

# nj municipalities

Official Publication of the New Jersey State League of Municipalities

May 2016

## Bridge to the Future

Trenton steps up with Capital  
My Brother's Keeper program

A Look Inside

Towns' Winning Wellness Efforts

Speeding Up Cleaning Up Sites

Vineland's Living History

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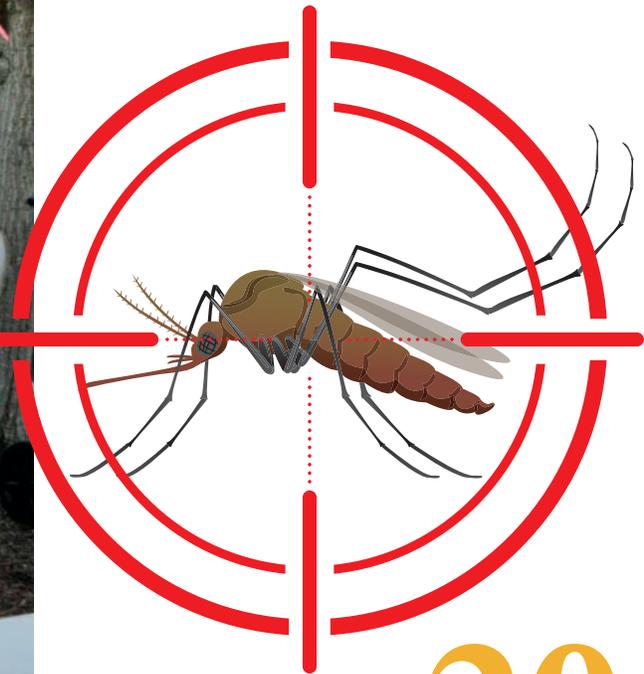
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“Some of the strongest and most durable bridges that the League of Municipalities values are those that link us to the various county and regional municipal leagues, Mayors’ Associations, and local officials groups.”

## Bridges Make Us Better

Each spring, the League staff convenes an important meeting most local officials are unaware of, yet it plays a vital role in work done on their behalf by the League and 21 other statewide organizations.

At that meeting the League Affiliated Associations represent most of the management professionals throughout municipal government operations and together with the League create a vital partnership. The spring meeting of these groups and the League often includes a representative from the Department of Community affairs who will provide an overview of priorities for the year. This year Commissioner Richman presented those priorities and heard from the Affiliated Associations about their priorities and concerns.

Commissioner Richman spoke with the Affiliated Associations on the public perception of the 2% property tax cap and how absent some extraordinary cases, the statewide average increase in property taxes was actually below 2%. He congratulated everyone on that significant achievement.

He went on to highlight some priorities DCA will advance in the coming year such as the “housing first” initiative for people with special needs. And just as the Affiliated Associations work together, DCA wants to work in concert with Department of Children and Families to help address housing needs for families, children who age out of the system, and particularly veterans. DCA will also be working diligently on implementing electronic plan review, online permitting, and use of electronic signatures.

In turn, the Affiliate Associations discussed their mutual concerns and initiatives from the complex such as tax

assessment to the practical such as calendar coordination.

I want you to know about meetings such as these so you are aware of the constant bridge building done on your behalf—on behalf of local government.

Bridges are built to bring us together. So, in a metaphorical way, all of us involved in government are involved in the building of bridges, in bringing together all kinds of people, ideas, and ideals.

Some of the strongest and most durable bridges that the League of Municipalities values are those that link us to the various county and regional municipal leagues, Mayors’ Associations, and local officials groups. Our staff is always happy to help these assemblies in any way we can. And we learn a lot whenever we have a chance to participate in these meetings.

The bridges we have formed with our 21 Affiliate Associations are so vital to our mission that we could never succeed without them. We rely on these professional organizations for insights into the impact of proposed legislation. We rely on them as consistent sources of information on the problems encountered by elected officials. And we count on them to provide many of the ideas, articles, and speakers that add untold value to this magazine, to our half-day seminar sessions, and to our Annual Conference.

Each spring we make a concerted effort to renew our bridges and give our Affiliates the same opportunity. We thank them all for making this League—in fact, for making this State—better than it could ever be without them. For a full list of League Affiliated Associations and contacts, see the Conference Connections feature on page 44 or visit [njslom.org/affiliat.html](http://njslom.org/affiliat.html). 📌

*Michael Darcy*



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*What our graduates say:*

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

– Chante', 2015 graduate

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

– Mike, 2013 graduate

# NOW & THEN



## Hopes for the Future

Helping citizens is a consistent concern of municipalities, particularly the youngest residents of any municipality. In 1957, *NJ Municipalities'* March issue included pieces on subjects ranging from helping youths do the right thing to creating a solid town plan.

When it comes to today's youth, the City of Trenton's Capital City My Brother's Keeper program takes a national effort to improve the success rate for young adults and brings it to the state's center. Eric E. Jackson, Mayor, City of Trenton, and the program's team are addressing the needs of the community in these areas is a progressive action that seeks to prevent future problems, rather than react to current ones.

Fifty-nine years ago, towns like Wildwood were creating programs to occupy their young adults in the slow winter months. The town's structured activities helped keep kids moving forward to adulthood in a positive way.

Throughout the decades, efforts have been made to ensure the welfare of public employees during their years of actively

contributing to the wellbeing of municipalities and into retirement, too. In the 1950s, getting members to fill out their enrollment cards for the Public Employees Retirement System insurance program was a priority so they could collect the benefits to which they were entitled through their employment. This month, an OpEd by Thomas J. Healey, member of the New Jersey Pension and Health Benefit Study Commission, discussed potential futures for the benefits of public employees moving into the future.

Ensuring budget-conscious planning for the betterment of life in every municipality is something that hasn't changed. For example, in 1957, the League voiced concerns over the expenses and logistics of banning open dumps in favor of landfills and incinerators in legislation heard on March 11 with an expected enactment on June 1 of the same year. Today, the New Jersey Department of Environmental Protection has launched a new fast-tracking ticket program to help municipalities enforce cleanup requirements at New Jersey contaminated sites, helping to keep property values up and areas ready for ratables-friendly redevelopment. ♣



Amy Spiezio  
Managing Editor

## Time Capsule: March 1957

### Wildwood-By-The-Sea Plays for Fun

"It is a known fact that us teenagers pass through a period of emotional instability. This is not unnatural; it's just part of growing up. But during this period, only the right, the moral, the just

stimulants should be applied in order to develop fair, honest, decent-living individuals. To guide us, through this critical time, interested attitude should be maintained by people who already possess the qualities of good citizens."

—Russell Cholister, student/essayist,  
Wildwood High School

### A Word on Insurance Programs of the Public Employees Retirement System



"Under the rules of the Board of Trustees, the contributory insurance program became effective in any municipality upon the enrollment of the equivalent of 25% of the female members and 45% of the male members of the Retirement System, and the return of 90% of all enrollment cards....It should be noted that the Public Employees' Retirement system now has a membership of slightly over 40,000, and the slightly approximately 25% of the members are covered by the contributory insurance program."

—William Murphy, Division of Pensions

### League Voices Opposition to Ban On Open Dumps, June 1st

"For the past several years, the League has supported the adoption of sanitary landfill and the construction of incinerators by our member municipalities. The League has cooperated with the State Health Department in presenting articles in the League magazine which deal with better refuse collection and disposal methods... Let us be practical. It would be impossible for any municipality which is not now resorting to landfill or incineration disposal methods to meet the requirements of this Chapter by June 1 of this year."

—Joseph M. Healey, Mayor of the Town of Kearny;

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## NJLM Education Foundation Names New President and Vice President

**T**imothy C. McDonough, Mayor of Hope Township and past president of the New Jersey League of Municipalities, has been elected the new president of the NJLM Education Foundation. In addition, Paul Anzano, Mayor of Hopewell Township, has been elected vice president of the Board of Trustees for the non-profit organization.

A longtime supporter of the foundation, McDonough's contributions were key to the successful launch and implementation of the NJLMEF's Mayors' Book Club and other efforts of the group. He has worked in both the private and public sector for over 30 years and is one of New Jersey's longest-serving mayors, in office since 1991. Currently active in the United States Conference of Mayors, McDonough also is a member of the Executive Boards of the New Jersey League of Municipalities and the New Jersey Conference of Mayors. He also serves as Chairman of the State League of Municipalities' Hometown Security Task Force.

**Paul Anzano** is the Mayor of the Borough of Hopewell and began in elected office as a member of the Hopewell Borough Council in 2004. Professionally, he is a partner at the law firm Pringle Quinn Anzano, representing a wide array of clients. He has served as Counsel to the New Jersey State Senate and as a Special Deputy Commissioner in the Department of Banking and Insurance. Mayor Anzano also serves on the Legislative Committee of the New Jersey League of Municipalities.

Michael J. Darcy, CAE, NJLM Executive Director and the Educational Foundation's Treasurer, said, "Mayors McDonough and Anzano bring years of service and knowledge to their new roles in the Education Foundation. We look forward to their guidance and innovations as the group moves into the future while remembering our mission to provide timely research and a proactive approach to resolving the complex issues affecting New Jersey's diverse communities." ❧



Timothy C. McDonough



Paul Anzano

## NJLM President Tempesta Speaks at Budget Hearings



NJLM President Mayor Joe Tempesta of West Caldwell with Assemblyman Anthony Bucco at the recent Assembly Budget Committee meeting.

**S**tate League of Municipalities' President, Mayor Joseph Tempesta of West Caldwell, recently spoke before the Assembly 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—Mayor Tempesta said, "As always, the first concern of local officials has to be property tax relief funding."

The proposed budget would provide almost every New Jersey municipality with the same amount of property tax relief funding that each has received since 2011.

An in-depth rundown of Mayor Tempesta's testimony will run in the June issue of *New Jersey Municipalities*. ❧

**Mayors Wellness Campaign:**

# A Decade of Fitness



In 2006, in partnership with the New Jersey State League of Municipalities, The New Jersey Health Care Quality Institute (QI) started the Mayors Wellness Campaign to empower civic and community leaders to improve the health of NJ residents. More than 370 of the 565 mayors in NJ have signed the Quality Institute’s wellness pledge, joining this statewide effort to improve residents’ health.

Equipped with tools, strategies, and support from the Quality Institute, mayors are able to build healthier communities in which to work, play, live, and age well.

To honor their achievements over the past decade, and to galvanize even more communities across New Jersey to prioritize health, the campaign is urging municipalities to name the first Wednesday of June “Mayors Wellness Wednesday.”

In 2016, Mayors Wellness Wednesday (June 1, 2016) will be a celebration of 10 years of the Mayors Wellness Campaign—10 years of mayors’ leadership in improving community health across the state.

Each year moving forward, QI’s hope is that Mayors Wellness Wednesday will be an annual day of fitness and activity in communities across the state.

For more information about the MWC participant’s success, see this month’s feature “Power in Motion” on page 36. 📌

## Warren Tops NJ Safest Cities List

Living in the Garden State offers many pluses and few drawbacks. To help potential residents pick their dream town, BackgroundChecks.org compiled a list of New Jersey’s safest cities based on FBI violent crime stats and the company’s proprietary research data.

The state average is tallied at 261 for violent crime and 1,734 for property crime, calculated by taking (# of crimes/population) x 100,000. Here are the top 10 for 2015.

### #1 Warren

Population: 15,300 residents  
Violent Crime Rate: 6.5 (per 100,000 residents)  
Chance of being involved in a property crime: .08%

### #2 Saddle Brook

Population: 13,600 residents  
Violent crime rate: 7.2  
Chance of being involved in a property crime: 2.2%

### #3 Chatham

Population: 10,400 residents  
Violent crime rate: 9.5  
Chance of being involved in a property crime: .02%

### #4 Woolwich

Population: 10,200 residents  
Violent crime rate: 9.7  
Chance of being involved in a property crime: .06%

### #5 Sparta

Population: 19,700 residents  
Violent crime rate: 10.1  
Chance of being involved in a property crime: .09%

### #6 Mahwah

Population: 25,800 residents  
Violent crime rate: 11.5  
Chance of being involved in a property crime: .04%

### #7 Denville

Population: 16,600 residents  
Violent crime rate: 11.9  
Chance of being involved in a property crime: .09%

### #8 Montgomery

Population: 22,200 residents  
Violent crime rate: 13.4  
Chance of being involved in a property crime: .05%

### #9 Raritan

Population: 22,100 residents  
Violent crime rate: 13.5  
Chance of being involved in a property crime: .08%

### #10 Berkeley Heights

Population: 13,100 residents  
Violent crime rate: 15  
Chance of being involved in a property crime: .07%

## Around the State

### Summit Family Aquatic Center Receives Drowning Prevention Award



“At the Summit Family Aquatic Center, we are committed to drowning prevention education. We take this responsibility seriously and want to be sure that our families are safe whenever they are near water, whether it is with us at the Family Aquatic Center, or at a friend’s backyard pool or the beach,” emphasized Judith Josephs, Director of Community Programs. “This year, we will be joining with the Summit Area YMCA and The Connection for Women and Families to participate in the World Waterpark Association’s World’s Largest Swimming Lesson on Friday, June 24, 2016.”

The City of Summit’s Family Aquatic Center is the recipient of the 2016 Community Life-saver Award from the National Drowning Prevention Alliance. The City of Summit was recognized for their emphasis on drowning prevention education at the Family Aquatic Center, in particular the Parental Responsibility Campaign, “I’m Watching Your Child;

You Should be Too!” as well as Shark Diddy TV, Splash and Learn events, and their free rental Life Vest and Swim Testing Programs.

The award was presented at the National Drowning Prevention Alliance Conference in Phoenix, Arizona. It is the first time that a city of Summit’s size has been recognized in this award category.

### Do You Have An Image To Share?

Municipalities are invited to show off their most magic moments, including special events and programs; beautiful sites and monuments, from public art to pretty street scenes; and meaningful moments captured from your municipality’s daily life.

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

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## Summer's Coming: Focus on Pool Safety

By Kathryn McCans, M.D., Chairwoman of the Child Fatality and Near Fatality Review Board

**M**ay is Water Safety month, and the New Jersey Child Fatality and Near Fatality Review Board (CFNFRB) is encouraging municipalities to share safety information with residents getting ready for summer.

In 2015 there were 60 drowning's reviewed by New Jersey's Child Fatality and Near Fatality Review Board.

Of those, 24 occurred in a pool setting, with the highest risk group being 2-5 year olds, and 52% of all pool drowning's occurred in a non-familial pool setting when only 46% of parents knew their child was swimming at the time of death.

Before school's out and kids get into summer swimming, remind the public of the American Academy of Pediatrics Pool Safety Guidelines:

### POOL SAFETY

- Never leave children alone in or near the pool or spa, even for a moment.
- Whenever children under age 5 are in or around water, an adult—preferably one who knows how to swim and perform CPR—should be within arm's reach.
- Install a fence at least four feet high around all four sides of the pool. The fence should not have openings or protrusions that a young child could use to get over, under, or through.
- Make sure pool gates open out from the pool, and self-close and self-latch at a height children can't reach. Consider alarms on the gate to alert you when someone opens the gate. Consider gate and surface or underwater alarms.
- The safest fence is one that surrounds all four sides of the pool and completely

separates the pool from the house and yard. If the house serves as the fourth side of the fence, install an alarm on

the exit door to the yard and the pool. For additional protection, install window guards on windows facing the pool. Drowning victims have also used pet doors to gain access to pools.

- Keep rescue equipment (a shepherd's hook—a long pole with a hook on the end—and life preserver) and a portable telephone near the pool. Choose equipment made of materials that do not conduct electricity.
- Avoid inflatable swimming aids such as "floaties." They are not a substitute for approved life vests and can give a false sense of security.
- Children over age 1 may be at a lower risk of drowning if they have

had some formal swimming instruction. However, there is no evidence that swimming lessons or water survival skills courses can prevent drowning in babies younger than 1 year of age.

- Avoid entrapment: Suction from pool and spa drains can trap a swimmer underwater. Ask your pool service representative to update your drains and other suction fitting with anti-entrapment drain covers. See PoolSafely.gov for more information.
- Children may fall in if they lean against the soft side of an inflatable pool. It is essential that they be surrounded by an appropriate fence.
- If a child is missing, look for him or her in the pool or spa first.
- Share safety instructions with family, friends and neighbors. 📌

@ For more information, visit [aap.org](http://aap.org)



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# My Brother's Keeper

A new initiative by the City of Trenton works toward ensuring all young people can reach their full potential

By Eric E. Jackson, Mayor, City of Trenton



Trenton Mayor Eric E. Jackson (center) and participants kick off the Capital City My Brother's Keeper initiative.

**O**n December 16, 2015, I proudly announced the formation of “Capital City My Brother’s Keeper” (CCMBK). This initiative answers President Barack Obama’s call to action for communities to devise sustainable solutions to inequality among young men of color.

In February 2014, President Obama launched the My Brother’s Keeper initiative to address persistent opportunity gaps faced by boys and young men of color and ensure that all young people can reach their full potential. This initiative seeks to bring together leaders, organizations, and people in communities around the country to work to improve the life outcomes of young people in America. All people benefit from an effort to increase the achievement of young boys and men of color.

No person will ever be denied benefit from My Brother’s Keeper because of their gender, race, or ethnic background.

**BRIDGING ACHIEVEMENT GAPS** President Obama has identified young boys and men of color as demographic groups that face particular challenges when it comes to achievement. Both nationally and in Trenton, young boys and men of color have lower literacy rates, are chronically absent at higher rates,

are incarcerated at higher rates, and have higher unemployment levels compared to other demographic groups. There are a wide variety of issues that affect youth development and cause long-term achievement gaps.

Through research, including a citywide survey conducted by the Mayor's pre-launch committee, and community feedback, it has been determined that literacy rates of third graders, chronic absenteeism in our schools, and employment readiness among young African American and Latino males aged 16 to 25—especially those exiting the criminal justice system—are problems that should be the focus of Capital City My Brother's Keeper. The John S. Watson Institute for Public Policy at Thomas Edison State University facilitated the survey.

Currently, members of the pre-launch committee include leaders from the Watson Institute, the I Am Trenton Community Foundation, the New Jersey Institute for Social Justice, the Latino Clergy of Trenton, the Capital City Community Coalition, the Living Hope Church/Empowerment Center, and Friendship Baptist Church.

Addressing the needs of the community in these areas is a progressive action that seeks to prevent future problems, rather than react to current problems. Our specific community goals relate to the following My Brother's Keeper

goals: All of our children enter school cognitively, physically, socially, and emotionally prepared; all of our children read at grade level by third grade; and all youth out of school are employed. As Mayor of the great city of Trenton, I first announced Capital City My Brother's Keeper during the State of the City address in October; and I believe it is time for us to get past talk and start devising real solutions to issues that are causing young men of color to struggle in a society where anything can be accomplished when socioeconomic barriers are eliminated.

**CREATING A ROADMAP** Over the next 45 days, in step with the guidelines of the President's My Brother's Keeper national initiative, committee members worked to organize a local action summit that was held on January 27, 2016 with the community and key stakeholders to assess needs and available resources and assets, set priorities and concrete goals. The Capital City Local Action Summit was the second of four steps in laying the groundwork for becoming an MBK Community, and drew more than 300 youth, advocates, and community leaders across all sectors of the community. Stakeholders were asked to assess needs and assets, determine priorities, and set concrete goals. Using the feedback from the discussion, we will next examine existing local

policies, programs, and practices in search of ways to introduce or expand on existing efforts to better serve the needs of Trenton youth.

Thereafter, the planning committee will conduct a policy review and form an action agenda, which includes measuring results and sharing data with the initiative's partners to ensure that solutions can have a meaningful and long-term impact. A formal action plan is expected to be publicly announced by June 24, 2016.

In order to accomplish our goals, we will need to collaborate with a wide variety of organizations and citizens who lend support to My Brother's Keeper through their time, skills, and access to networks, in addition to financial opportunity. This will be a vital commitment as a community to identifying and implementing policies that are proven to work; to forging action-oriented partnerships; and to closely tracking our progress and setbacks with data.

**INVESTMENTS IN A SHARED FUTURE**

Collaborating on solutions that impact the lives of people, especially our young people, is exactly what government and community leaders should be doing. It's critically important to the future of Trenton. Anyone concerned with the economic future of our community, our families, our neighborhoods, or our country, should know that empowering



Trenton takes the second step in becoming a MBK city with the Capital City My Brother's Keeper Local Action Summit.

## My Brother's Keeper

all of our youth, including boys and young men of color, is an investment in our shared future, and our collective prosperity. Employers will want to set up shop here because they know we have a well prepared, diverse, and fully mobilized workforce. This initiative will ensure our community's workforce can compete with the workforce of cities

around the country and world.

The best ways to help the Capital City My Brother's Keeper initiative is by a commitment, a pledge of coming together as advocates for our young men, and dedicating time, skills, and financial resources. I am confident that the Trenton community at large can collaborate to achieve the goals of this initiative. 🇺🇸



## A Presidential Plan

My Brother's Keeper was launched by President Obama in 2014 with the following six milestones as goals:

- **Getting a Healthy Start and Entering School Ready to Learn**

All children should have a healthy start and enter school ready—cognitively, physically, socially, and emotionally.

- **Reading at Grade Level by Third Grade**

All children should be reading at grade level by age 8—the age at which reading to learn becomes essential.

- **Graduating from High School Ready for College and Career**

All youth should receive a quality high school education and graduate with the skills and tools needed to advance to postsecondary education or training.

- **Completing Postsecondary Education or Training**

Every American should have the option to attend postsecondary education and receive the education and training needed for the quality jobs of today and tomorrow.

- **Successfully Entering the Workforce**

Anyone who wants a job should be able to get a job that allows them to support themselves and their families.

- **Keeping Kids on Track and Giving Them Second Chances**

All youth and young adults should be safe from violent crime; and individuals who are confined should receive the education, training, and treatment they need for a second chance.

# The Power of Collaboration



## ACCOUNTABILITY PRODUCES RESULTS

A critical reason for the MEL's success is that its commissioners take an active role establishing policy and closely monitor the program's professionals.

"As MEL Chair and a Morris JIF Commissioner, my responsibility is to make certain we meet the needs of local governments for essential coverages and risk management support," said Jon Rheinhardt, Administrator/CFO, Borough of Wharton. "As commissioners, we direct the work of dedicated professionals to develop and manage cost-effective, responsive, and transparent programs that meet this need."

The MEL governing body includes 19 commissioners who meet regularly to review all MEL programs. Over 35 commissioners, risk managers and safety experts participate in eight working committees that produce the coverages, training, and tools used to improve risk management practices and safety.

Fiscal accountability is ensured by an audit committee including independent participants not affiliated with the MEL.

MEL efforts are complemented by the work of 218 individuals who serve as Board members for the 19 locally operated joint insurance funds (JIFs) that are MEL members. They review claims, identify member needs, and work with 75 professional risk managers who support their programs. All member JIFs conduct an annual independent audit.

Member oversight and personal involvement ensures accountability and produces real benefits: stable coverage, effective loss control, safety education, online training and responsive professional service.

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

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# Trunk or Treat!

Scaring up a successful annual Halloween event has been a community building opportunity for Brick

Dan Santaniello, Director of Recreation &  
Cynthia Colantoni, Department of Recreation, Brick Township



One of the biggest events for young people in Brick Township is our annual Trunk or Treat Celebration. This event provides young people with a safe environment to wear costumes and collect treats from dozens of vehicles decorated by residents, local business, and organizations. It is a community-wide effort that has grown every year since its inception in 2007.

The idea for Trunk or Treat was to create an event that has low costs for the township while providing young people a fun night in a safe environment. The event is held at the Drum Point Sports Complex, which is the largest recreational facility in Brick Township. It provides ample parking for the large crowds and provides space for a hayride, costume parade, pumpkin patch, and more.

The Trunk or Treat was originally held on Wednesdays, approximately one week prior to Halloween. A few years ago, weather required the postponement to a Friday night and the crowd that showed up was huge. We heard from many people that Friday was a preferable night, so we have decided to keep

the event on a Friday to give more people the chance to participate. Last year's event was the largest yet!

We are fortunate to have the Drum Point Sports Complex for the Trunk or Treat site. The site is adjacent to two elementary schools for overflow parking, making it accessible for even more people. However, with the growing crowds, we are going to be moving the location of the decorated cars to have more space for the throngs of trunk-or-treaters and to open up even more parking.

We recommend other municipalities considering starting their own Trunk or Treat traditions to plan for lots of attendees and consider capping the attendance if space is limited.



**MAKING IT HAPPEN** Planning for the Trunk or Treat begins early in the year when we select the date. This is done prior to the publication of our Recreation Brochure in April so it can be advertised. In late August/early September, we truly begin publicizing the event. We create an event on our Township's Facebook Page and encourage people to join and invite friends. Our Facebook page has over 18,000 fans to help spread the word. We also design flyers and get approval to distribute them in our schools.

We also begin seeking the two things that make the event happen...trunks and treats! Every year we ask people to volunteer to decorate their trunks and hand out treats. Last year, we had approximately 80 vehicles decorated for the event. Trunks are the only component



that must be pre-registered so we know how many cars we can expect. If registration is lower than anticipated, we begin an aggressive campaign to get vehicles so we can have in the 75 to 90 range.

In the days leading to the event, staff members from the Recreation Department and Public Works Department begin

getting the Drum Point Sports Complex ready. The area is cleaned, the restrooms are cleaned, the hayride is set up and tractors are assembled, volunteers are signed up, and assignments are created.

On the day of the event, Public Works delivers light towers to provide additional lighting, registration tables are set up, the costume parade preparations are finalized. Safety barriers are set up to control traffic and create walking paths for safety.

All told, the preparation is done by approximately 15 employees and anywhere from 30 to 40 volunteers. The Township's investment is approximately \$6,000.

**COMMUNITY SUPPORT** Without the exceptional support of the residents and businesses of Brick Township, the Trunk or Treat wouldn't be possible. Residents, businesses, and community organizations all use their own time and spend their own money to decorate cars. One of the favorite things for the staff is to see all of the trunks and the unique themes they come up with each year.

In addition to decorating trunks, they also supply their own candy. One of the biggest challenges with this event is making sure there is enough candy for all of the trunk or treaters. It is a large expense for these trunks to have thousands of pieces of candy, so the Township makes every effort to supplement them. In an effort to help them, the Township requests donations of candy from residents and business. All donated candy is distributed to the vehicles to hand out. One of our largest donors of candy is the Brick Wal-Mart. This year, we are also requesting that every family that comes to the event donate at least one bag of candy.

We also enjoy great support from the Brick Elks and Twin County Soccer. The Elks provide free hot dogs and Twin County provides hot chocolate and pretzels to the crowds. The hot chocolate comes in handy on those years when late October nights are very cool.

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### Trunk or Treat!

We make sure that all of this generosity is acknowledged. At the event, we use the sound system to thank people and we also thank them on our social media sites and more.

### LOOKING FORWARD TO NEXT YEAR

At the end of the event, when all the candy has been given out, the hayrides stop, and the costume parade trophies have been given out, we do an evaluation to see what worked and what needs to be changed for future events. As this event has grown every year, we always have something that needs to be tweaked to accommodate the growing crowds.

Trunk or Treat is an event that we are extremely proud of. It has become a popular event for families and friends to attend together and seeing the smiles on the children in their costumes makes the hard work worthwhile for all of us.

This year Brick's event is set for October 22 with a rain date of October 28. 🦋



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# Zapping Zika

Fighting the spread of a mosquito-borne virus to the very youngest segment of the population

By Cathleen Bennett,  
New Jersey Acting Health Commissioner

**T**he severity of the Zika virus outbreak in Central and South America and the Caribbean highlights the importance of a strong network of local partners dedicated to keeping residents informed and healthy. The World Health Organization has declared Zika an international public health emergency. While the United States does not expect to see widespread outbreaks here, combatting the virus and its associated health effects requires close surveillance, preparedness, and prevention to protect individuals in New Jersey and beyond.

Zika is primarily spread through a bite of the *Aedes* species mosquito, typically found in southern states. There is a closely-related species in New Jersey, and the Centers for Disease Control and Prevention (CDC) is closely monitoring to determine how effectively this mosquito “cousin” can carry and transmit Zika.

To date, there have been no reports of Zika being spread by mosquitoes in the continental United States, but more than 350 cases have been reported in travelers, including nine in New Jersey. The Department of Health has launched a #ZapZika public awareness campaign to inform and educate the public—especially pregnant women, college students abroad, and other travelers—who may be unaware of risks.

**CAMPAIGN LAUNCHED** State Epidemiologist Dr. Tina Tan and I launched the #ZapZika campaign at Montclair State University on March 3 to explain risks to college students, faculty, and others considering travel to Latin America and the Caribbean. We also visited Newark Community Health Center and Clara Maass Medical Center on March 7 to educate expectant mothers and potential travelers about the Zika virus.

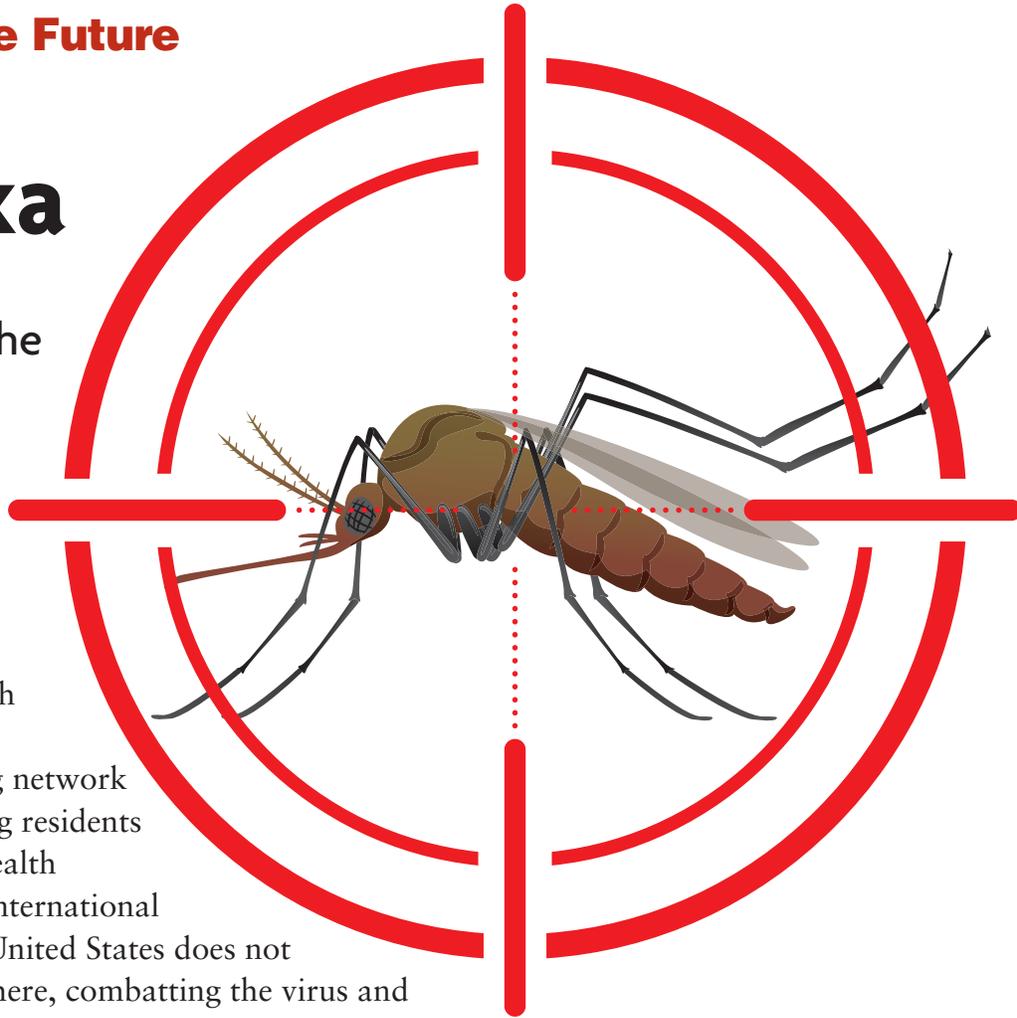
Deputy Commissioner Dr. Arturo Brito, a bilingual pediatrician, continues to meet with Brazilian and Hispanic populations to share information in English and Spanish and host conference calls with physicians to review CDC guidance.

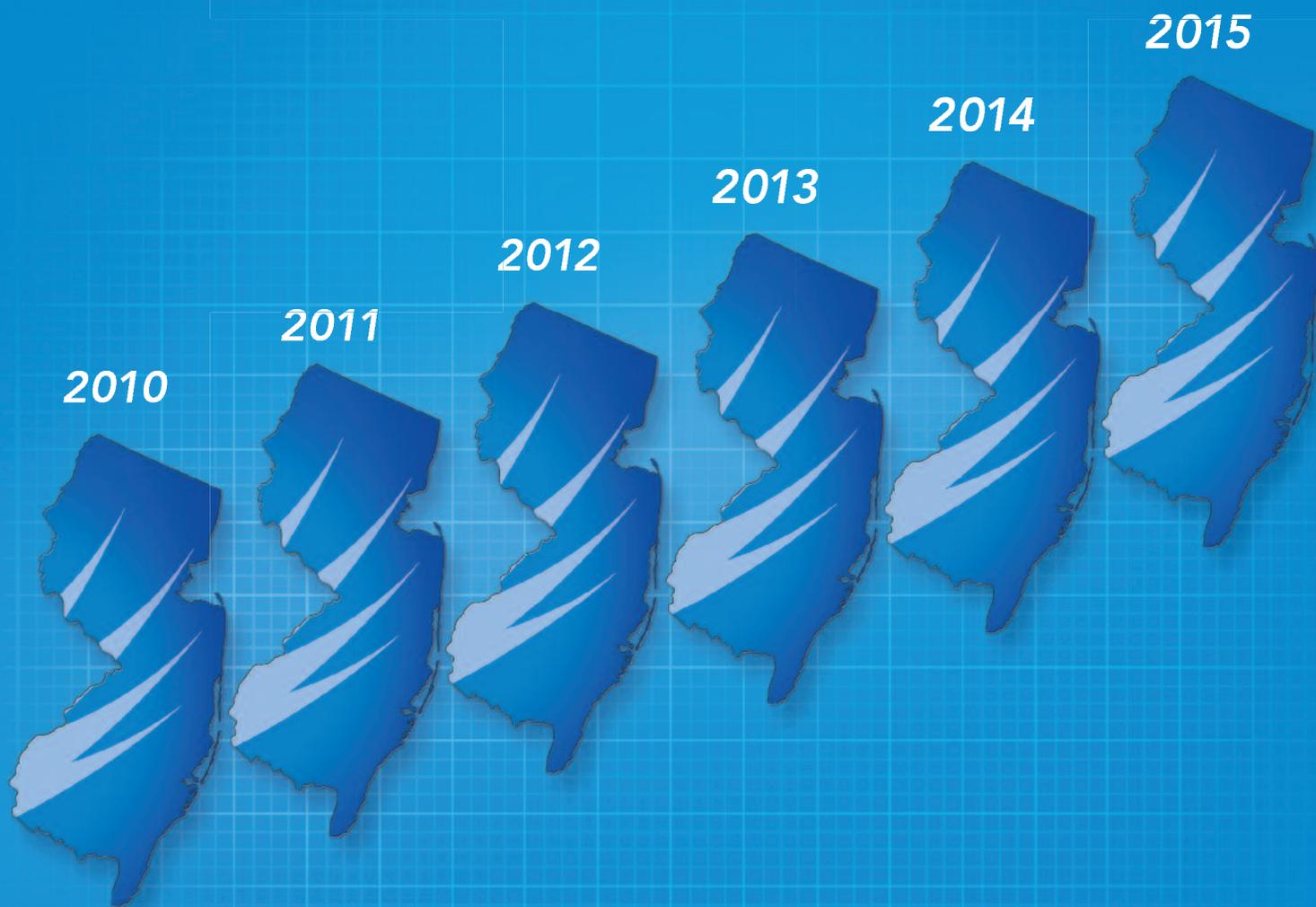
As part of the #ZapZika campaign, the Department’s top doctors and epidemiologists will meet with pregnant women in health centers and hospitals, physician groups, college students, professional medical societies, and public health officials. Radio public service announcements have been developed in English and Spanish, along with NJ Transit bus advertising encouraging pregnant women to avoid travel to Zika-affected countries and travelers to prevent mosquito bites by using insect repellent and wearing long sleeves and pants.

The Department’s campaign builds on previous outreach efforts. More than 1,000 public health and health care professionals and maternal and child health advocates have participated in five conference calls hosted by the Department to share information from the CDC, and more than 350 local health officials joined a training webinar and received tool kits to use in their communities.

The Department also shares CDC information, guidance and alerts via our New Jersey Local Information Network and Communication Systems (LINCS) alert system and posts those materials on our Zika website, which contains resources in English, Spanish, Creole, and Portuguese.

Information is also shared on the Department’s Twitter and Facebook pages daily using the hashtag #ZapZika for people to stay connected and updated.





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## Zapping Zika

**PREVENTION TIPS** The best way to prevent Zika infection while traveling is to prevent mosquito bites by using EPA-registered insect repellents. When used as directed, these are proven safe and effective, even for pregnant and breastfeeding women. Wearing long-sleeved shirts and pants, and staying in air-conditioned places with window screens can also help reduce risk.

While most people infected with Zika will not become seriously ill, evidence suggests some women infected with Zika during pregnancy may deliver a baby with microcephaly, a condition resulting in a baby's head being much smaller than expected. Given the link to this serious birth defect that is associated with developmental disabilities, CDC issued travel advisories for countries where Zika virus transmission is ongoing and has recommended pregnant women postpone travel to these impacted countries.

As of April 18, affected countries and territories included: Cape Verde in Africa; Mexico; The Caribbean nations of Aruba, Barbados, Bonaire, Cuba, Curacao, Dominica, Dominican Republic, Guadeloupe, Haiti, Jamaica, Martinique, the Commonwealth of Puerto Rico, St. Lucia, St. Martin/St. Maarten, St. Vincent and the Grenadines, Trinidad and Tobago, US Virgin Islands; the Central American Countries of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, and Panama; the Pacific Islands of American Samoa, Fiji, Kosrae (Federated States of Micronesia), Marshall Islands, New Caledonia, Samoa, and Tonga; and the South American nations of Bolivia, Brazil, Colombia, Ecuador, French Guiana, Guyana, Paraguay, Suriname, and Venezuela.

CDC recommends that all recent travelers to an area with ongoing Zika transmission who experience two or more Zika-related symptoms (fever, rash, joint pain or red eyes) be tested in consultation with state and local health departments. In addition, pregnant women who have recently traveled to any of these areas should talk to a healthcare provider about their travel, even if they don't feel sick. CDC recommends that all pregnant



women with a history of travel to an area with Zika virus be tested. For pregnant women not experiencing symptoms, testing can be offered 2 to 12 weeks after pregnant women return from travel.

A woman who is planning or thinking about getting pregnant and has recently traveled to an area where Zika is spreading should discuss this with her healthcare provider after returning. She should also consult her healthcare provider if her male sex partner recently traveled to an area with Zika. Though rare, sexual transmission has been reported.

**OTHER CONNECTIONS** CDC is also working with health authorities in Brazil to investigate whether there is a link between Zika infection and increases in reports of Guillain-Barre syndrome, a rare neurologic disorder in which a person's own immune system damages nerve cells, sometime causing paralysis.

With the recent outbreaks in the Americas, CDC estimates the number of Zika cases among travelers visiting or returning to this country will likely increase. However, if local Zika transmission occurs in the U.S., it is likely that outbreaks would be small and limited in scope, based on experiences with chikungunya and dengue. Mosquito control in the United States is robust, and other lifestyle practices, including widespread use of air conditioning, in this country help limit the spread of mosquito-borne diseases.

Zika is reportable to the Department, and we encourage our local partners to consult with our Communicable Disease Service team, which can be reached at 609-826-5964. With your help, New Jersey is working every day to share critical preventative measures in an effort to educate our residents and visitors.

We ask that all local officials stay up-to-date on the latest developments as this public health emergency evolves. It is important to check the Department's Zika website daily, as well as the CDC's Zika webpage. Let's Zap Zika together as we increase our preparedness and protect New Jersey residents from this virus and its associated health consequences for pregnant women and their children. ♻️

## ZIKA Q+A

*Q Who is most at risk of getting infected with Zika?*

A Anyone living in or traveling to an area where Zika is found. There have been reports of microcephaly and other poor pregnancy outcomes in babies of mothers who were infected with Zika while pregnant.

*Q How is Zika treated?*

A There is no medicine or vaccine available. Symptoms of Zika, including fever, rash, joint pain and red eyes, are treated as they appear.

*Q Can I catch Zika from another person?*

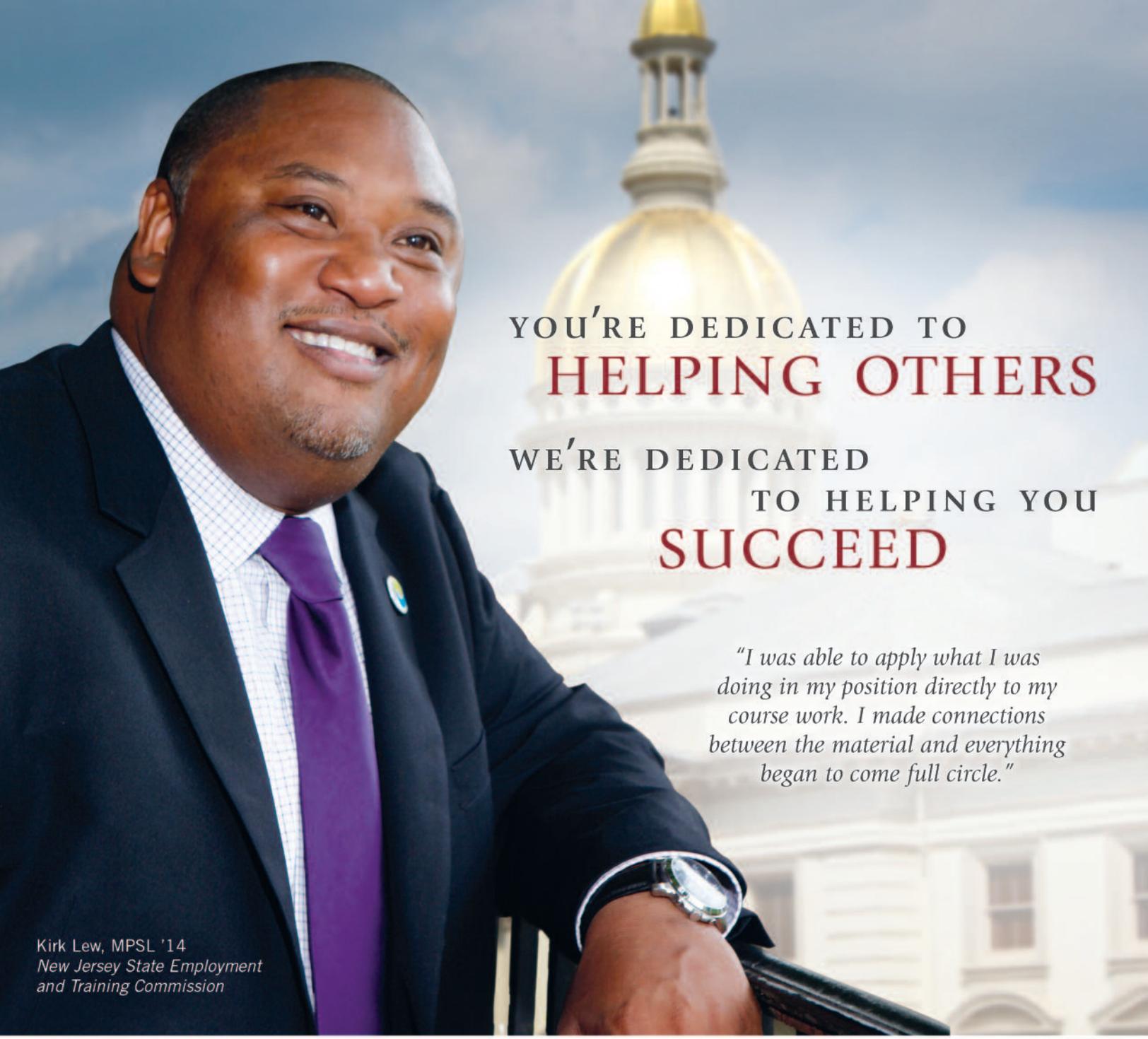
A Zika is not an airborne disease and cannot be spread by coughing, sneezing, or talking. While rare, there have been reports of sexual transmission.

*Q Is it safe to get pregnant after traveling to a Zika-affected country?*

A The virus typically remains in the blood for up to a week. It is believed that Zika does not cause infections in a baby conceived after the virus is cleared from the blood. However, women thinking about becoming pregnant who have traveled to Zika-impacted countries should consult with their physicians.

*Q Can Zika be spread through breastfeeding?*

A There are no reports of this to date. Mothers are encouraged to breastfeed, even in areas where Zika is found.



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# WASHINGTON

## Airwaves: The Payne Report Radio Show on WRNU Rutgers Radio

By Congressman Donald M. Payne, Jr., District 10

**A**s the Congressman for New Jersey's 10th District, my primary responsibility is to my constituents. I'm tasked with making sure that they have a voice in Washington and that their priorities are reflected in our nation's laws. The best way for me to do that is to hear directly from people in my community and discuss my record of service and accomplishments.

Speaking with my constituents is a responsibility I take seriously. That is why in February I launched a monthly spot on WRNU Rutgers Radio's Hip-Hop and politics radio show, "All Politics Are Local."

My spot, the "Payne Report," gives callers the opportunity to ask questions and share their thoughts about government, politics, and Hip-Hop.

The "Payne Report" is a terrific opportunity to discuss with my constituents, especially those of the millennial generation, the importance of politics, and to speak directly with my younger constituents about the positive impact government can have on their lives.

The decisions made by government today will have a lasting impact on our youth. The government determines how many discretionary federal dollars are spent, and on what programs and services those dollars are spent. Elected officials of different parties often have fundamental disagreements about how active a role government should play in the lives of Americans, and their views routinely differ on policy prescriptions for our most important issues, from climate change to civil rights, education to health care.

Here is something to think about: Today, as a result of the Affordable Care Act, over 6 million previously uninsured young adults have gained health coverage. Had President Obama not been elected, we would not have the Affordable Care Act, and these young adults would most likely still be uninsured, without the health security that is essential to a secure and productive life. So, it's important for young people to make their voices heard by getting involved in our democratic process.

My guest on the first episode of the "Payne Report," Congressional Black Caucus Chairman G. K. Butterfield, made

this point when he told listeners: "It is government that decides what type of communities we have.... If you don't have a say on who is sitting at the table, then decisions are going to be made that are going to hurt [our communities]."

One of the best ways to ensure that elected officials enact policies that work for American families is to vote. Voting is not only a right, but a civic responsibility. It is how you can play your part in determining the direction of our country.

**The "Payne Report" is a terrific opportunity to discuss with my constituents, especially those of the millennial generation, the importance of politics.**

These are the types of messages I want to convey to listeners of the "Payne Report" radio show, and the types of conversations I want to have. My co-hosts and I aim to do this by reaching people through a channel in which they get their information, and in a way that resonates with people who share our love of Hip-Hop. I have always been a huge Hip-Hop fan, and I'm connecting that passion with my passion for public service—raising awareness of important policy issues in the context of Hip-Hop.

The "Payne Report" is about making politics and the workings of government more relatable to our community. During the show, I'm going to take a lot of calls, answer a lot of questions, and have a lot of great guests. Through that, I hope to bring a younger generation closer to their government and to reinforce the importance of taking part in the democratic process.

For me, the best part of the "Payne Report" is when listeners call in to share their opinions, ask questions, and give their thoughts on how we can work together to strengthen New Jersey's 10th Congressional District.

You can listen to the show live next month on Friday, June 3, and the first Friday of every month after that. The spot airs from 6:10 to 7:00 p.m. at [wrnu.info](http://wrnu.info), and interested listeners can call in at 973-353-5746. 📞

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## Youth Voting at the Municipal Level

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

When it comes to youth, Whitney Houston was on point in the Greatest Love of All when she sang; “I believe the children are our future, teach them well and let them lead the way...give them a sense of pride to make it easier”

Like Whitney, I too believe the children are our future and because they are, I also believe we should make it easy for them to be invested in their communities by giving 16 and 17 year-old citizens the right to vote in municipal elections—“skin in the game” right where they live.

Studies confirm that extending voting to 16 and 17 year-olds results in higher turnout for first-time voters and consistent turnout continues over the long haul. The National Youth Rights Association sees a “trickle up” effect when 16 and 17 year-olds are invited to join the body politic.

Lowering the voting age for municipal elections is about engaging our youth, but it’s also acknowledging their value in our communities.

Denmark noted that 18 year olds were far more likely to cast a “first vote” than 19 year olds and that each passing month of age resulted in further declines in “first vote” turnout. So there’s that.

But there’s more. Over 200,000 juveniles are tried as adults each year in this country—most ranging in age from 15 to 17 years old. How strange that they’re “adult enough” when it’s time to punish, yet no tobacco or alcohol until they’re 21.

Yet, 16 and 17 year-olds begin driving and holding down first jobs at this time. Assuming they find work, we’re taxing their wages while corporate America spends a king’s ransom capturing their retail spending, instilling brand-loyalty, and building life-long consumers.

Of course it’s about then (16 or 17 years of age), that these teens face life-altering stuff like choosing a college or career,

living with SAT results, or taking on decades of student loan debt that will impact their ability to buy homes, cars, or even live somewhere other than a parent’s basement after graduation.

They can do all of this, but what they absolutely cannot do in most communities is vote. While two Maryland communities, Hyattsville and Takoma Park, extended municipal voting to 16 and 17 year olds, only a handful of other cities are even considering a change.

In the age of apps like Yik Yak, Yeti, and Kik Messenger, we have no idea of what it’s like to be their age today. Whether cyberbullying or sexual harassment, teens feel pressure we can’t begin to imagine. It’s time we empower them where they live their lives.

If we can load them with debt, mold them as consumers, lock them up as adults, mortgage their futures, and make irreversible decisions about the communities they’ll inherit, they should have our standing invitation to “have a say” on how the whole mess unfolds.

Of course some will claim that 16 and 17 year-olds are apathetic. Maybe, but have you seen turnout numbers for us adults lately? Others might claim that they’re too immature to cast an informed vote. Listen to some of the rhetoric from the campaign trail and you’ll soon realize they can’t do any worse than most adults—including some who would lead us.

Why municipal elections and not federal or state? If I had to venture a guess, it’s because governance at the municipal level is less about ideology; no one cares if you’re liberal or conservative when it’s about potholes, snow removal, trash pick-up, or improving a park system.

Lowering the voting age for municipal elections is about engaging our youth, but it’s also acknowledging their value in our communities.

On a personal note, we’ve created—or perhaps allowed—a world that burdens them too soon and makes innocence hard—the least we can do is give them the power to help shape how things unfold in the places they call home.

As Benjamin Barber wrote in *If Mayors Ruled the World*, “We may pay taxes to, exist as legal subjects of, and even die for the state. But we are born, grow up, are educated, get married, have children, work, get old, and die in the city...” Why not let them vote there as well? 🍷

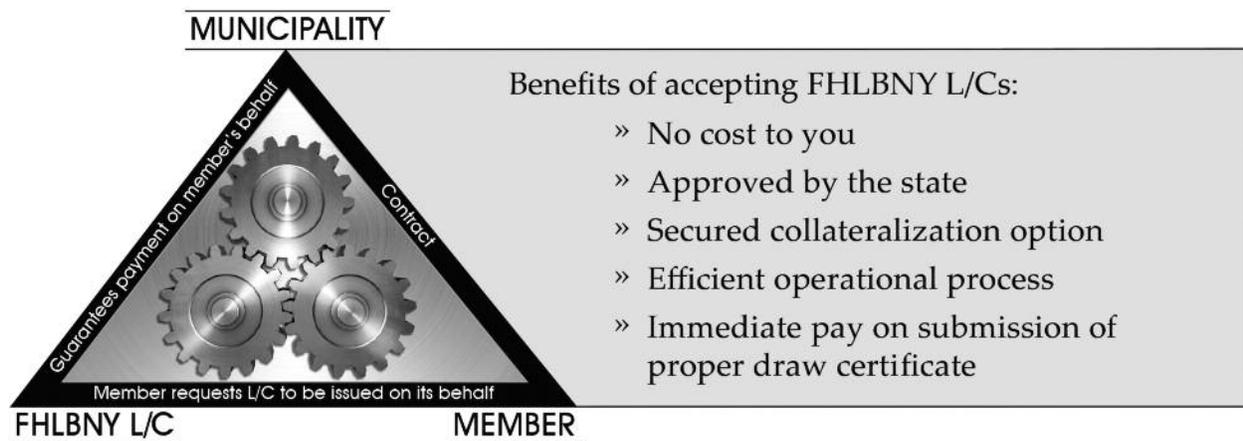
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# The Cost of Inaction Grows for the State's Failing Public Benefits Systems

By Thomas J. Healey, Member, New Jersey Pension and Health Benefit Study Commission

**T**he plight of New Jersey's public pension and health benefit systems grows worse by the day. To be precise, \$10 million-a-day worse, which is the debt the beleaguered plans continue to ring up, according to the latest report from the bipartisan New Jersey Pension and Health Benefit Study Commission appointed to study and propose solutions to the crisis.

What are the implications for taxpayers absent sweeping reform? The cost of state-paid pension and health benefits will more than double by 2022 to nearly \$11 billion, gobbling up 27 percent of the state's budget.

At this runaway level, funding for nearly every other essential government service—from education and the courts to social services and public safety—would be severely pinched.

Why should this “state” problem matter to municipalities? On the most basic level, local taxpayers are also state taxpayers, so anything which happens at the state level will have an impact on the constituents served by local government.

The bottom line is that property tax relief funding and state-paid public employee benefits compete for the same finite amount of state revenue.

Estimates from the commission's 2016 Report show that even under rosy assumptions including:

- a) a millionaires' tax raising \$650 million a year;
- b) steady growth of over 3% in annual state revenues; and
- c) pension assets earning a steady 7.9% rate of return, by 2022

it would take an additional \$2.8 billion in new taxes to fund pension and health benefits and modest growth in non-benefits spending.

Any state level effort to make the payments without significant tax increases would require starving non-benefits spending.

The math is simple, if painful. Already, over \$400 million of the \$581 million growth in state funding for property tax relief in the fiscal year (FY) 2017 budget is consumed by increases in state payments for school district pension and retiree health benefits, money which never reaches municipalities and school districts. The amount of funding actually reaching municipalities and school districts increased by less than 1.4%, a rate of growth less than the average increase in expenses for these local entities.

This disparity will only increase as pension funding demands grow. These funding shortfalls manifest themselves as property tax increases and/or forced reductions in education programs and municipal services. There is no free lunch.

Moreover, school districts and municipalities currently spend over \$8 billion on health benefits. In recent years, health benefits expenses have increased by approximately 9% annually. Again, the erosion of state funding relative to the increase in local expenses will be felt in some combination of property tax increases or cuts in local services.

With roughly half the state budget devoted to property tax relief funding and a third of local spending paid for with state funds, there is no way for local governments to escape the effects of a state-level fiscal crisis.

**VIABLE ALTERNATIVES** Since early 2015, a comprehensive reform program developed by a bipartisan commission of fiscal experts has been on the table. The program would rein in New Jersey's out-of-control public sector health benefits costs and dedicate the projected \$4 billion in annual state and local savings to

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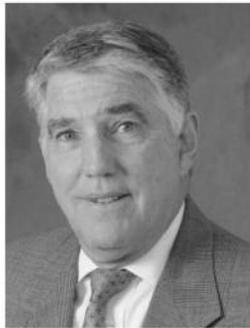
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## The Cost of Inaction

help fund public pensions. By reducing the state's combined retirement and health benefits costs to \$5.51 billion by 2022, the reforms would keep these costs at a very healthy and sustainable 13.6 percent of the state's budget. And that, after decades of underfunding and crisis management, would give New Jersey a fiscally strong and affordable public employee benefits system.

How strong and affordable? Once implemented, the reforms would remove substantial costs from the system, not just shift them to employees and retirees, and generate almost \$8 in pension funding for each \$1 in increased health benefit costs to subscribers.

Put another way, while the proposed changes to the health benefit plans would result in \$190 million in increased annual costs—spread over 128,000 employees and early retirees with state-paid health benefits—they would create \$1.42 billion a year in savings to be reallocated to enhanced pension funding.

Structural changes shifting responsibility for paying certain teacher retirement expenses to school districts would save the state another \$810 million, but do so in a way in which the added local costs would be more than offset by almost \$3 billion in local health benefit savings. While this would reflect a change in process for municipalities and school districts and their taxpayers, the impact of this approach would be far less severe—in terms of demands on local taxes, decreases in local services, and/or benefits reductions for public employees—than any attempt to fully fund existing benefits at the state level.

Local governments may not be able to fully escape the impact of the benefits funding crisis, but it is in their interest to favor an approach designed to minimize the impact on all stakeholders.

**PUBLIC AND PRIVATE SYNCING** The commission would narrow the huge difference between public and private sector benefits by implementing structural reforms and moving state employees to the same gold-level coverage that exists under the federal Affordable Care Act (ACA), with the option to purchase higher level coverage at the employee's expense.

## MUNICIPAL RECONSIDERATIONS

Significantly, with respect to municipalities, the commission has reconsidered its February 2015 proposal to extend pension reform to municipal employees. This is not to say reform of those programs would not be beneficial. So long as municipal retirement benefits are provided through the current defined benefit plans, municipalities remain fully exposed to the market risks which eroded the plans' asset base during the recent recession.

Furthermore, the growing cost of complying with the statutory requirement to fully fund local retirement benefits contributes to New Jersey's astronomically high property taxes. The better funded status of the local side of the pension plans, however, makes the need for their reform less immediate. Also, given the health benefits savings available, there is not an immediate need for savings from local pension reform to make the commission's proposed shift of funding responsibility cost-neutral.

The commission's proposal, however, calls for all public employees in New Jersey to participate in reform of what has mutated into one of the most costly health benefits programs in the nation. Currently, this system costs taxpayers \$12 billion annually—\$4 billion at the state level and a staggering additional \$8 billion annually paid by municipalities and school districts.

It also costs employees an additional \$1.4 billion in employee premium contributions, with the high premiums and enhanced premium contribution requirements for higher salaried employees resulting in a family making \$72,000 paying almost twice as much for the same coverage as a family making \$50,000. Lowering premium costs will reduce this disparity.

Finally, a hidden cost of the health benefits system is that over the years the burden of supporting it has drained public coffers of funds that would otherwise be available for pensions, an effect which will only grow over time.

Retirees would purchase coverage through a private exchange, with early retirees receiving funding through a Retiree Reimbursement Account sufficient to cover the same level of benefits as active employees without any additional premium contribution required. Medicare-eligible retirees would receive sufficient RRA funding to cover the premium cost and increase in average out-of-pocket expenses resulting from receiving coverage through a far more efficient Medicare Advantage/Prescription drug program.

All told, including the shift in funding responsibility, these measures would reduce the state's health benefit costs by over 50 percent, reducing by more than \$2 billion annually the benefits obligations competing with property tax relief for increasingly scarce State funding.

As for municipalities, as detailed in our recent report, the reform package would impose no additional fiscal burden on already strapped municipal and school district budgets. In fact, taxpayers could actually see a net, bottom-line

reduction in their property taxes since the amount of health benefits savings would more than offset the costs shifted to the school districts.

The Commission is well aware of the hurdles its far-reaching package of reforms face. But as Moody's recently reported, implementing the measures would give the state "budgetary flexibility to make larger pension contributions and resolve a significant portion of New Jersey's long-standing structural imbalance."

Fitch Ratings reached a similar conclusion, observing that if implemented in their current form, the reforms "could provide notable annual state cost savings and thus improve prospects for future budget sustainability."

When presented with the facts, the commission strongly believes the people of New Jersey—who must ultimately approve any plan—will embrace sustainable, responsible and comprehensive benefit reform as clearly in their best interests. The greatest threat as 2016 unfolds continues to be inaction. 📌

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# Speeding Up Cleaning Up

NJDEP and municipalities join forces to get contaminated sites remediated more quickly

By Mark J. Pedersen, Assistant Commissioner for Site Remediation and Waste Management, New Jersey Department of Environmental Protection

The New Jersey Department of Environmental Protection (NJDEP) has launched a new Municipal Ticketing Program to fast-track the enforcement of cleanup requirements at contaminated sites in New Jersey.

After a successful pilot program, a fuller rollout is ready to begin. Contaminated sites vary in size from gas stations and small dry cleaners to large manufacturing facilities, but regardless of size, contaminated properties negatively affect the surrounding community and ultimately result in a financial burden on the municipality. Under this program, municipalities play an active role, in concert with NJDEP and the Division of Law, to effect improvements to properties within their jurisdiction.

**SITE REMEDIATION REFORM ACT** With the goal of expediting cleanups and returning abandoned or underutilized properties to productive use, the Site Remediation Reform Act (SRRA) and associated regulations established timeframes by which site cleanups must proceed. Although NJDEP has several traditional legal avenues for enforcement of these timeframes, the new Municipal Ticketing Program has significant advantages—including that from start to finish, the ticketing process takes approximately three to six months to complete, and significantly less time in those cases where a defendant agrees to settle.

In general, the defendants in these matters (i.e., the parties responsible for conducting remediation) include dischargers of hazardous substances, owners of contaminated property, owners and operators of regulated underground storage tanks, and

owners and operators of certain industrial establishments. In New Jersey, prospective property owners seeking to limit their liability for remediation should conduct due diligence as defined in the Spill Compensation and Control Act prior to purchase to determine if there are any environmental concerns at the property. If a prospective purchaser does not conduct due diligence, or conducts due diligence, finds contamination and proceeds with the purchase anyway, the new owner is liable for the contamination at the site.

More traditional methods of enforcement include the Division of Law initiating an action in Superior Court on behalf of and at the request of NJDEP. NJDEP also issues Administrative Orders/Notices of Civil Administrative Penalty Assessment, which are adjudicated in the Office of Administrative Law when challenged. While often effective, these actions can take several years to complete and are resource intensive, requiring NJDEP to prepare detailed orders and Deputy Attorneys General to prosecute the cases.

**SWIFT RESOLUTIONS** The Municipal Ticketing Program allows NJDEP to swiftly bring a responsible party before a judge in the municipality in which the site is located. The judicial setting serves to capture the attention of responsible

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## PATH TO REMEDIATION

### Cleaning Up

parties. In several instances, municipal court judges have issued bench warrants for violators who do not show for their scheduled court appearance, and also have been willing to impose significant penalties on those parties for noncompliance.

Using fewer staff resources, NJDEP is able to bring the site back into compliance with the Site Remediation Reform Act and establishes a schedule for completion of the cleanup. The municipality is assured that any imminent health and safety impacts that the contamination may pose to sensitive receptors such as residences, schools, and ecological resources are addressed sooner. Unsecured, abandoned properties that create a visual blight and may tempt dumping and other illegal activities (thus decreasing the property value of the site itself as well as nearby properties) are more promptly returned to productive use or made available for redevelopment. ♻️

Under the new Municipal Ticketing Program, if a contaminated site misses a remediation deadline, an NJDEP Compliance Officer evaluates information about the site and identifies the party responsible for the cleanup.

The NJDEP Compliance Officer files a summons at the courthouse in the municipality where the site is located for the specific timeframe that was violated.

The Municipal Court issues the summons to the party responsible for conducting the remediation and sets a court appearance date.

After the summons is issued, a Deputy Attorney General from NJDEP sends a letter to the defendant offering to settle the violation rather than going to court.

Many cases settle quickly, upon the responsible party's agreement to conduct remediation and pay an appropriate penalty to the State of NJ.

If NJDEP and the defendant cannot reach a settlement agreement, the case goes to trial in municipal court.



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@ Find information about the Site Remediation Reform Act and related regulations, as well as information about individual sites, on NJDEP's website at [nj.gov/dep/srp](http://nj.gov/dep/srp).

### Test Results

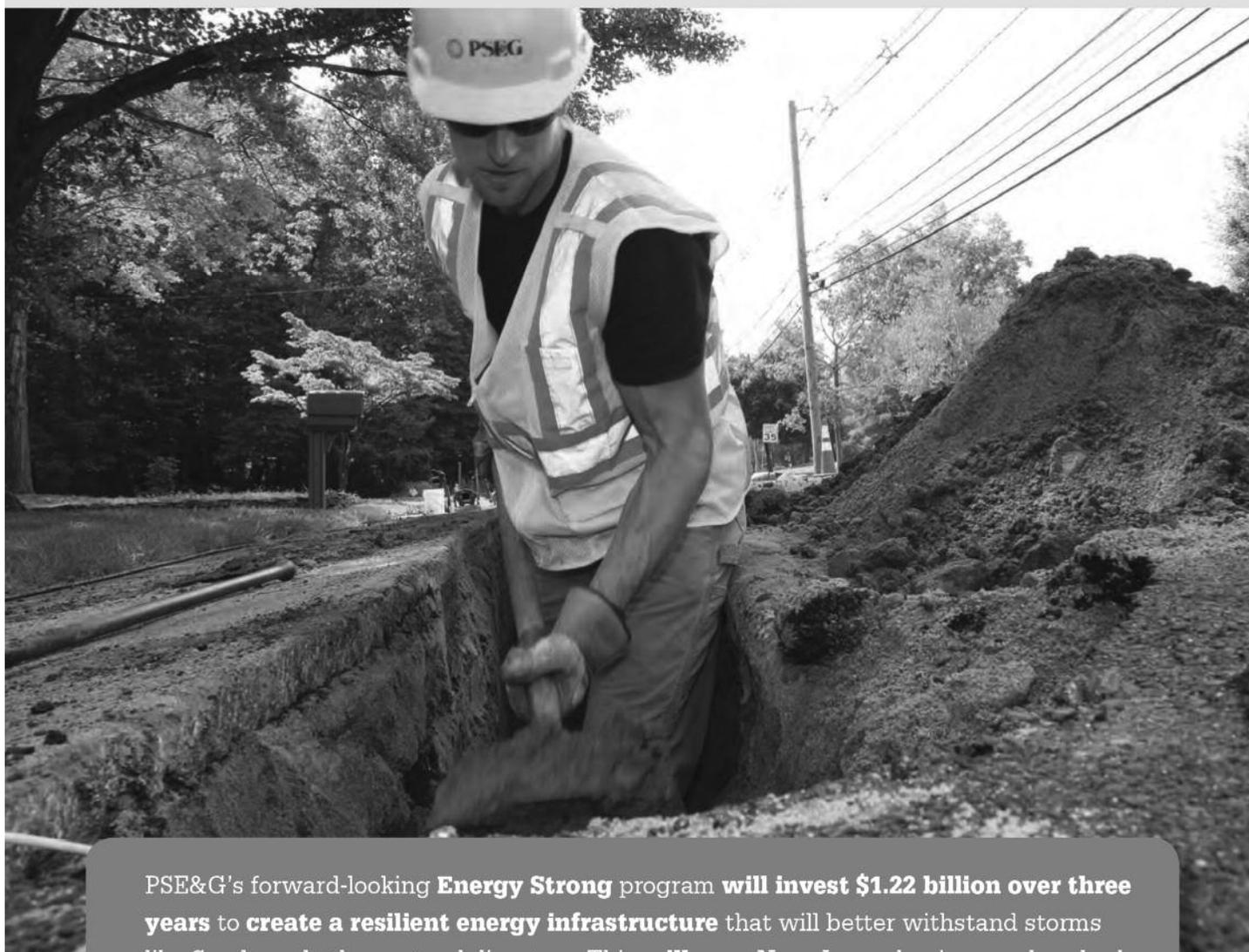
Between April 2014 and December 2015, NJDEP filed 31 summonses in Mercer, Monmouth, Camden, Essex, Bergen, Middlesex, Union, and Passaic Counties as a pilot program.

Thanks to the cooperative effort of NJDEP, the Division of Law, and the individual municipal prosecutors, the Municipal Ticketing Program has been very successful with an approximate compliance rate of 80%. NJDEP intends to expand it throughout the entire state.

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# Power in Motion

## 5 Steps to Becoming a Healthy Town

By Janan Dave, Director of Community Health,  
New Jersey Health Care Quality Institute

**M**aking healthy choices can be daunting. We spend most of our days sitting—in cars, in meetings, in front of computers, or on the couch—and it isn't always practical to make healthier choices. Research shows that making small changes, especially as part of a group, is the most surefire way to integrate healthier choices in our everyday lives.



Beachwood Women's Self Defense class hosted by Beachwood Police Department and Sensei Rich.

Across the Garden State, mayors are utilizing the Mayors Wellness Campaign to create communities where it's becoming easier to make healthy choices.

In partnership with the New Jersey League of Municipalities, the New Jersey Healthcare Quality Institute created the Mayors Wellness Campaign (MWC) to empower mayors to champion health and wellness in their communities.

This year, the Mayors Wellness Campaign received several competitive applications for its Healthy Town designation, which is a testament to the transformation taking place in communities across the state. The 2016 Healthy Towns, Beachwood and Jersey City, and the Healthy Towns to Watch, Belmar and Fort Lee, shared some common principles that can serve as lessons for any community ready to make health and wellness a priority.

### How can your town be a Healthy Town?

#### 1. Develop strong and specific research-driven goals.

Knowing the specific health needs of your community allows you to take a well-informed approach when designing programming, and will enable you to set specific goals.

Beachwood Mayor Ronald Roma and his wellness committee really did their homework to better understand the health issues plaguing his residents. The Committee obtained a community health improvement plan from the county, which they analyzed to uncover Beachwood's priority health needs. Based on their findings, they designed a campaign that focused on combatting obesity through regular walks, community gardens, yoga classes, and healthy cooking classes.



Belmar's record-breaking "Pinky Swear" event for breast cancer mamogram awareness month attracted 900+ participants.

Mayor Steven Fulop and his team in Jersey City utilized the city's Community Health Needs Assessment and coordinated with the local Health Educators to find solutions to the most imperative and unique health disparities present in their city. Realizing the size of their senior population, they implemented an advance care planning education program in their senior sites.

Hospitals across the state are required to develop Community Health Needs Assessments for the region they serve. Reach out to your local hospital to access yours and go through it with a health professional.

## 2. Utilize the Quality Institute as a resource

The Quality Institute launched the Mayors Wellness Campaign 10 years ago to serve as a resource to local leaders and empower them with tools and strategies to improve community health. We have several tools and resources available to you, and can provide support in a number of ways when you're getting your Campaign off the ground or are planning an event. Utilize us as a resource and stay in touch with us so we can best serve you, spotlight you in articles, or direct you toward beneficial opportunities.

One opportunity to check out what we have to offer is at the annual League of Municipalities Conference, where we host a Day of Wellness and have a booth.

## 3. Cultivating Diversity

Cultivate diversity in your programming to reach multiple groups of people. Winning communities tend to start with MWC program ideas as templates; they then customize these ideas to better fit the needs of the municipality and its residents. MWC programming is designed to address the needs of a wide array of community members (youth, seniors, employees, and the general community), but has also been designed to be customizable by each municipality.

For example, Jersey City utilized the Quality Institute's advance care planning resources in their senior centers, developed an after school nutrition program aimed at their youth, organized a President's round table to help health leaders network, and regularly runs "Cooking Matters at the Store" tours to focus on educating the community on healthy cooking and healthy food access at affordable prices.

Similarly, Beachwood designed innovative programs that are accessible and relevant to a wide array of community members such as women's self defense classes, beach yoga, senior health exercise classes, and running clinics. In addition, Beachwood runs a successful Walk and Talk with Mayor Roma, a spin on the classic Mayors Wellness Campaign "Walk with the Mayor" tool. It's a program that is accessible to all people in the community.



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**4. Use your municipalities' surroundings and natural resources as assets!**

Successful municipalities keep overhead costs low by hosting programs in public spaces and local spots.

Beachwood and Belmar, for example, both have local beaches, which they used to host a variety of programs.

Beachwood hosts beach yoga that encourages people to enjoy the beauty of the beach while exercising their minds and bodies. Belmar hosted a "Choose Your Cover" event where volunteer dermatologists checked beach goers for skin cancer. By hosting these events in a public space, the municipalities curbed their overhead costs, and were able to offer

admission for free or at a reduced price. Good programming does not have to be costly and utilizing the resources unique to your municipality is both cost-efficient and creative!

**5. Develop strong partnerships—you're not in this alone!**

Although the majority of MWC programming is low-to-no cost, donations or support from the right local partner can take your campaign to the next level. Enlisting partners in the campaign brings more ideas, resources, and networks to the table.

Fort Lee, for example, partnered with the local Police Department, Chamber of Commerce, and other local businesses for their Annual Wellness Challenge, and partnered with groups like the Korean media to strategically advertise programs.

Jersey City also partnered with local non-profit organizations that had similar missions to strengthen their team and make programming more substantive, and then enlisted volunteers from local university sororities to staff events. These partnerships all helped to reinforce the MWC's presence around town.

Working toward common goals brings people together. Your local Mayors Wellness Campaign serves as a way to align the efforts of a variety of local businesses and organizations. It's also a way to bring together residents; at the onset, people may participate in the weekly walks or cooking classes due to some healthy peer pressure, but after some time, the programs become beloved time to connect with neighbors and friends—and to feel good along the way. Beachwood, Jersey City, Belmar, and Ft. Lee had unique paths in becoming Healthy Towns, but they all utilized certain key principles that strengthened their communities and put health and wellness at the forefront of community culture. 📌

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@ If you would like to learn more about the Mayors Wellness Campaign and the Healthy Town Designation, please visit [www.njhcqi.org](http://www.njhcqi.org) or contact Janan Dave at [jdave@njhcqi.org](mailto:jdave@njhcqi.org).

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# Living History

## The Vineland Historical and Antiquarian Society's past...and future

By Patricia Martinelli, Curator,  
Vineland Historical and  
Antiquarian Society



The Society's museum at 108 S. Seventh Street in Vineland is the oldest purpose-built museum in New Jersey.

Just three years after Charles K. Landis carved the utopian community of Vineland out of the Pine Barrens in 1861, he and a handful of other pioneers decided to keep track of everything from everyday life to special events occurring in the town. Their dedication to preserving the community's past from almost the very start resulted in the foundation of the Vineland Historical and Antiquarian Society, which celebrated its 150th anniversary in 2014. The non-profit is the oldest local historical society in New Jersey, headquartered in the oldest purpose-built museum in the state.

**LEGACIES PRESERVED** Opened to the public in 1910, the three-story, red brick museum, designed by Philadelphia architect George Savage, is filled with clothing, artwork, glassware, furniture, and musical instruments primarily dating from the 19th century. In addition, there is a room dedicated to the Landis family, one for Native American artifacts, and another set aside for Civil War memorabilia. The museum also houses a research library, with thousands of volumes on American

history, as well as records related to Vineland's growth and development.

The village of Vineland grew quickly after the Civil War, when many Union veterans and their families relocated to the town. Businesses soon lined Landis Avenue, the 100-foot-wide street that ran through the center of the community, while farmers who settled on the outskirts planted a wide variety of crops that were shipped by train to markets along the eastern seaboard.



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## Living History

The community quickly became known as a cultural mecca, where new ideas were welcome and passionately discussed in public forums. Prominent speakers, including Frederick Douglass, Lucy Stone, and Elizabeth Cady Stanton, were among the many who rallied Vineland residents to support important issues such as abolition, child labor laws, and women's rights.

Vineland was also the home of Dr. Thomas B. Welch, a devout Methodist who abhorred the idea of drinking wine during church services. In 1869, he invented a way to produce unfermented grape juice from the abundant crops that grew on the outskirts of town and spawned a fruit juice industry that still thrives today. The Society's exhibits include photographs, documents and bottles from Welch's company and the others that followed.

Another featured exhibit presents art glass created by the Vineland Flint Glass Works, when it was owned by Victor Durand, Jr. The richly colored glassware, produced between 1924 and 1931, is still popular today with collectors.

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## A Woman's Place is in the Voting Booth



Mary Tillotson was a social reformer who participated in the 1868 demonstration staged by 172 Vineland women to protest their lack of voting rights. Photo courtesy of the Vineland Historical and Antiquarian Society

Vineland has made many contributions of national significance. One of the most important was the part that 172 local women played in the suffrage movement, which was revitalized after they staged a protest here in 1868.

A special exhibit in the museum's Great Room documents their struggle to obtain voting rights. It includes the original box in which the women cast their ballots in the first presidential election after the Civil War, as well as photographs of some of the organizers. Although their votes were not counted, women throughout America soon followed their example by staging similar demonstrations.

In 2011, the New Jersey Historical Commission added the museum to the New Jersey Women's Heritage Trail because the event was of such significance to the suffrage movement.

tour Vineland's "First House," which is situated on the grounds. The one-room structure, built in 1862, was called a "stipulation house"—a name that refers to Landis' requirement that all new property owners had to build a home within a year of moving to town. An outpouring of public support recently allowed the Society to replace the House's roof with authentic wooden shingles that are similar to the type that would have been used when it was first built.

In recent years, the Society has made a renewed effort to collect and preserve objects that relate to the history of Vineland and South Jersey and to share that material with visitors through exhibits and programs. Descendants of

John and Portia Gage, Vineland's first power couple, donated their wedding portraits to the Society in 2015, along with family photographs. Glass negatives, showing some never-before-seen images of early Vineland, have been reproduced so that the original plates can be safely stored. A portrait of Matilda T. Landis, sister of the town's founder, was recently sent to noted art conservator Steven Erisoty of Philadelphia. Once the painting is restored, it will once again be exhibited at the museum, which is situated just one block south of the downtown area.

**ON EXHIBIT NOW** The current museum exhibit that will remain open until December is titled "Prejudice: A Historical Perspective." It was created to show the role that prejudice has played over the years in local history. While prejudice in the region dates from the days when early European settlers battled with the Native Americans, most of the material shown in the exhibit dates from the 19th century.

Elegant Durand Art Glass is just one type of glassware on exhibit at the museum.

Photo courtesy of the Vineland Historical and Antiquarian Society

Photo courtesy of the Vineland Historical and Antiquarian Society



## STOP BY

The museum is open for public tours on Saturdays from 1 to 4 p.m. Appointments for group tours during the week or use of the research library must be scheduled at least one week in advance. Volunteers are always welcome, even if they only have a few hours a month to spare.

Every ethnic group has at some time or another been confronted by the prejudice of others. Many women have had similar experiences in their fight to be accepted. The Society felt that the exhibit will give visitors an opportunity to address the issue of prejudice by stimulating open discussion about its role in American culture over the years. ♪

@ For further information about the Vineland Historical and Antiquarian Society, visit [vinelandhistory1864.org](http://vinelandhistory1864.org), call 856-691-1111, or email [vinelandhistory@gmail.com](mailto:vinelandhistory@gmail.com).

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## Planning & Preparation

As the Annual League Conference approaches, our Affiliates share their interests and insights while contributing to the event and its operations

This year's logo is officially unveiled and the theme of the 101st annual New Jersey League of Municipalities Conference—**“Meeting the Challenges of Municipal Government”**—is setting the direction for things to come.

To reflect that theme, behind the scenes work is underway to ensure a successful—and educational—League Conference in November. Last month, the League held its Annual Affiliate Advisory/Pre-Conference Planning meeting in Monroe Township.

During the Affiliate Advisory portion of the gathering, more than 50 Affiliate officers and representatives heard an update from DCA Commissioner Chuck Richman on issues of interest to municipal officials and local government. The Affiliate representatives were able to discuss issues and concerns with League staff and the Commissioner.

The Conference Planning portion of the meeting provided the Affiliates with up-to-date information on Conference housing, event services, and operations improvements for 2016. It provided the opportunity to exchange information on key conference-related topics and events. The meeting helped set the stage for a well-coordinated Conference and better working relationship with all Affiliated Associations.

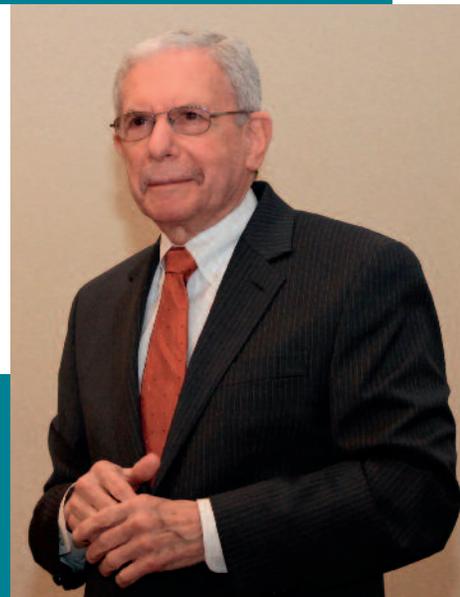
As NJLM Executive Director, Michael Darcy, CAE, observed in his editorial this month (see page 4), “The bridges we have formed with our 21 Affiliate Associations are so vital to our mission that we could never succeed without them. We rely on these professional organizations for insights into the impact of proposed legislation. We rely on them as reliable sources of information on the problems encountered by elected officials. And we count on them to provide many of the ideas, articles and speakers that add untold value to this magazine, to our half-day seminar sessions and to our Annual Conference.”



League Executive Director Michael Darcy, CAE, welcomes the audience of Affiliate leaders and representatives.

Next month, visit **Conference Connections** for a preview of the 101st Annual League Conference filled with information and insights to kick off planning for your visit.

Department of Community Affairs Commissioner Chuck Richman discussed the programs and potential directions of the department as it specifically pertains to municipalities.





Representatives of Affiliate groups shared their concerns and opinions with the League staff and the DCA.

## Conference Connections

- New Jersey Society of Municipal Engineers, Inc.
- New Jersey State Municipal Prosecutors Association
- New Jersey State Plumbing Inspectors Association, Inc.
- Registrars Association of NJ
- Tax Collectors & Treasurers Association of NJ

### LEAGUE AFFILIATES

Who are the League Affiliate Associations? Following is a rundown:

- American Public Works Association–NJ Chapter
- Association of Municipal Assessors of NJ
- Community Recreation Society of NJ
- Government Finance Officers Association of NJ

The meeting helped set the stage for a well-coordinated conference and better working relationship with all Affiliated Associations.

- Governmental Purchasing Association of NJ
- Jersey Access Group
- Municipal Clerks Association of NJ, Inc.
- Municipal Court Administrators Association of NJ
- Municipal Electrical Inspectors Association of NJ, Inc.
- Municipal Welfare Association of NJ
- New Jersey Building Officials Association
- New Jersey Fire Prevention and Protection Association
- New Jersey Health Officers Association
- New Jersey Institute of Local Government Attorneys
- New Jersey Municipal Management Association
- New Jersey Planning Officials, Inc.

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# Legislative Report, Tax Exemptions and Non-Profit Hospitals

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

The League's membership should be aware of an issue that will affect property taxpayers and has had Trenton buzzing since last summer. The issue, charitable property tax exemptions for non-profit hospitals, is important because any precedent here may affect how the burdens of exempt property evolve in the future.

In late June, the Tax Court held for the first time, that a non-profit acute care hospital had failed to prove that it deserved a charitable property tax exemption pursuant to N.J.S.A. 54:4-3.6. In an 88-page decision, Judge Vito Bianco held, in *AHS Hospital Corp., d/b/a Morristown Memorial Hospital v. Town of Morristown*, that AHS had intermingled for-profit and non-profit activities and allowed for-profit medical practices on exempt property so that its non-profit status was, essentially a "legal fiction."

Thus, the Court found that AHS could not meet its burden and demonstrate that it deserved a charitable property tax exemption. It is not clear if other non-profit hospitals are operating like AHS. However, the result of this decision could be that some hospitals in New Jersey could be required to pay their fair share of the municipal property tax burden.

**POCKET VETO** On January 19, the Governor pocket vetoed S-3299/A-4903. This bill would have essentially created a blanket exemption for all non-profit acute care. It would have also allowed for-profit medical providers to operate on, and benefit from, exempt property.

Additionally, it would have allowed for property that is currently taxable, like medical offices on hospital campuses, to be exempt. In return the bill would have required these hospitals to pay community service contributions/fees based on a statutory

fee schedule to host municipalities and established a Nonprofit Hospital Community Service Contribution Study Commission.

While the League understood the concerns driving this legislation, we opposed this bill, and appreciated the Governor's actions.

The League created a task force to review this issue last summer. Representatives of the League's Task Force met with our counterparts from the New Jersey Hospital Association in November to discuss the issue. At around the same time, S-3299/A-4903 was introduced. While this bill received bi-

partisan support in the legislature, it was ultimately problematic and likely unconstitutional.

The League objected to the bill because the fee mechanism would be highly problematic and unfair to local residents and businesses, whose property taxes would subsidize services that would benefit for-profit activities. The Office of Legislative Services (OLS) estimated that the non-profit hospitals' community contribution fee of \$2.50 per bed per day and \$250 daily fee for satellite locations would raise \$20 to \$25 million statewide. However, the OLS analysis did not take into account the exemptions outlined in the bill, which would have

decreased tax revenue by making some taxable property exempt. While we could consider the merits of using licensed beds as the metric, there was never an explanation as to how the industry arrived at the \$2.50 per bed per day fee as the revenue source.

The League also objected to this proposal on constitutional grounds. This bill was likely unconstitutional because the bill benefitted for-profit activities, rather than charitable, educational, cemetery or religious activities as required by the exemption and uniformity clauses of the New Jersey Constitution.

The League pointed out that an exemption, no matter how worthwhile the activity being exempted, requires that every

Ultimately the League's objectives are relatively simple: 1) uphold the underlying principles of both the AHS decision and the non-profit exemption; and 2) assure tax fairness to both these institutions and taxpayers alike.

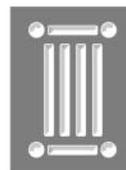
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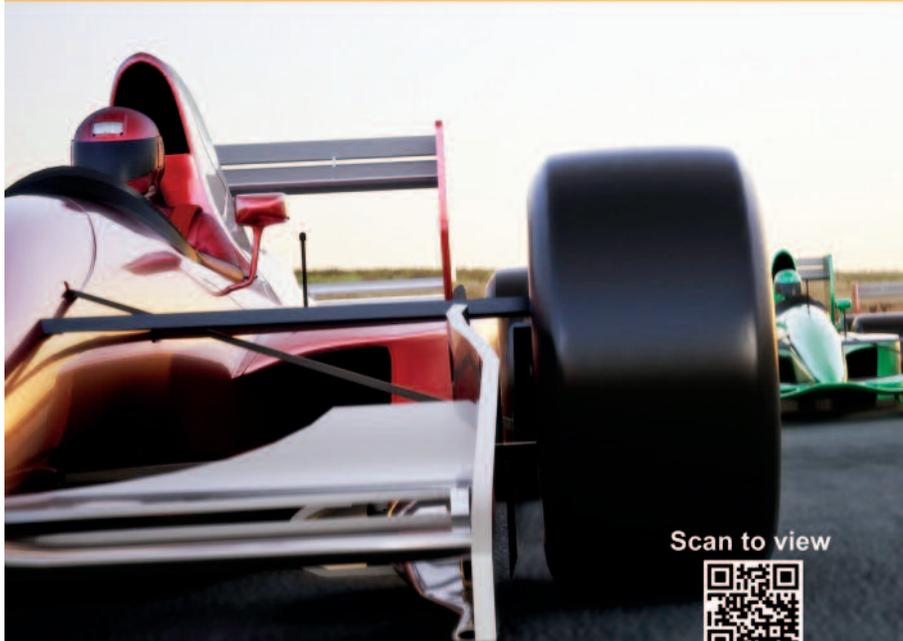
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## NJLM Viewpoint

other property taxpayer pay more. For that reason, our state constitution has been read to only allow exemptions that fall within the “public purpose” mold of the 1947 constitution- i.e., charitable, educational, cemetery, or religious activities. See *N.J.L.M. v. Kimmelman*, 105 N.J. 422 (1987).

When property receiving a charitable tax exemption loses that exemption because a non-profit hospital is either engaging in for-profit activities or has for-profit medical providers operating on the exempt property, that result falls entirely within our statutory and constitutional framework. Moving outside that framework by granting property tax exemptions for for-profit activities could lead to constitutional challenges. It's worthwhile to note that Farmland Assessment, another proposal to allow for profit-making (but beneficial) property to pay less than their fair share in taxes, was found to be unconstitutional when passed by the Legislature, until the constitution itself was amended. We believe those same issues exist here.

**TWO-YEAR ABEYANCE** Almost two months to the day following his pocket veto, Governor Christie announced his compromise on the legislation. Stating that he felt that the bill was rushed during lame duck and that there was no explanation as to the daily \$2.50 per bed fee, the Governor recommended legislation to enact a two-year abeyance for municipal assessments on hospitals and to create a Blue Ribbon Study commission to review the current exemption statute and make recommendations to the Legislature. The reaction from legislative leaders was mixed and to date no legislation has been introduced.

Meanwhile, the League's Task Force continues its work, with the hope of developing a concept that could either be an alternate legislative solution or a matter for consideration for a study commission. Ultimately the League's objectives are relatively simple: 1) uphold the underlying principles of both the AHS decision and the non-profit exemption; and 2) assure tax fairness to both these institutions and taxpayers alike. 📌



# GOLD DOME

## The Bipartisan Agreement For Tax Relief That Wasn't

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

Hospitals are an integral part of any community. Typically, they are the largest employer in the area, provide a wide variety of services to their host municipalities and, obviously, offer health care to everyone who enters their doors.

For decades, non-profit hospitals are largely considered tax-exempt. Profit-making segments located within a hospital—a Starbucks, gift shop, etc.—are not included in the exemption, but historically, the rest of the facility has been.

This situation was thrown into chaos last spring when Judge Vito Bianco issued an 88-page ruling in a multi-year tax case between Morristown Memorial Hospital and Morristown. Among other arguments, he ruled that because doctors generate their own bills, and are therefore for-profit enterprises, wherever they operate within a non-profit hospital may be considered a for-profit section of the hospital.

**A CHAOTIC SITUATION** The ruling established new judicial thinking on the very nature of tax-exempt status and created a chaotic situation with very unclear final outcomes.

Some of the larger hospital chains, including Cooper University Health Care and Barnabas Health, recognized the potential dramatic fallout. Working closely with state Senate President Steve Sweeney (D) and Senator Robert Singer (R), new legislation was developed. Assemblyman John Burzichelli (D) sponsored the bill in the Assembly, where he was joined by Assemblyman David Rible (R).

Their proposal required nonprofit hospitals to annually contribute to its municipality \$2.50 per bed licensed bed per day. Using licensed beds as the metric had the benefit of being both transparent and clear to everyone. The town would then provide 5% of the revenue to the county. Current voluntary payments being made by a hospital—PILOT, or payments in lieu of taxes—would be deducted from the new assessment. The bill allowed for an annual 2% inflationary increase.

Estimates suggested that between \$20 to \$25 million in new property tax relief would be generated each year.

There were several concerns expressed, including questions raised by the NJ State League of Municipalities (NJLM) about the constitutionality of the legislation and the one-size-fits-all approach of a statewide assessment. “The Constitution’s exemption and uniformity clauses need to be considered,” explained Michael Darcy, CAE, League executive director, “and the League expressed a concern that the bed fee was inadequate to fairly compensate for municipal services and to

treat other taxpayers in the municipality equitably.”

Nonetheless, in early December, during the legislature’s lame duck session, the bill received wide bipartisan support. Senator Bob Singer (R), in particular, made a strong speech on the floor of the upper house on its behalf. It passed 37–0 in the Senate and 61–9 in the Assembly.

For a moment, it seemed this was a swift, broad agreement on a new policy that would, in theory, bring fiscal clarity to hospitals and towns, and additional tax relief to homeowners. Concerns with the bill, like those raised by the NJLM, did not slow down the legislation’s powerful supporters.

**POCKET VETO** The legislation landed on the desk of Governor Chris Christie who then chose to “pocket veto” it. A pocket veto can take place at the end of a two-year legislative session. By doing nothing, the Governor lets the clock run out on the legislation so that it is, in effect, vetoed.

Christie’s office said that the legislature put too many bills on his desk in the last-minute flurry of activity and this initiative was a casualty of not having enough time to consider all the ramifications. Several Trenton observers privately suggested the veto had more to do with the Governor’s presidential run—still going strong at the time—and the political desire to avoid signing anything that be construed as a new tax.

Eventually, Christie proposed a moratorium on all hospital tax litigation, and the creation of a commission to study the issue over the next two years, effectively kicking the can down the road for the next governor. Sweeney agreed to support the Governor’s bill if Assembly Speaker Vincent Prieto (D) also agrees to post it. To date, Prieto has not, arguing that there was widespread agreement on a solution and that the solution is needed today, not two years hence.

In the resulting limbo, several municipalities are authorizing assessments and sending tax bills to the nonprofit hospitals within their borders, as they are legally required to do. Political motivations may also come into play. At election time, no one wants to face the charge he or she “didn’t do all they could” to reduce property taxes.

If no legislative fix is found, years of expensive litigation are likely, with the results varying from place to place. The powerful interests who thought they had a broad, bipartisan agreement on property tax relief—so uncommon in this day and age—will have to go back to the drawing board. 📌

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

## The Importance of Doing a Thorough and Thoughtful Preemption Analysis

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

The word “preemption” is a legal concept with which all local government officials should be familiar. Preemption means that state or federal law has either implicitly or explicitly, precluded local government from acting in a certain area. State preemption of local government authority is interesting in New Jersey because our constitution tells judges to give local government wide latitude to oversee local affairs by providing:

The provisions of this constitution and of any law concerning municipal corporations for local government, or concerning counties, shall be liberally construed in their favor. The powers of counties and such municipal corporations shall include not only those granted in express terms but also those necessary or fair implication, or essential thereto, and not inconsistent with or prohibited by this constitution or by law. New Jersey Constitution, Art. IV, § 8, ¶11.

This provision is why New Jersey is often called a “home rule” state. Not surprisingly though, a vibrant area of the law has developed regarding what local government can and cannot do in regards to state preemption.

The general guidelines for when an issue is preempted were set out in a 1976 Supreme Court case, *Overlook Terrace Management Corp. v. Rent Control Board of Town of West New York*, 71 N.J. 451 (1976). The pertinent questions to ask, according to the Supreme Court, are:

- 1). Does the ordinance conflict with state law, either because of conflicting policies or operational effect (that is, does the ordinance forbid what the Legislature has permitted or does the ordinance permit what the Legislature has forbidden?)
- 2.) Was the state law intended, expressly or impliedly, to be exclusive in the field?
- 3) Does the subject matter reflect a need for uniformity?
- 4) Is the state scheme so pervasive or comprehensive that it precludes coexistence of municipal regulation?
- 5) Does the ordinance stand ‘as an obstacle to the accomplishment and execution of the full purposes and objectives’ of the Legislature?

To put it another way, “legislative intent to preempt a field will be found either where the state scheme is so pervasive or comprehensive that it effectively precludes the coexistence of municipal regulation or where the local regulation conflicts with the state statutes or stands as an obstacle to a state policy expressed in enactments of the Legislature.”

However, “it is not enough that the Legislature has legislated upon the subject, for the question is whether the Legislature intended its action to preclude the exercise of the delegated police power.” Instead, the “ultimate question is whether, upon a survey of all the interests involved in the subject, it can be said with confidence that the Legislature intended to immobilize the municipalities from dealing with local aspects otherwise within their power to act.” *Summer v. Teaneck Twp.* 53 N.J. 548, 554-555, (1969).

This point of law has been most recently discussed by the State Supreme Court in *Redd v. Bowman*. 223 N.J. 67 (2015). *Bowman* resolved whether the initiative and petition portions of the Faulkner Act were superseded by a number of statutes dealing with state oversight of fiscally distressed municipalities. In this case, a group of petitioners had used the Faulkner Act’s initiative provisions to propose an ordinance that conflicted with an agreement the city had entered into with the state to disband its police department in return for financial relief. In effect, the Court was required to determine whether the local power of initiative was superseded by state law that required local government to enter into certain agreements in exchange for financial aid.

The Court held that the language of the Faulkner Act provided a clear basis for initiative petitions by permitting the voters to “propose any ordinance and...adopt or reject same at the polls.” N.J.S.A. 40:69A-184. And thus, pursuant to the *Overlook* standard, the legislature intended on preserving that authority notwithstanding the existence fiscal oversight statutes that, from a purely policy perspective, would seem to conflict.

Preemption is not something which should be taken lightly. Legal counsel is a must. Whether the issue is regulating e-cigarettes, fees for plastic bags, or earned sick leave—a thorough and thoughtful preemption analysis by your municipal attorney is required. ♣

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

# LEGISLATIVE UPDATE

## A-1979

### Safe Tavern Regulation

Status: Assembly Regulatory Oversight Committee



The League Legislative Committee supports A-1979. And we ask the sponsor to consider extending its authority to all Municipalities.

This bill would authorize municipalities located in counties of the first class to provide by ordinance that if in any 12-month period a specified number of complaints (no less than three complaints on separate occasions) of disorderly, indecent, tumultuous, or riotous conduct are made upon or in proximity to a bar, tavern, or restaurant in which alcoholic beverages are served, which complaints are attributable to the acts or incitements of any of the patrons of those premises, and which led to a criminal conviction, certain measures would be imposed upon the bar, restaurant, or tavern in order to enhance the safety of persons on those premises and the general environs thereof. Such measures could include specifying a minimum number of security personnel, requiring searches of patrons, and the installation, maintenance and use of metal detectors.

Under current law (R.S.33:1-31), a municipality may suspend or revoke a license for a violation of any ordinance. The bill would amend R.S.33:1-31 to provide that in cases in which the municipality suspends or revokes a license for a violation of an ordinance enacted pursuant to the provisions of this bill, the licensed premises would remain closed during the appeal process.—JRM

## S-1105/A-2126

### Interferes in local employee performance evaluations

Status: Awaits action on the Senate Floor.  
Assembly Law and Public Safety Committee



The League of Municipalities opposes S-1105, which would interfere with local police employee performance evaluations. Specifically, the bill would prohibit local employers from any consideration of the number of arrests made and the number of citations issued when evaluating a police officer's performance of duties.

Current law appropriately prevents the volume of arrests and citations from being the sole consideration in police employee performance evaluations. Those provisions ensure against the imposition of quota requirements on law officers.

These bills, however, would represent an excessive and inappropriate intrusion by the state into purely local personnel management matters.

The effective enforcement of laws will, necessarily, involve writing citations and making arrests. If consideration cannot be given to performance of these responsibilities, then responsible, hardworking officers could be given no preference when evaluating candidates for promotion. The result would be unfair to those officers, and to the taxpaying citizens they are sworn to serve.

Accordingly, we oppose S-1105. We are joined in opposition by the New Jersey Association of Chiefs of Police and by the New Jersey Police Traffic Officers Association.—JRM

## A-1723

### Charging fees to cover cost of emergency utility work traffic control

Status: Assembly Telecommunications and Utilities Committee



A-1723 would permit a municipality, whenever they determine that the services of its police department are necessary to direct traffic around emergency work performed by a public utility, to charge a fee to cover the full costs associated with the provisions of its police department's traffic control services. The bill, sponsored by Assemblyman Ronald Dancer (District 12) has defined "emergency work" as any work performed by a public utility during an emergency in a public right of way that is not pre-scheduled or planned. Any dispute between a municipality and public utility will be resolved by the Board of Public Utilities.

The League of Municipalities supports A-1723 as it provides municipalities with a discretionary tool they can use to recoup the cost associated with public utility work while providing appropriate oversight.—LB

## A-326

### Sharing certain PILOTs with school districts; property tax exemptions

Status: Reported out of Assembly State and Local Government Committee with Committee Substitute, Awaits Action on Assembly Floor



The League of Municipalities has reviewed A-326, which requires municipalities to share payments in lieu of taxes with

## Legislative Update

school districts, and postpones the adoption of financial agreements pending comments from counties and school districts. The League opposes A-326 due to the likely adverse impact on economic development.

Payments in lieu of taxes (PILOTs) are the single-most powerful tool available to municipalities to encourage businesses and developers to make improvements to property or to locate a project in a distressed or blighted area. The requirements proposed in A-326 will significantly weaken the ability of municipalities to spur redevelopment in blighted areas through the use of PILOTs.

Specifically, A-326 will lengthen the PILOT adoption process by adding a 10-day period for the county and school district to review and comment on PILOT applications. Any delay in the permitting and approval process adds

carrying costs, delays the revitalization of the blighted area, and potentially impacts weather dependent construction schedules.

In addition, A-326 requires the municipality to give “due consideration to” the county and school district recommendations, but the impact of this language is unclear. For example, what happens if the governing body chooses not to implement the recommendations of the county or school board? What happens if there are conflicting recommendations from the county and the school board?

More critical is the reallocation of PILOT payments. A-326 would require municipalities to provide a portion of the amounts received in PILOT to the school district(s) that serves the municipality, including a regional school district. A municipality that receives a PILOT payment would be required to

distribute a portion of the amount received, immediately upon receipt, to the school district(s), including regional school districts, based upon the distribution of the amount raised by taxation in the taxing district to the school districts in the prior year. This would be in addition to the already required 5% payment to the county.

Reallocating the PILOTs will require an increase in total PILOT payments so that the municipality, which provides the bulk of public services, can maintain services. This will have a critical adverse impact on the economics of redevelopment projects, and most especially those projects which require greater assistance due to environmental contamination, site conditions, extreme blight, or which have smaller returns, for example, the construction of affordable housing.

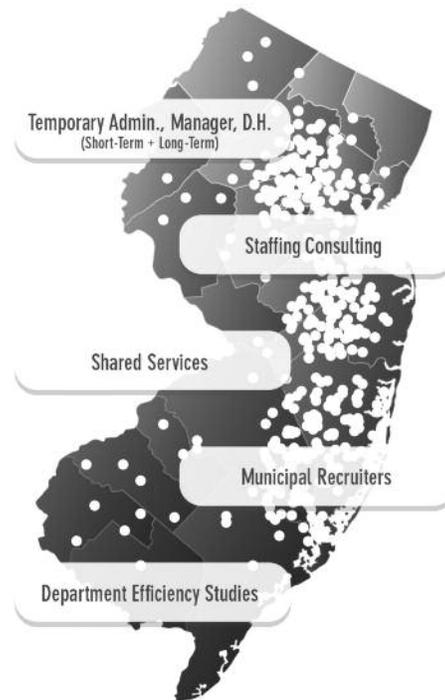
In authorizing PILOT agreements,

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## S-1875 – BPPT Clarification

Last month, we reported on our support for A-184, which would restore and protect vital municipal property tax relief funding. Companion legislation has been introduced in the State Senate by Senator Bob Smith (District 17).

The League of Municipalities enthusiastically supports S-1875, which would clarify the responsibility of certain telecommunications corporations to continue to remit Business Personal Property Tax (BPPT) payments to municipalities.

At present, up to 150 municipalities know they enter 2016 without BPPT revenues. Unless the existing law is clarified, more municipalities will lose these property tax relief resources in the future. We estimate that between \$40 million and \$50 million are at stake, statewide.

In 2009, Verizon claimed itself exempt from the payment of Business Personal Property Taxes in five municipalities, based on its own interpretation of a 1997 law, when it determined that it no longer provided dial tone access to at least 51% of the local telephone exchanges in those communities.

Between 2010 and 2015, dozens of municipalities were told by Verizon they would no longer receive BPPT payments.

The legislative intent in 1997 was to protect the interests of property taxpayers. The business personal property tax base was not intended to be eroded by annual assertions by taxpayers that the majority of municipal residents might be shifting their telephone service to other local exchange carriers. There is no provision in the law for an annual test. The only time the

word ‘annual’ is used in the statute is in the first sentence.

The Office of Legislative Services (OLS) agreed that there is no evidence that an annual test was ever intended. The Division of Taxation, which was empowered to adopt any necessary rules for implementation of the act, and which has had 19 years to consider the matter, never saw the need to do so.

Verizon’s exemption claim was first challenged by the Borough of Hopewell. Verizon’s claim was then rejected by the Mercer County Board of Taxation. That decision was appealed to the Tax Court where it was reversed, allowing Verizon to claim the exemption. On this discrete issue, the Appellate Division and Supreme Court denied an interlocutory appeal by Hopewell, with the League as amicus. Thus, the matter remains in Tax Court, pending proof of Verizon’s assertion that it provides “less than 51%” dial tone access. Because the Tax Court misread the law, more property taxpayers in more municipalities will pay the price each passing year.

In response to those decisions, Senator Smith has introduced S-1875, which will provide better direction to the courts regarding the legislature’s intent to protect residential property taxpayers, when laws regarding State taxation of telecommunications providers were reformed in 1997.

S-1875 has been referred to the Senate Economic Growth Committee. A-184 remains in the Assembly Telecommunications and Utilities Committee.—JRM

municipalities determine that a project would not be built without the PILOT. A significant increase in the amount of PILOT a project pays reduces the possibility that the project will be built at all. In addition, as both counties and school districts receive 100% of their tax levy, such changes appear to be unwarranted.

We have respectfully requested that any discussions on the reallocation of PILOT payments be delayed until there is a broader discussion regarding the entire property tax collection process. Municipalities, not counties and school districts, expend the energy and resources to spur economic development for the benefit of the entire community.

Municipalities are also responsible for not only collecting the property tax levies of other taxing districts, but guaranteeing 100% of the levy regardless of the collection. In addition, municipalities are responsible for defending tax appeals and paying out any judgments. In essence, municipalities assume greater risks and receive less benefit.—LB

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# Events

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**May 3**

**MLUL Preemptions.  
The NJ Permit Extension Act  
and FCC "Shot Clock" Rules**

Webinar—Your Computer

**May 12**

**Beyond Code Enforcement:  
Understanding & Using Vacant  
and Abandoned Property Tools  
in Your Municipality**

Webinar—Your Computer

**May 13**

**9:00 a.m. – 1:00 p.m.  
NJ League of Municipalities  
Educational Foundation  
Introduction to  
Smart City Technology**

Felician University, Rutherford Campus  
[njlmef.org/VerizonSmartCities.pdf](http://njlmef.org/VerizonSmartCities.pdf)

## JUNE

**June 17**

**One Day Mini Conference**

Conference Center at Mercer,  
West Windsor

## NOVEMBER

**November 15-17**

**101<sup>st</sup> Annual Conference**

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