%, Local Aid in FY 2016 would have been \$311.8 million.

Leaving NJ Transit aid out of the equation, and comparing only the amounts appropriated for State and local roadways and bridges, in FY '85 Local Aid represented 25% of the total. And the annual average for Local Aid, over the life of the program has been about 26%.

The State Department of Transportation (DOT) figures reported by President Tempesta show that New Jersey's municipalities and counties are responsible for 86% (35,188 center line road miles) of our roads and 39% of our bridges, carrying about 55% of all traffic.

The figures in this DOT chart include TTF funding and (varying from year to year, and for different programs) other local transportation funding derived from State sources.

NJDOT/NJ TRANSIT Capital Program Appropriation History

FY	Highways	NJT	Local Aid	Total
1985	166.0	29.0	54.0	249.0
1986	209.5	50.0	64.0	323.5
1987	256.0	121.0	54.0	431.0
1988	191.0	60.0	72.0	323.0
1989	221.9	71.5	71.6	365.0
1990	182.4	89.0	93.6	365.0
1991	346.1	119.8	99.1	565.0
1992	276.0	223.0	94.3	593.3
1993	249.5	187.5	100.0	537.0
1994	268.5	196.5	100.0	565.0
1995	265.0	200.0	100.0	565.0
1996	312.0	258.0	130.0	700.0
1997	310.5	259.5	130.0	700.0
1998	476.1	283.0	140.9	900.0
1999	279.8	288.0	132.2	700.0
2000	375.1	360.0	164.9	900.0
2001	360.0	390.0	150.0	900.0
2002	385.0	572.5	150.0	1,107.5
2003	430.0	528.0	150.0	1,108.0
2004	460.0	618.2	150.0	1,228.2
2005	541.0	519.0	145.0	1,205.0
2006	526.0	534.0	145.0	1,205.0
2007	750.0	675.0	175.0	1,600.0
2008	800.0	625.0	175.0	1,600.0
2009	770.0	625.0	205.0	1,600.0
2010	655.0	692.0	253.0	1,600.0
2011	800.0	600.0	200.0	1,600.0
2012	435.0	622.0	190.0	1,247.0
2013	467.4	589.5	190.1	1,247.0
2014	444.4	495.5	284.1	1,224.0
2015	469.9	470.5	284.6	1,225.0
2016	469.9	503.5	273.6	1,247.0
Total	13,149.0	11,855.5	4,721.0	29,725.5

of other Legislative Leaders. They have been advocating for a significant increase in Local Aid funding. Please contact your State Legislators and urge them to do the same.

BACKLOADING ETR/CMPTRA DISTRIBUTIONS

In his State Budget testimony, President Tempesta also noted that the proposed budget would delay the distribution of CMPTRA and Energy Tax. Instead of distributing the final 5% on December 1, this proposal delays the distribution of the final 15% until December 20. We have heard that the change will assist in addressing some State cash-flow problems.

Distribution dates for Energy Tax Receipts Property Tax Relief payment are set by statute (C. 167, PL 1997, section 2.c.), but those dates can be superseded in the Appropriations Act. Distribution dates for CMPTRA are set annually in the Appropriations Act, but are always made to coincide with Energy Tax distributions.

We have asked local officials to review the new distribution timetable and to let us know if they foresee any problems it might cause. We will share your responses with Legislators, as the budget process moves along. But at this point, we note that, when faced with a budget problem, the State has, once again, looked to municipal budgets for a solution. 📌

Again, subtracting NJ Transit funding, if remaining aid was distributed on the basis of traffic carried, in FY 2016 Local Aid (at 55%) would have been \$408.9 million.

If it were based on road mileage, municipalities (at 64%) would have received \$475.8 million, and counties (at 22%) would have gotten \$163.6 million. Total Local Aid would, then, have been \$639.4 million.

Even if only based on our respective responsibility for bridges, at 39%, Local Aid would have been \$290 million.

Given these facts, we welcome the hope offered by the statements of Senator Sweeney, of Speaker Prieto and

NEW DISTRIBUTION TIMETABLE

STATUTORY DISTRIBUTION DATES	SFY 2016 DISTRIBUTION DATES	SFY 2017 (proposed) DISTRIBUTION DATES
July 15, 35%		
August 1, 10%	August 1, 45%	August 1, 40%
September 1, 30%	September 1, 30%	September 1, 30%
October 1, 15%	October 1, 15%	October 1, 10%
November 1, 5%	November 1, 5%	November 1, 5%
December 1, 5%	*December 1, 5%	**December 20, 15%

*FOR FISCAL YEAR MUNICIPALITIES, in SFY 2016, the final 5% will be distributed on June 1.

**FOR FISCAL YEAR MUNICIPALITIES, it is proposed in the SFY 2017 Budget, that the final 15% will be distributed on June 1, 2017.



GOLD DOME

Boardwalk Empire's Six Additional Storylines

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

As of this writing, the debate over Atlantic City's future is still raging. The city clearly needs help. Since 2007, Atlantic City (AC) has lost \$15 billion in assessed property value. Casino properties have challenged their property tax assessments and won multi-million dollar reductions, exacerbating a downward trend in city revenue.

Mayor Don Guardian sought to switch the casinos from paying property taxes to making agreed-upon annual "payments in lieu of taxes" or PILOT. The casinos and the city agreed that this would bring some financial stability and would avoid further costly appeals. A PILOT program required state approval and that's why a local finance matter has been debated in Trenton.

Governor Chris Christie and state Senate President Steve Sweeney came to an agreement centered on a state takeover of Atlantic City. However, getting the Assembly, led by Speaker Vincent Prieto, on board was more difficult.

Regardless of the outcome with the state and the city, the debate has revealed six additional storylines that won't go away even after the Atlantic City issue is resolved. These are the fights behind the fight—and they matter.

THE GUBERNATORIAL ELECTION STORYLINE The next election for governor looms large in Trenton and the AC debate is no different. Prieto also serves as Chairman of the Hudson County Democratic Organization and a fellow Hudson Democrat, Jersey City Mayor Steve Fulop, is very likely to run for governor in 2017. One of his primary opponents is probably going to be Sweeney.

Christie has publicly accused Prieto of being intransigent on the AC takeover issue because his ally, Fulop, wants to deny a Sweeney a legislative victory. This sniping won't end soon.

THE NORTH JERSEY CASINO STORYLINE In November, voters will decide on whether to permit two new casinos in northern New Jersey. This is a multi-billion dollar endeavor, potentially involving thousands of construction and service industry jobs and millions of dollars in ancillary development. Support for north Jersey casinos has been used as a bargaining chip in the AC debate, and probably will be similarly used in future debates, making the likelihood of passage even more precarious.

THE UNION VS. UNION STORYLINE New Jersey's building trade unions have been very supportive of Sweeney's AC takeover proposal. This puts them in opposition with unions representing local city workers, including firefighters and police, who strongly oppose any kind of state takeover that would reduce their collective bargaining rights. A bitter split in organized labor could significantly jeopardize a Democrat's chances in 2017.

THE BI-POLAR VS. TRI-POLAR STORYLINE The Christie-Sweeney partnership on an Atlantic City takeover hearkens back to the early years of the Christie administration when there was a widespread perception that the governor and the senate president would make a deal by themselves, and then expect the Assembly to go along.

Prieto became speaker with a promise to reassert the prerogatives of the Assembly. So it's not surprising to see him slow down the process when Christie and Sweeney announced their AC agreement. Prieto and many of his members had their own concerns to be considered. It's a tri-polar world in Trenton and ignoring that reality will have serious consequences in future legislative debates.

THE LEGACY STORYLINE All the maneuvering on AC also involves the question of, who will be blamed if no solution is found? As governor, Christie has no equal political force in the state's political system. Therefore, any effort to blame Prieto for AC going "bankrupt" is going to be a hard sell with the public. Most New Jerseyans cannot even name the speaker, but they all know Christie. So whatever happens on Christie's watch will be part of his legacy, for better or worse.

THE BUREAUCRACY STORYLINE From a bureaucratic standpoint, we are in uncharted territory and that is the sixth storyline emanating from the AC takeover debate. In the modern history of New Jersey, no municipality has ever sought bankruptcy protection. The state has had a policy of not allowing that to happen—and is therefore unprepared to handle it if it suddenly does. The state doesn't even have a form for a town to fill out saying that it wants to declare bankruptcy.

The saga of Atlantic City is an ongoing drama, but these six additional storylines have emerged in the background and they are likely to take center stage in future debates. ♣

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

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- Water and Sewer Infrastructure Financing: To Sell Or Not To Sell
- The Mechanics of In Rem Foreclosures
- The Importance of Good Records Management When Answering OPRA Requests
- Be Prepared for Technology Changes
- Telecommunications Infrastructure

Important Decision Regarding OPRA and Electronic Records

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

When it comes to OPRA, electronic records have become the stuff of record custodians' nightmares. Luckily, on April 18, 2016, the Appellate Division issued an important published decision that may provide some relief. The decision, *Paff v. Galloway Twp*, extends to electronic records, the rule that OPRA does not require public agencies to "create records." *Slip. Op.* at 2 Docket No. A-0125-14T4 (N.J. App. Div. 2016). Thus, any request that would require local government to create a new record out of information located in existing electronic records would be invalid. This unanimous decision represents a significant positive development for local government.

In *Galloway*, the plaintiff requested that the township produce "logs" of all emails sent by the clerk and police chief within a set timeframe. The "logs" were to include an itemized list "showing the sender, recipient, date and subject of all [applicable] emails." *Id.* at 3. At the time of the request, no such "logs" existed. Plaintiff's request was denied.

A word about the nature of the "log" requested by plaintiff is appropriate. While, the information used to create the log came from existing records, i.e. emails, the Township argued that a "log" truly would be a new record. During trial, a computer technician employed by the Township, testified that "creating an email log" would require a "search of the Township's email appliance." Additionally, the computer technician testified that:

This search—in which a user enters data into certain electronic search boxes and forwards the results to the desired recipients—takes approximately two to three minutes, but could take longer depending on the volume of the search results. *Ibid.* *Galloway, Slip. Op.* at 6.

Thus, the Township argued that this request would have required *Galloway* to create a new record. Additionally, the creation of such a log would require a thorough review of all emails for privileged information.

The trial judge ruled in plaintiff's favor. On appeal, the Township argued that, "if a document must be created, it is not a record for the purposes of OPRA or the common law right of access." The plaintiff argued that OPRA requires, "access to computer information available through a simple computer search requiring, at most, a few minutes." *Id. Slip. Op.* at 8.

Essentially, the issue before the Appellate Division was whether plaintiff's request for the "log" as "information"

stored electronically was a record under OPRA. By way of background, OPRA defines a record as:

Any paper, written or printed book, document, drawing, map, plan, photograph, microfilm, data processed or image processed document, *information* stored or maintained electronically or by sound-recording or in a similar device, or any copy thereof, that has been made, maintained or kept on file in the course of his or its official business by any officer, commission, agency or authority of the State or of any political subdivision thereof... N.J.S.A. 47:1A-1.1 [emphasis added].

The plaintiff argued that the term "*information*" should be read broadly to require that public agencies manipulate electronic information from existing electronic records to meet specific requests for "information." The court disagreed, reasoning:

Notwithstanding its broad definition of government record, "OPRA does not require public agencies to create records." *Sussex Commons Assoc., LLC v. Rutgers*, 210 N.J. 531, 541 (2012) (citation omitted). We have previously interpreted this aspect of OPRA narrowly, concluding that a "records custodian is not required to conduct research among its records...and correlate data from various government records in the custodian's possession." *Bent*, supra, 381 N.J. Super. at 37 (quoting *MAG Entm't, LLC v. Div. of Alcoholic Beverage Control*, 375 N.J. Super. 534, 546-47 (App. Div. 2005)). Thus, based on the plain language of the statute, we have held that "OPRA only allows for requests for records, not requests for information." *Ibid.* (citing *MAG*, supra, 375 N.J. Super. at 546-47). *Ibid.* *Galloway, Slip. Op.* at 10-11.

Thus, the court held that "OPRA does not require the creation of a new government record that does not exist at the time of a request, even if the information sought to be included in the new government record is stored or maintained electronically in other government records." *Id.* at 15 [emphasis added]. As stated above, this decision is a significant positive development for local government.

Hopefully, *Paff v. Galloway Twp* will end records custodians' nightmares. But, this decision could be appealed to the State Supreme Court. However, because the Appellate Division's decision was unanimous, there will be no appeal as of right. However, an appeal can still be brought through a petition for certification. It's important to keep an eye on this decision. ♣

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



LABOR RELATIONS

PERC Cases Identify the Importance of Past Practices

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

In the employer-employee relationship in the unionized setting, the first place parties will look to when there is a need to determine the rights of employers and employee is the collective negotiations agreement between the parties. However, not every issue is defined within the four corners of that document. When the issue is not answered in the parties' collective negotiations agreement, a past practice can define the issue for the parties on a negotiable term and condition of employment.

The finding of past practice is dependent on how consistent the practice has been over a period of time. When the issue has been defined consistently over a discernable period of time without objection from either party, arbitrators or neutral third parties will usually uphold the practice as long as there is not clear contract language in place that is at odds with the practice. Additionally, where the employer looks to implement a policy, whether a past practice exists will determine whether the adopted policy will be upheld or not upheld as a change in a term and condition of employment.

Two recent decisions of the Public Employment Relations Commission ("Commission") help to further explain this proposition and clarify this issue for public employers.

CASE IN POINT: PISCATAWAY In the first case, Piscataway Twp. Bd. of Educ. and Piscataway Twp. Educ. Ass'n, 42 NJPER P26, the Commission determined that the public employer unilaterally changed a term and condition of employment that was governed by past practice. In the second case, Rutgers and FOP Lodge No. 62, 42 NJPER P72, the Commission held that the public employer's policy simply codified a past practice. The differences in the cases will be explained below and should be utilized by public employers as guidance for handling similar matters in the future.

In Piscataway, the Board was accused of unilaterally changing a term and condition of employment when it required employees to use paid sick leave and other leave concurrently with unpaid leave pursuant to the Family and Medical Leave Act, 29 U.S.C.A. §2601 et. seq. ("FMLA").

Under the basic test for negotiating matters in the public sector, public employers must negotiate over terms and conditions of

employment. Public employers do not need to negotiate over managerial prerogatives. Under the FMLA, employees are entitled to unpaid leave of absence for qualifying events. The unpaid leave may run concurrently with paid leave. In public sector labor law, whether an employer runs FMLA leave concurrently with paid leave is a mandatorily negotiable item. That is, a public employer cannot unilaterally decide to run paid leave concurrently with FMLA leave unless that is first negotiated with the public employee representative.

The Board in Piscataway, had a written "sick leave" policy, not contained in the collective negotiations agreement, which indicated that paid sick leave and other paid leave shall run concurrently with unpaid FMLA leave. This policy was not negotiated with the union. The policy was in place for over 6 years without objection from the union.

The finding of past practice is dependent on how consistent the practice has been over a period of time.

Despite the policy, during that 6-year period the Board did not run sick leave and other paid leave concurrently with the FMLA leave. Instead, the Board permitted employees in every instance to use their paid leave first before utilizing any FMLA leave.

After 6 years of consistent application, the Board decided to adhere to the policy and required an employee to run their FMLA leave concurrently with the other paid leave. The Board's defense to such an action was that it was acting in accordance with their policy.

The Commission upheld the Hearing Examiner's decision in finding that the Board's requirement of running sick leave concurrently with FMLA was a unilateral change in a term and condition of employment. The Hearing Examiner found that a past practice of not running the leave concurrently existed.

Further, the contrary language was not contained in a collective negotiations agreement, but rather a policy that was unilaterally adopted. The Hearing Examiner stated that the Commission is not concerned about "...how a longstanding practice came to exist, but that it did exist." The practice existed for over 6 years and was consistently applied. When

Labor Relations

the Board changed the practice in conformance with the policy, the union promptly objected.

Accordingly, the Commission upheld the practice and ordered the Board to rescind the policy for running paid time concurrently with unpaid FMLA time, restore the practice and negotiate any proposed change to the practice.

CASE IN POINT: RUTGERS The Piscataway matter must be contrasted with the Rutgers matter. In Rutgers, the parties similarly encountered an issue that was not defined in the parties' collective negotiations agreement. Unlike in Piscataway, however, in Rutgers, the matter did not deal with an existing policy, but rather a new policy that was issued by the employer. The public employee representative objected to the new policy because it addressed a mandatorily negotiable term and condition of employment. However, in Rutgers, the Commission sided with the

public employer on the following reasons.

The issue in Rutgers involved who shall pay the cost of sick leave verification for a public employee. The parties had an undisputed provision in their collective negotiations agreement that an employee was to submit a medical certificate when absent under certain conditions. The issue of who pays to get the medical certificate, however, was not defined by the parties' collective negotiations agreement.

So, when Rutgers set out a directive stating that employees had to submit medical certificates at their own expense, it was challenged by the union as a unilateral change in a term and condition of employment that had to be negotiated.

The Commission determined that the union was absolutely correct that who pays to obtain a medical certificate is a term and condition of employment. However, that is where the Commission ended with siding with the union.

The Commission determined that

Rutgers did not unilaterally change a term and condition of employment because all it did was codify an existing practice in its directive. The Commission found that there was an existing practice of requiring officers to submit a medical certificate to verify sick leave and to have the officers pay for the cost of obtaining it. In essence, the Commission found that the union waived its right to negotiate over this issue.

The Commission held that an employer violates its duty to negotiate when it changes an existing practice, unless the majority representative has waived its right to negotiate. If the union accepts a practice by permitting similar actions over a consistent period of time without objection, then no violation will be found.

In Rutgers, the public employer produced numerous examples of employees paying for their medical certificates over several years without any rebuttal evidence produced by the union. Accordingly, the Commission determined that the directive simply codified the status quo and was not a unilateral change in a term and condition of employment.

PROPER PROCEDURES These recent Commission rulings are important reminders to employers in determining the proper procedure in handling negotiable issue with their unionized employees. If the collective negotiations agreement is silent or unclear on an issue, the Commission as well as arbitrators will carefully focus on the parties' past practice.

If the public employer simply codifies a past practice that can be established over a discernable period of time such as the public employer in Rutgers, then the public employer will not be violating the Public Employer-Employee Relations Act and will have their action upheld. However, if the employer's actions overturn a past practice or simply unilaterally speak on an issue that should be negotiated, then that action will be overturned and the parties will be required to negotiate. Therefore, before any policies or directives are drafted, public employers should understand their negotiations obligations and the past practice of the parties on the issue before determining the proper course of action. ❧

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LEGISLATIVE UPDATE

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

A-302/S-1688

Revenue Restitution



Status: (A-302) Assembly, Second Reading; (S-1688)
Senate Community and Urban Affairs Committee

A well-meaning effort to restore local property tax relief funding to local budgets has made some progress through the Legislative process. The League is seeking an amendment to this effort, embodied in companion measures A-302 and S-1688.

The legislation provides for a phased-in restitution of the \$331 million, which has been annually diverted from dedicated municipal funding programs—the Energy Tax Receipts Property Tax Relief Fund (ETR) and the Consolidated Municipal Property Tax Relief Aid (CMPTRA). For the past six years, these funds have been used for to address unspecified state priorities. A-302/S-1688 would, by Fiscal Year 2021, bring funding for all municipalities back to 2008 levels.

However, Section 1 would require any restored funding to be subtracted from the municipality's adjusted tax levy.

Unless this limitation is removed from the bill, the restored local revenues cannot be used to address 'outside-the-cap' problems, like excess pension and benefit costs, debt service, and the costs of dealing with natural disasters. Unless this limitation is removed from the bill, these local resources cannot be used for the maintenance or repair of local public safety, public works or public recreation facilities or equipment. Unless this limitation is removed from the bill, these local funds cannot be used for beneficial technologies like police body cameras, local records access and administration or environmental efficiencies.

Local officials are clearly committed to limiting their reliance on increased property taxes. But local officials are also committed to providing for the health and safety of their fellow citizens. They are also committed to promoting local economic development and redevelopment opportunities. And they are also committed to protecting the rights of future generations to enjoy the same, if not a better, quality of life, than that of their parents and grandparents. The levy reduction mandate could hamstring the ability of some communities to address those local needs.

While we appreciate the sponsors' effort to restore important assets to local government, we continue to urge the legislature to

consider the need for high quality local programs and services and the constraints under which local officials must operate.

Please ask your State Legislators to trust local officials. Urge them to delete the use limitation imposed by Section 1, prior to any further action on A-302/S-1688.—JRM

A-3695/S-2179

Cyber Ride-for-Hire



Status: (A-3695) Assembly, Second Reading; (S-2179)
Senate Budget and Appropriations Committee

The League of Municipalities opposes A-3695 and S-2179, as currently drafted. These substantially similar bills would preempt municipal regulation of certain entities engaged in the sale of passenger transportation services, via motor vehicle.

Since 1917, in order to protect prospective passengers and the general public, and to preserve order, municipalities have been empowered by statute to license and regulate ride-for-hire businesses. Throughout that period, in order to protect the public, local governing bodies have been responsive to concerns raised by passengers, pedestrians, local merchants, and other motorists. Local first responders have attended to accidents. While no level of regulation is perfect, municipalities have clearly demonstrated their effectiveness in this area for close to 100 years.

This bill would create a new class of taxis, exempt from local oversight. Instead, the legislation establishes State-level safety and insurance requirements for transportation network companies that conduct business in this State. According to the bill, a transportation network company (Uber or Lyft, for example) is an individual, corporation, partnership, sole proprietorship, or other entity that uses a digital network or software application to connect a passenger to a transportation network company driver for the purpose of providing transportation to the passenger." A transportation network company (TNC) driver is a person who operates a private passenger automobile to provide transportation to a passenger who requests transportation through a TNC's digital network or software application, which results in a fare being owed by the passenger.

Sections of the bills exempt these entities and individuals from any local regulation.

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Legislative Update

The manner in which the service is dispatched and provided does not materially alter the responsibilities that local governments will bear. Nor will the manner of dispatch obviate the concerns of local elected officials in ensuring the public's legitimate interests in public safety. Further, enactment of this bill could motivate traditional taxi and limousine businesses to, similarly, avoid local oversight, by a change to their business models. That, in turn, could make it more difficult for older residents and for the economically disadvantaged to access transportation alternatives. On that basis, absent deletion of those sections, the League of Municipalities cannot support this legislation. –JRM

A-1178/S-925

**Authorizes
municipal dredging
of lagoons**



Status: (A-1178) Assembly
Environment and Solid
Waste Committee;
(S-925) Senate Environment
and Energy Committee

A-1178, sponsored by Assemblyman Rumpf and Assemblywoman Gove, and S-925, sponsored by Senator Connors, permit a municipality in which a lagoon community is located to contract with a properly certified and licensed person to dredge waterways for the purpose of maintaining boat transportation into, out of, and throughout the lagoon community. The municipality could levy a special assessment on property owners that benefit from the dredging or issue bonds for the dredging as a capital improvement.

The bill defines a "lagoon community" as any residential development in a coastal municipality where the waterways function as streets and provide access to, from and throughout the development via boat.

A-1178/S-925 provides for local discretion to address dredging of lagoons within the municipality. –LB

A-3341**Revises procedure
for property tax appeals**

Status: (A-3341) Assembly State and Local Government Committee

The League opposes A-3341, which revises procedure for determining real property tax appeal outcomes. Specifically, A-3341 would require the Division of Taxation's Director to narrow the "common level range" to plus or minus 5% of the average ratio for a district, following certification of technical feasibility by the director.

To determine if the assessed value of a property is excessive or discriminatory, it must be proven that the assessment does not fairly represent either the "True Market Value" standard or the "Common Level Range" standard. The "common level range" is determined by the Division of Taxation, based on an annual statewide sales survey. Sale value is compared to assessed value individually to determine the average level of assessment in a municipality.

In any given year, except in a revaluation year, the common level of an assessment is the average ratio of the district in which the property is located. If the ratio of the assessed value exceeds the average ratio by 15% the assessment is reduced to the common level range. If the ratio falls within the common level range, no adjustment is made and if the ratio is below the common level range the assessment is increased to the common level range.

The adjustment of the common level range from 15% to 5% would influence the results of tax appeal determinations, as resolved by county boards of taxation pursuant to N.J.S.A. 54:3-22c, making those appeals more likely to result in revisions to the taxable value of real property. The changes proposed in A-3341 would likely increase the number of tax appeals a municipality could experience in any given year.—LB

A-3425**Licensed Trainer
Mandate**

Status: Assembly Education Committee

The League opposes A-3425, which would require public and nonpublic schools, local recreation departments, and youth serving organizations to have licensed athletic trainers present at youth athletic events.

This bill would require any school serving students in any grades, from kindergarten through Senior Year in High School, to have a licensed athletic trainer present during any school-sponsored athletic event or team practice. The bill would impose the same requirement on any municipal or county recreation departments, as well as any nonprofit youth serving organizations which organize, sponsor, or are otherwise affiliated with youth athletic events that are played or practiced on municipal, county, school, or other publicly-owned fields.

We commend the sponsor for his concern with our children's health and well-being. However, we are advised that there may not be enough licensed athletic trainers in the state to provide adequate coverage at all the youth sports events and practices that regularly take place on and in municipal, county, and school fields, parks, and indoor recreational facilities.

Respectfully, we would ask the sponsor to consider the benefits that would be derived if, as an alternative to this impractical and expensive mandate, the state were to provide safety training to the tens of thousands of volunteer coaches and assistants, who generously donate their time and efforts to provide New Jersey's youth with opportunities to experience the joys and lessons derived from participation in organized athletic competition.

As currently drafted, we oppose A-3425.—JRM

S-1857**Part-Time
Employment Ban**

Status: Senate Community and Urban Affairs

A bill has been introduced to prohibit individuals holding full-time municipal employment from serving in certain other part-time public positions, simultaneously.

Specifically, S-1857 prevents full-time municipal employees (those working 35 or more hours per week) from also working in certain other public positions. The provisions of this bill would make it unlawful to simultaneously hold a full-time municipal position, and hold an additional full- or part-time position with the municipality or another public employer, unless the two positions are already held at the time of the bill's effective date.

This restriction, however, will not apply if the additional full- or part-time position consists of: service in the National Guard, Army Reserve, or other military service; service with a volunteer fire company, ambulance, first aid, hazardous materials, or rescue squad, or another volunteer position; or employment in which compensation is limited to reimbursement for expenses incurred in the discharge of duties.

For decades, frugal governing bodies in small to mid-sized New Jersey municipalities have found it possible to lower costs and maintain efficiency by employing, on a part-time basis, highly effective, well-trained, and experienced professional public servants to provide necessary services to their citizens at modest expense. In their ongoing efforts to provide the best possible service at the lowest possible property tax rate, this has proved itself to be a highly effective practice.

Municipalities, going forward, will continue to need to have this tool handy. Accordingly, we oppose S-1857.—JRM



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Events

JUNE

June 17

2016 Mini One Day Conference

Conference Center at Mercer,
West Windsor, NJ
8:30 a.m.-5:00 p.m.

(Registration begins at 7:30 a.m.)

Earn up to 8 CEU credits in one day for: CMFO, CCFO, CTC, CPWM, RMC, QPA, RPPO/RPPS, and NJCLE

Earn up to 6 CEU Credits in one day for: CRP, Planning/Zoning Board Secretary, Zoning Official, Land Use Administrator, PACLE*

* To earn PACLE's separate fees apply

* CTA Credits are awaiting approval

CONFERENCE SESSION TOPICS:

- How to Reduce the Incidence of Fraud in Municipal Operations
- Licensing Review
- Review of Property Tax Relief Programs
- Ethics in Purchasing—"The Ethics Improv"
- How to Reduce the Incidence of Fraud in Municipal Operations
- The Local Finance Board as Local Government Ethics Law
- Working with Utilities and Vegetative Management
- Reasons to Buy Green
- The Local Finance Board as Local Government Ethics Law
- Elections
- Be Prepared for Technology Changes
- Water and Sewer Infrastructure Financing: To Sell or Not To Sell
- The Mechanics Of In Rem Foreclosures
- The Importance of Good Records Management when answering OPRA Requests
- Be Prepared for Technology Changes
- Telecommunications Infrastructure

To Register: Visit njslom.org/seminars for registration information including CEU's offered and registration fees.

NOVEMBER

November 15-17

101st Annual Conference

Atlantic City Convention Center,
Atlantic City

Visit njslom.org/seminars for changes and updates.

For more information on seminars, contact Danielle Holland-Htut at dholland@njslom.org or 609-695-3481, Ext. 118.

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The New Jersey State League of Municipalities would like to thank its supporters, who value their partnership with the 565 municipalities of New Jersey. For information about the League's sponsorship program, please contact Donna Baltz at 609-695-3481, Ext.127 or dbaltz@njslom.org.



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