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FROM 222 WEST STATE STREET
BILL DRESSEL, LEAGUE EXECUTIVE DIRECTOR

POLITICAL COURAGE AND THE FISCAL CLIFF

On October 31, 2012, Governor Christie welcomed President Obama to New Jersey to survey the damage wrecked by Hurricane Sandy. The public good united two political adversaries. At a time of crisis, partnership replaced partisanship.

[ONLY THE COURAGE TO COMPROMISE
ON BOTH SIDES OF THE AISLE CAN AVERT
THE COMING CRISIS.]

"I have to say," said the President, "that Governor Christie throughout this process has been responsive; he has been aggressive in making sure that the state got out in front of this incredible storm. And I think the people of New Jersey recognize that he has put his heart and soul into

making sure that the people of New Jersey bounce back even stronger than before. So I just want to thank him for his extraordinary leadership and partnership."

Before January 1, 2013, as the Federal Budget speeds towards the "fiscal cliff," we need to see more of the same.

In 2010, the President signed the Tax Relief, Unemployment Insurance Reauthorization and Jobs Creation Act. It protected an estimated 100 million middle class families, by extending the "Bush era" tax cuts, and by changing the threshold for the Alternative Minimum Tax. It reduced FICA payroll tax rates for one year and extended federal unemployment benefits for 13 months. It extended a Small Business Tax Credit and business depreciation deductions. And it provided relief for working parents and for students and their families.

In the summer of 2011, approaching federal debt limits, the Administration and Congress agreed to a plan to allow the government to continue to operate, and to significantly reduce the federal deficit over the next 10 years. The agreement called for mandatory cuts (sequestrations), beginning in 2013, if Congress failed to enact a 10 year \$1.2 trillion deficit deduction bill. Except for military employee pay, and Social Security, Veterans' and Medicaid benefits, absent further Congressional action, the mandatory cuts will apply to both military and domestic spending.

If nothing is done in Washington, the combination of higher taxes and reduced federal spending would push the U.S. over, what has been referred to as, the "fiscal cliff." While the deficit would be drastically reduced, economic activity would be significantly slowed. Conversely, extensions of the tax cuts and relaxation of the sequestration requirements would balloon the federal deficit and increase the national debt.

Only the courage to compromise on both sides of the aisle can avert the coming crisis—for the good of the country and the future of our children. We hope our representatives in Washington can quickly put the strident partisanship of the bitter national campaign behind them. We hope the New Jersey delegation will lead the way. ▲

NEW JERSEY MUNICIPALITIES



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In New Jersey, approximately one in 49 children has been identified as having autism spectrum disorder (ASD), a lifelong disorder characterized by deficits in communication, impairments in social interaction, and limited or repetitive behaviors. Our state has the second highest prevalence rate in the nation.



By Colleen Mahr
Mayor, Fanwood
& Adrienne P. Robertiello
Autism Educator,
Children's Specialized Hospital

According to Autism Speaks, an estimated 25,000 New Jersey residents are currently diagnosed. In order to support the needs and interests of these residents, municipal leaders must be aware of the issues that affect community life.

Diagnosis and Childhood Services Early diagnosis of children with ASD offers the most favorable outcomes because these children can receive therapeutic interventions as early as possible. Healthcare providers are dedicated to educating parents, pediatricians, early child care providers, and others working with young children to encourage early identification and provision of services.

To encourage early diagnosis and link families to appropriate local and state resources, a law was passed in 2007 requiring all New Jersey licensed health care providers to report any child diagnosed with autism to the New Jersey Autism Registry.

Under the Division of Family Health Services, the New Jersey Early Intervention System (NJEIS) implements a system of services for infants and toddlers, birth to age three, who have developmental delays or disabilities. Once a child turns three years of age, a Case Management Unit (jointly funded by Special Child Health Services (SCHS) and county freeholders) works with the affected children and their families to develop individualized service plans. These plans address medical, educational, developmental, social and economic needs.

Families in remote or underserved communities and those with language and cultural issues often have difficulty accessing providers to get an early diagnosis. Therefore, these children's diagnoses may be delayed or missed. Municipalities can partner with local universities, hospitals or social organizations to help to educate and connect these families with appropriate resources and services.

The departments of Human Services, Children and Families, Community Affairs, Education, Department of Labor and Workforce Development and Health and Senior Services have provided a guide "Through the Maze: A Family Guide to Navigating the New Jersey Service Systems for Individuals with Autism Spectrum Disorders and other Developmental Disabilities" to assist families through the state's system of programs and services.

Autism and Safety The number of requests for autism-related training for police, fire and rescue personnel have been

increasing for many reasons. People with ASD are more likely to wander into unsafe areas; lack understanding of fire and other dangers; respond unpredictably or uncontrollably; and be attracted to water (often without ability to swim). First responders are finding it critical to learn more about the characteristics of this disorder.

To help, New Jersey has implemented the Developmental Disabilities Awareness Training for New Jersey First Responders, Public Law 2008, Chapter 80, which requires uniform training for all first responders. To supplement this internet-based learning module, organizations such as Children's Specialized Hospital provide programs which feature strategies to protect this population.

OUR STATE HAS THE SECOND HIGHEST PREVALENCE RATE IN THE NATION.

To assist in locating individuals who have the tendency to wander, each New Jersey county has implemented a personal tracking system. Search and Rescue teams use this mobile tracking device to locate individuals who have wandered unexpectedly.

The New Jersey Office of Homeland Security and Preparedness and the New Jersey Office of Emergency Management have established New Jersey Register Ready—a tool used to gather information to formulate evacuation plans, identify emergency shelter needs, and plan for appropriate notification or alert systems. Register Ready is particularly helpful for those who require assistance to meet their basic needs.

In addition to personal safety matters, there are law enforcement and criminal justice issues that are unique to individuals with ASD. It is important that officers have specific training related to identifying the characteristics of the disorder and appropriate methods of interaction. The Arc of New Jersey Criminal Justice Advocacy Program offers intervention, advocacy, case management, education, training, and personalized justice plans.

As part of municipal court operations, individuals with ASD may be involved as litigants, witnesses, victims, spectators, jurors, volunteers, and as participants in court programs. Several state and local judiciary systems have developed educational materials and tools to support positive interactions with these individuals.

Recreation Programming Many municipal recreation departments have been at a loss for how to include people with ASD and other developmental disabilities in programs and activities. Concerns often involve expenses, resources, equipment, and methods. Although recreation departments often offer separate programs, by law, the choice to participate in an integrated program must be provided to all. Residents with disabilities are entitled to receive reasonable accommodations in general recreation programs without incurring higher fees.

One way the Borough of Fanwood has been able to accomplish this is through their summer recreation pro-

gram. No campers are turned away because of disability. Teachers serve in leadership positions, bringing specialized training and the ability to offer a broad range of activities. In addition, the borough ensures facilities and equipment are ADA compliant.

FIRST RESPONDERS
ARE FINDING IT CRITICAL
TO LEARN MORE ABOUT
THE CHARACTERISTICS
OF THIS DISORDER.

Training and resources are available to assist recreation providers in inclusive recreation programming. Muni-

cipalities are encouraged to share resources with organizations and surrounding communities. For example, neighboring towns can share the services of a recreational therapist to help adapt programming. With this scenario, each town benefits from the expertise and the cost is distributed. Communities can also seek supports from local universities, particularly those with special education and therapeutic programs.

Aging Residents with ASD As children with autism age and transition out of the educational system, their needs change. They often require help with daily living skills, employment and housing. They also may need other community supports. In the best interest of the community, municipal leaders should support partnerships that provide or support experiential learning opportunities for this population. Organizations such as Autism Speaks, Autism New Jersey, and The Daniel Jordan Fiddle Foundation provide adult-related resources.

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Municipal ADA Requirements Municipalities having 50 or more employees are required by law to designate at least one employee to coordinate ADA compliance and to investigate complaints regarding ADA violations. The name, office address, and telephone number of the ADA Coordinator must be publicized to residents on an ongoing basis, in alternate formats, so that it is accessible to all. The Department of Justice operates an ADA Information Line (800-514-0301) to provide information and publications to the public about ADA requirements.

INDIVIDUALS WITH
AUTISM SPECTRUM
DISORDER ARE A
SIGNIFICANT AND
REAL PART OF
COMMUNITY LIFE.

Community Inclusion Individuals with ASD are a significant and real part of community life. Municipal leaders must take the lead to increase community awareness and inclusion, in order to reduce the stigma commonly associated with autism. Representatives can obtain information and resources from reputable New Jersey autism organizations including The Autism Program at Children's Specialized Hospital.

Many public libraries are working to train staff members on how to interact and offer programs and resources for patrons with ASD. Children's Specialized Hospital, the Borough of Fanwood, and Autism New Jersey partnered together to develop Libraries and Autism—We're Connected. Used by many libraries nation-

wide. This award-winning resource (www.librariesandautism.org) provides information and practical tools for providing welcoming and supportive library environments.

With funding provided by Kohl's Cares, Children's Specialized Hospital has created a community-focused outreach program: Make Friends with Autism (www.makefriendswithautism.org). This resource provides

free materials for businesses, recreation providers, neighbors and families to support the integration of people with autism into community life.

Other resources include Autism New Jersey, The Family Resource Network and POAC (Parents of Autistic Children) which provide educational, advocacy, recreational, and support services to individuals with ASD and their families. ▲

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Atlantic City Embraces a Different Kind of Green



By Lorenzo T. Langford
Mayor, Atlantic City

Atlantic City is rapidly becoming the "greenest" city in New Jersey. Its government is committed to supporting and implementing alternative energy initiatives.

Atlantic City's move toward sustainability began in 2005, when five, 380-foot-high wind turbines were erected at the Atlantic County Utilities Authority (ACUA) Wastewater Treatment Facility. The turbines power the facility and the excess energy is directed to the main power grid. Each turbine is capable of producing 1.5 megawatts for a total of 7.5 megawatts, enough energy to power approximately 2,500 homes.

In 2008, the largest, single roof-mounted solar array in the country (at the time) was built on top of the Atlantic

City Convention Center. A 20-year contract was awarded to Pepco Energy Services, which owns and operates the 2.36 megawatt rooftop solar power system. The system will save \$4.4 million in electricity costs over 20 years. In greener terms, the solar initiative prevents the release of 2,349 tons of carbon dioxide into the atmosphere.

Solar projects have also been completed at several public facilities, including the Atlantic County Courthouse, Atlantic County Office Building, the ACUA Wastewater Plant and the Atlantic City Public Works Complex, where 2,500 solar panels have been installed at no cost to the city by Standard Solar, Inc. of Rockville, Maryland.

Additionally, a Compressed Natural Gas (CNG) Fueling Station is under construction at the Atlantic City Public



The Atlantic City Public Works Complex sports 2,500 solar panels.



The improvements at the Atlantic City Public Works Complex are a proud example of what can be done by a municipality to reduce costs, save energy and help protect the environment.

Works Complex. The company building the station is Clean Energy Fuels Corp., the largest provider of natural gas fuel in North America.

The CNG Fueling Station is being built on a 130' x 150', under-utilized portion of the parking lot at the city's Public Works Complex. All site improvements will be completed by Clean Energy Fuels Corp. at no cost to the city. The City of Atlantic City will receive property tax revenue from the fueling station, as well as share in revenue generated from the sale of the compressed natural gas.

Using compressed natural gas reduces particulate matter emissions by 94 percent, carbon monoxide emissions by 75 percent, nitrogen oxide emissions by up to 49 percent, and carbon dioxide emissions by 25 percent. The environmental benefits are coupled with significant savings for fleet operators. With \$1.35 million budgeted for fuel costs in 2012, the potential exists for significant savings for taxpayers as the current price for compressed natural gas is 50 cents per gallon less than diesel fuel. Also, CNG operated trucks run 50 percent quieter than diesel trucks.

The improvements at the Atlantic City Public Works Complex are a proud example of what can be done by a municipality to reduce costs, save energy and help protect the environment. Atlantic City secured a \$241,500 grant

from the federal government to pay for the conversion of 13 city-owned vehicles to compressed natural gas. Furthermore, as we replace our fleet with CNG vehicles we will realize significant fuel savings, as well as help the environment with cleaner, greener energy.

I BELIEVE IT IS INCUMBENT
UPON EACH AND
EVERY ONE OF US TO
DO OUR PART TO HELP
THE ENVIRONMENT.

We also implemented a program to make city-owned buildings more energy efficient. A complete energy audit was performed on all of our facilities to determine what could be done to increase efficiency and productivity. The energy audit was funded by the New Jersey Board of Public Utilities.

Atlantic City continues to seek grants that will help us pay to "green" our city. Federal funds received through the American Recovery & Reinvestment Act are being used to upgrade the lighting system in City Hall. Grant funds were also used to purchase solar

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trash and recycling containers throughout the city. The "Big Belly" solar waste and recycling collection system dramatically lowers the operating costs, fuel consumption and greenhouse gas emissions associated with trash collection. The containers compact the materials using solar power and thereby reduce both the frequency of collections, truck time and personnel costs.

State-of-the-art solar parking kiosks have also been installed to replace individual parking meters. These kiosks also reduce maintenance costs since the meter attendant only needs to tend to one kiosk instead of ten parking meters.

The greening of Atlantic City has gone beyond energy improvements with the creation of community gardens. The gardens, which have sprouted up around the city through a partnership with the Atlanticare Foundation, the Atlantic City Housing Authority, and Rutgers Cooperative Extension Service Master Gardeners Program make it easier for residents to obtain fresh vegetables.

We have also created an initiative to

improve bicycle and pedestrian access. The NJ DOT has funded a citywide bicycling and pedestrian planning effort that will map out future projects to make the island easier to traverse. Preliminary plans include a bike loop from the boardwalk to Gardner's Basin and an on-beach bike path that runs the entire length of the city.

Private companies have taken an interest in developing renewable energy projects in and around Atlantic City. In July 2012, Fishermen's Energy of New Jersey, LLC announced approval from the U.S. Army Corp of Engineers for the construction of a wind farm located 2.8 miles off Atlantic City. The \$220 million project consists of five turbines generating 25 megawatts of power. Approximately 240 workers would be employed during construction and 35 permanent jobs would be created.

The \$2.4 billion Revel Resort, which opened last April, features a two-acre roof top sky garden, a design attraction promoted by green experts throughout the country as a way to cool buildings and reduce energy demands.

The New Jersey Casino Reinvestment Development Authority (CRDA) recent-

ly opened a parking garage known as "The Wave." This five-story 411,690 sq. ft. building with six levels of parking, includes 16,170 square feet of retail space and 1,180 parking spaces and features a 54,000 sq. ft. solar array consisting of 1,677 solar panels and six spaces to charge electric vehicles.

The Atlantic City Jitney Association has also gone green. The fleet of 190 jitneys provide convenient and affordable transportation throughout the city 365 days a year. They are now powered by compressed natural gas.

Our city is committed to "green" initiatives as a way to enhance the quality of life for residents, improve public works and increase city services while saving taxpayer dollars and helping to provide an environmentally responsible future.

I believe it is incumbent upon each and every one of us to do our part to help the environment. Furthermore, I encourage other municipal leaders to develop energy plans and take advantage of available resources to green their cities. The result will provide immeasurable benefits for the generations that follow. ▲

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A New Day in the City of Hackensack

By Mike Melfi
Mayor, Hackensack



In my City of Hackensack we had a major problem: our Main Street Corridor was not attracting new businesses or development projects. Even though it has a number of key strategic advantages, Hackensack has not experienced the type of growth other similarly situated cities enjoyed.

In sum, we missed the development boom.

Instead of sitting on our hands waiting for something to happen, we took a proactive approach. Partnering with our business community and professional urban planners, we developed a document that we hoped would guide the future of our city. Our Steering Committee of city officials, members of the Upper Main Street Special Improvement District, and redevelopment professionals met weekly for the past year to develop the rehabilitation document and create a strategy to kick-start the revitalization of our downtown.

The rehabilitation area consists of approximately 163.8 acres on 389 parcels in 39 city blocks. Our goal is to transform this area into a livable, walkable, sustainable downtown and to strengthen existing businesses and provide development opportunities. By promoting a diversity of land uses, enacting clear design standards, and streamlining the approval process, we hope to open up new opportunities in Hackensack. This wide-ranging approach incorporates new zoning, architectural and neighborhood design standards, an improved permit process, and implementation strategies. It allows flexibility for current business and property owners that will encourage their growth and expansion and build upon an already thriving dining scene in the city.

Our collaborative effort spawned a robust debate about what Hackensack needs to do to leverage our public assets and what the private sector needs to make these mixed-use projects a reality. We were able to strike the proper balance that satisfies the interests of all involved—the public and private sectors alike. Our hope is to light the match that will spark redevelopment on Main Street.

Since our governing body created a clearly defined downtown district made up of a series of interconnected, mixed-use neighborhoods, we can now develop an environment with new public spaces, retail options and civic facilities. Additionally, we can begin to upgrade our aging infrastructure, protect and improve our public parks, and pro-

mote the rich history of Hackensack. We are also taking steps to upgrade our sewer system, pave our streets, and update our traffic circulation system. These improvements are designed to send a message to developers that we are committed to turning this ship around.

The City of Hackensack needs to maximize its key assets and streamline its zoning approval process. The Rehabilitation Plan is the first step in repositioning Hackensack to capitalize on investment opportunities that were lost in the past because of bureaucratic red tape. Now we can move forward with smart growth development and make use of assets like the Bergen County Complex, Bergen County Community College, Fairleigh Dickinson University and Hackensack University Medical Center.

Now that the plan has been adopted, we are not resting on our laurels. We remain aggressive.

Notably, the Hackensack City Council submitted an ordinance for review by the Planning Board at the August 21, 2012 meeting. The new rule will streamline the application process and

lower the costs for those interested in investing in Hackensack. It is the first step towards making Hackensack more efficient and will encourage investment in Hackensack's Main Street corridor. The process is intended to provide applicants with a clear, defined set of parameters and requirements for the various application types to expedite the submittal, review and approval process.

Our city had a 20th Century process that was hindering growth.

But that has changed. Hackensack is continuing to update our procedures. I am confident these new measures will be well received by our Planning Board and potential investors in our city. Our goal is to make it as easy as possible for developers looking to invest in our city. We want to be partners, not adversaries.

Currently, Hackensack has developers calling to ask how they can become involved. Hopefully this will result in new projects that create jobs, increase our tax ratable property and revitalize our city. In the end, any municipality in New Jersey with Main Street problems cannot just sit back and wait for something to happen. Follow our example in Hackensack: get aggressive and show investors and developers that you want to partner with them for your mutual success. ▲

OUR GOAL IS TO MAKE IT
AS EASY AS POSSIBLE FOR
DEVELOPERS LOOKING TO
INVEST IN OUR CITY. WE
WANT TO BE PARTNERS,
NOT ADVERSARIES.

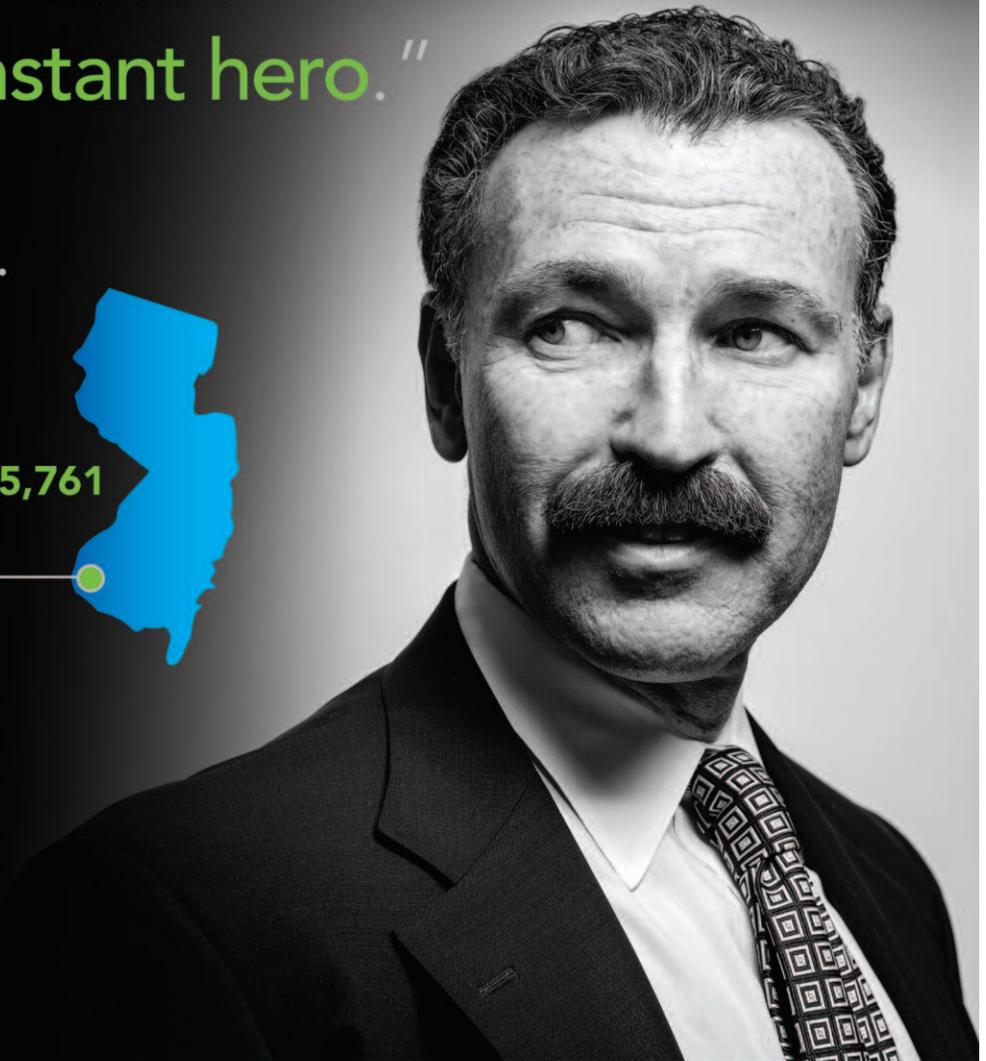
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Why Performance Counts



By Joseph Florio, Mayor & Sergio Panunzio, Superintendent of Public Works, Union Township (Union)



Several years ago the Township of Union initiated a High Performance Organization (HPO) Paradigms management style. While most of the municipalities were forced to adapt to changes in delivery of their services due to the economic downturn, Union's township management team was proactively demanding change. All of the departments improved their performance once we adopted the High Performance Organization style of management, however our Public Works Department emerged as a leader in performance measurement.

The Department of Public Works not only embraced this new management style, but developed a culture of hands-on solutions to the challenges presented. The organization's leadership built a research focus group, that enabled them to have a "bottom-up" dialog at staff meetings. Soon after they created the next generation of HPO paradigm change in the delivery of services.

THE DEPARTMENT OF PUBLIC WORKS
NOT ONLY EMBRACED THIS NEW
MANAGEMENT STYLE, BUT DEVELOPED
A CULTURE OF HANDS-ON SOLUTIONS
TO THE CHALLENGES PRESENTED.

The department performed a complete assessment of the department's "musts," "needs" and "wishes" for the delivery of services. After an unkind, critical research period, a common denominator was discovered. The organization unanimously agreed that the department's biggest problem was with its image among Union's citizens. Staff members agreed unanimously with the statement, "Many services go unnoticed by the general public until... services are cut or things go awry."

Once they had identified the problem, the team began to create a solution. The birth of the "Make It Personal" program was before us. The name they chose (Make It Personal) signified the type of transformation the organization wished to achieve. Making each resident's request personal was a key element of the success of the program. Each component would have to make an impact on the system and, more importantly, on each recipient of the service.

Objective data collection systems, such as "Make it Personal," allow for more efficient delivery of community services.



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Executive Director
Cape May Housing
Authority

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The collected data would be used to create a computer generated work order for the service call and would be assigned to the appropriate division.

The team's approach required strict accountability. Guidelines were established that assigned the responsibility for distributing each work order exclusively to the division supervisor.

Additionally, the guidelines specified that the supervisor make contact with the resident during the resident's initial request inspection. If the resident was not at home, the supervisor would leave a specially designed notice on the door to advise the resident of the inspection's findings and the date by which the request would be addressed.

While the team liked this procedure for acknowledging the resident's call, a closure format was needed. Therefore, the team established a conclusion to the department's response: known as "closing of the work order." Once the request has been "closed," the department's computer program prints and mails a letter notifying the resident (1) that the service request has been completed, (2) of what the original request was, and (3) of the date of the investigation and the date that the work was done.

Every two weeks, the Department of Public Works staff member in charge of the program generates a report and presents it to a meeting of the

department. The report includes the number of service request calls taken in a 14-day cycle (DPWStat Cycle), the number of calls taken by each division, the closure rate (as a percentage) for the cycle, and the number, frequency and type of service requests. This information is constantly analyzed by the administrative staff.

EVERY TWO WEEKS,
THE DEPARTMENT OF
PUBLIC WORKS STAFF
MEMBER IN CHARGE OF
THE PROGRAM GENERATES
A REPORT AND PRESENTS
IT TO A MEETING OF
THE DEPARTMENT.

The new system has been a major success for the organization, elected officials and our residents. It has helped to meet our goal of improving the department. We now have access to essential data on the services that the department provides, and we communicate the effective completion

of service requests to Union Township residents. Our computer program also enables us to look at the services provided on a map. This "bird's eye" view of service requests helps us to identify issues that may be proactively addressed by the township such as sewer system failures, road repairs, and the frequency of park use.

Our elected officials receive reports every two weeks on the organization's performance. According to Mayor Joseph Florio, the system has generated a positive response from the residents. It acts to notify our residents that their request did not fall on deaf ears, and it helps to provide a positive image of the department and the township in general. Now our residents receive acknowledgement of the response by the township, instead of being left in the dark.

The system also makes it easier for the Department of Public Works to work with other departments. For example, if we receive a number of requests to clean up graffiti in a park, our tracking system makes it easier to provide the police department with comprehensive information that they can use. We can provide data about the frequency of the incidents and even the day of the week. This information will help the police to apprehend the vandals.

The department is also using the data to plan capital purchases. For example, after the data showed an increase in residents' requests for tree maintenance, the department decided to purchase more tree equipment. Township resources are now better targeted to delivering the services that the residents request. The data created a "median" of performance for each of the department's divisions. When we see large deviances, either positive or negative, the Public Works management team can retool the division before services suffer. Objective data collection systems, such as "Make it Personal" allow for more efficient delivery of community services. ▲

Mayor Joseph Florio is currently serving his 12th year and can be reached at 908-851-8500.

Sergio Panunzio is a member of the Rutgers University Certified Public Works Manager adjunct staff and recently published a book on Performance Management for the Public Works Manager.



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Secaucus Is Doing Its Part for the Planet



By Michael Gonnelli
Mayor, Secaucus

Secaucus has always been a long-time leader in green initiatives and currently maintains the highest rate of recycling tonnage in Hudson County (72 percent). We've passed an ordinance to "upcycle" fallen trees and embraced solar energy and alternative-fuel vehicles. As a recipient of the New Jersey Clean Energy program, we have installed upgraded boilers, switches, thermostats, light fixtures and sensors in our public buildings. The Sustainable New Jersey grant allows for the inventory, maintenance and improvement of municipal trees.

Any tree that falls within our town is taken to CitiLog Enterprises, an urban sawmill in Newark, for reuse as lumber. The process is a form of upcycling (the practice of taking something that is considered waste and turning it into something of greater use or value). The company allows municipalities, tree service providers, and others to deliver

their biomass to their urban sawmill for free. They will then upcycle the biomass by producing lumber and basic finished products for sale within the communities. CitiLog transformed what was once an abandoned, overgrown brownfield into Newark's first truly zero waste business. Any biomass that cannot be upcycled is used to produce green electricity and heating.

Since CitiLog has become one of our Preferred Green Vendors, they have assisted our community by donating enough upcycled lumber to build 12 garden boxes in Fountain Park. In addition, we purchase fencing and benches for the park made from upcycled urban trees. Like Secaucus, CitiLog understands the importance of giving back to the community. In addition to sponsoring a training program for at-risk, inner city youth; the company actively seeks to employ veterans and former prison inmates.



Solar panels were installed over two parking lots at the Secaucus Municipal Complex as part of a town-wide program.

In Secaucus, we have been replacing older vehicles with energy efficient hybrids that use a rechargeable energy storage system combined with a fuel-based power source that produces fewer emissions and uses less gas than traditional vehicles. These hybrids are used for traffic patrol, the office of emergency management (OEM), and other municipal departments. Our town has also acquired a natural gas vehicle and we are in the process of installing a natural gas filling station. In addition, we have banned the practice of idling in our town. This is a hazardous habit that wastes fuel and emits toxins into the environment and the community.

EVEN THE SMALLEST
INITIATIVES SUCH AS
CHANGING INDOOR
LIGHTING OR EVEN
UNPLUGGING EQUIPMENT
THAT IS NOT IN USE
HAS A BIG IMPACT ON
REDUCING ONE'S
CARBON FOOTPRINT.

As a complement to our alternative fuel plans, we are also implementing a renewable green energy program. Because solar panels produce renewable energy that doesn't have a negative impact on the environment, they have been installed on our town's public buildings (schools, public works and municipal parking lots). The panels also reduce our expenses for utilities. This initiative has been fully funded through the New Jersey Meadowlands Commission and Hudson County. Earlier this year the town participated in the Hudson County Cooperative Purchasing System to publicly bid on a joint electricity purchase to reduce the electric rate and consumption through alternative green methods. The initiative was astonishingly successful and generated a 32 percent rate reduction. We expect these

savings to double once our solar initiatives are fully implemented.

Secaucus has always maintained a strong working relationship with agencies including the Hackensack Riverkeeper and the New Jersey Meadowlands Commission, which dates back to 1969. The Hackensack River has many protected estuaries, marshes, creeks and streams that are home to migratory birds, endangered fish and protected wildlife. These agencies, in addition

to many local groups such as Ernst and Young and our local Boy Scout troops, contribute to the ecosystem by holding river and park clean-ups. We are fortunate to have the Dinosaur Field Station, a park designed to preserve open space on approximately 20 acres of county land. Secaucus collects a small parking fee per vehicle to be used toward local environmental programs, such as a community garden, annual green festival and tree planting





Municipalities and arborists can deliver downed trees that are normally considered "waste" to CitiLog without a tipping fee.



Secaucus Mayor Michael Gonnelli and Environmental Committee Chairperson Amanda Nesheiwat tend flowers in garden beds made from repurposed waste wood.

projects. The community garden serves as an educational experience for young people, while giving back something to the community.

Even the smallest initiatives such as changing indoor lighting or even unplugging equipment that is not in use has a big impact on reducing one's

carbon footprint. As mayors, we need to always think about future generations and the kind of planet we are leaving for them. ▲

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Under the Gold Dome

Governor Christie Put New Jersey's Recovery First



By Darryl Isherwood

Much was made in the waning days of the election season of President Obama's visit to storm-ravaged sections of New Jersey, and our governor's very public adoration of the president, during the visit and after.

The talking heads lambasted the governor for cavorting with the enemy and providing Obama a bipartisan moment with one of GOP presidential nominee Mitt Romney's lead surrogates. Christie was even blamed by some Republicans for Romney's defeat, the thinking being that the governor's praise helped Obama look "presidential" during a natural disaster.

There is likely nobody left in New Jersey and few across the nation that would deny that Governor Christie is a master politician. And like all great practitioners of the art, his mind probably never stops calculating leverage and openings. There is no doubt he knew the message he was sending would offend some in the GOP and that the photos of him and the president would be used by the Obama campaign.

There also is little doubt that Romney's loss opens the door for a possible Christie presidential run.

But, that said, I believe the explanation behind the so called "bromance" with the president is far, far simpler.

I can't claim to know the governor personally. In fact, I hardly know him at all. But he and I grew up in the same town. And like probably 99 percent of the kids who grow up in Northern New Jersey, I'd lay odds the governor spent a lot of time in places like Seaside Heights and Belmar, sitting on porches and at wobbly kitchen tables playing quarters and laughing with his friends.

He might have driven to Point Pleasant on a Saturday to watch the Nerds at Jenkinson's or maybe his family headed down to LBI for a week, where the Christies hit the rides at Fantasy Island and had ice cream at the Skipper Dipper. Whatever his experience, as a kid growing up in Livingston there's a good chance he was at some point in his life a shore rat.

Fast forward to the morning of October 30. Seaside and Belmar were under water. Sea Bright was barely on the

map and the general consensus was that the Jersey Shore would never be the same.

Enter President Obama, man of extraordinary means and the guy with the resources of the U.S. government at his disposal.

I believe the only calculation Christie made at that point was to figure out how to pry that wallet open to help New Jersey's struggling residents.

And so Christie did what a governor is elected to do. He appealed to the one guy who had the juice to fix things.

And it worked. Christie got the early disaster declaration he sought, as well as a decree that the feds would pick up 100 percent of the tab to restore power and transportation to the sodden state, not to mention visits from the President and Vice President.

So before Republicans vilify the governor for costing Romney the election, they should think about the body blow dealt by Hurricane Sandy just before Halloween. As the storm struck, Christie realized despite his attempts to prepare residents for the worst, even his most dire warnings might have understated the damage to the beloved shore.

Those who would chastise the governor clearly did not pay attention to the aerial views that have circulated that show houses swept off their foundations or ripped apart board from board by the encroaching flood waters. Christie not only has seen it, but he's had to face the owners of those homes, who are desperate for help.

Christie likes to tell a story about the night he learned of the death of Clarence Clemons, "The Big Man" who played saxophone for the E-Street band. As the governor tells it, his wife asked him why he was down over Clemons' death.

"My youth is over," Christie told his wife, according to an interview the governor gave to *The Atlantic*. "He's dead and anything that is left of me being young is over."

My guess is Christie had a similar feeling on Tuesday. ▲

Darryl Isherwood is the editor of *PolitickerNJ*, and its sister site *State Street Wire*. He has over a decade of experience as a reporter and has covered politics and government for news outlets in four states.

I BELIEVE THE ONLY
CALCULATION CHRISTIE
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More Municipalities Are Considering Bankruptcy



By John McCormac
Mayor, Woodbridge
& George R. Hirsch, Esq.

Jefferson County in Alabama, and the cities of Harrisburg in Pennsylvania, Central Falls in Rhode Island, Vallejo, Stockton, Monmouth Lakes, and San Bernardino in California. It is not a tsunami, but it may be a trend. The past few years have seen a marked increase in the number of municipalities and counties resorting to Chapter 9 of the United States Bankruptcy Code to address their financial woes. Over the previous several decades, Chapter 9 was more often used by local utilities, authorities, hospitals and other entities.

Leading investment and economic experts have spoken of this trend. In December of 2010, Wall Street analyst Meredith Whitney warned of significant coming municipal bond defaults. More recently, legendary investor Warren Buffett observed that this year's California municipal bankruptcy filings have reduced the stigma associated with Chapter 9, increasing the likelihood that more distressed municipalities will consider this action.

THE PAST FEW YEARS HAVE SEEN A MARKED INCREASE IN THE NUMBER OF MUNICIPALITIES AND COUNTIES RESORTING TO CHAPTER 9 OF THE UNITED STATES BANKRUPTCY CODE.

Speaking to the League's Educational Foundation this summer, Professor Raphael J. Caprio of the Edward J. Bloustein School of Planning and Public Policy at Rutgers University predicted that the financial stresses facing New Jersey's municipalities will come to a head sometime after 2015. And a recent report on the financial condition of states and municipalities by former Federal Reserve Chairman Paul



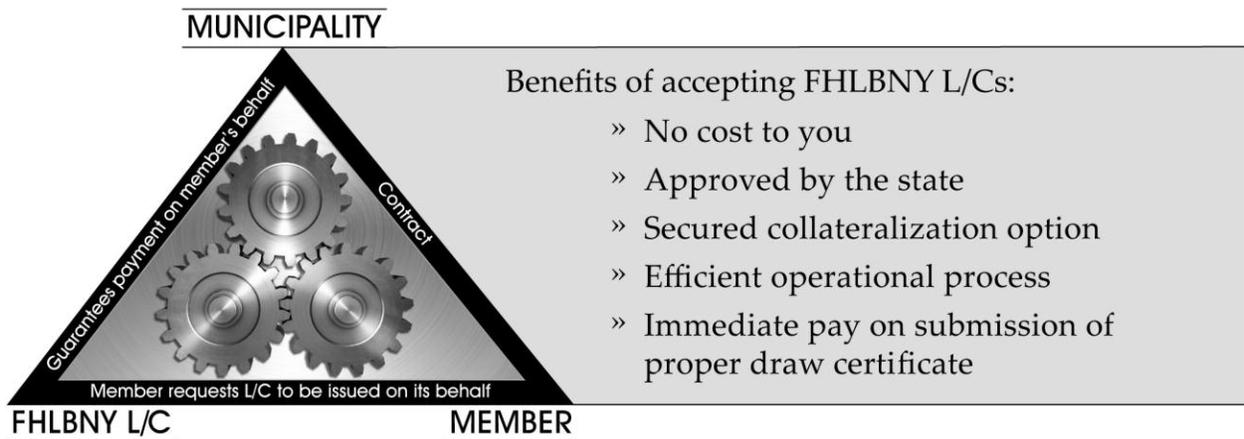
The past few years have seen a marked increase in the number of municipalities and counties resorting to Chapter 9 of the United States Bankruptcy Code to address their financial woes.



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Volcker and former New York Lieutenant Governor Richard Ravitch forecast a difficult economic future.

The growing use of Chapter 9 by municipalities should not be ignored. It is a symptom of the difficult financial environment faced by our communities, and it has lessons to teach about the tools available for municipal restructuring.

Financial Pressures Are Growing The pressures leading to the gloomy assessments are well known. Labor related costs, especially those from pensions and benefits, have continued to increase dramatically. Supplies and services are expensive, as are the costs of meeting bond debt maintenance and covenant obligations. At the same time, ratables have declined and property tax increases have been capped. Foreclosures, tax appeals and reassessments are also reducing revenues. Severe weather events and other unscheduled resource drains also impact budgets. Finally, the State of New Jersey is facing its own financial pressures, rendering it less able to provide ongoing aid and funding for new projects.

Non-Bankruptcy Restructuring Options

A municipality facing economic crisis has a number of non-bankruptcy restructuring tools available. The labor force can sometimes be reduced by attrition or by selectively eliminating positions. Services can be discontinued, cut back or shared with neighboring communities. Municipal officials can attempt to renegotiate union contracts. In some instances, costs can be reduced through sales of assets, sales and lease backs of property, or through privatization of facilities and services.

The tools for increasing revenues are more limited, due to real estate property tax limitations. Some municipalities are charging higher fees for licenses and permits as a way of increasing revenues. None of these measures is easy to achieve even in the face of dire financial circumstances. Each presents its own set of legal, political and practical difficulties. Even after using the available cost-cutting and revenue enhancing tools, a municipality may find itself unable to meet its financial obligations.

State Involvement If all other options fail, a debt-laden municipality is left with the State Municipal Insolvency

procedure or the filing of a Chapter 9. New Jersey has a comprehensive set of statutory provisions to address economically stressed municipalities. Under these provisions, through the Division of Local Government Services and the Local Finance Board, the state is vested with extraordinary power over municipal affairs. N.J.S.A. §52:27-1, et. seq. A municipality may have state supervision forced on it or may seek it voluntarily. Depending on the desires of the state, this "take over" or "hand over" may last until all past debts have been satisfied and a reserve for a year or more of coming debts has been funded.

A MUNICIPALITY FACING ECONOMIC CRISIS HAS A NUMBER OF NON-BANKRUPTCY RESTRUCTURING TOOLS AVAILABLE.

Chapter 9 Bankruptcy The Bankruptcy Code requires that, before filing Chapter 9, a municipality be authorized "by State law, or by a governmental officer or organization empowered by State law to authorize such entity to be debtor..." 11 U.S.C. §109(c)(2). This provision gives states broad discretion in setting the parameters under which a municipality may seek protection under Chapter 9.

By statute, New Jersey requires that a municipality obtain the vote of two-thirds of the members of its governing body (N.J.S.A. §52:27-41) and the consent of the state, through the Local Finance Board (N.J.S.A. §52:27-40), before filing a Chapter 9 petition. The Bankruptcy Code also requires that a municipality demonstrate that it is insolvent and that it is proceeding in good faith (meaning that it has the support of a majority in amount of each class of creditors to be impaired under a plan of adjustment, it has negotiated in good faith to obtain such agreement and failed, or that it is impracticable to do so). 11 U.S.C. §109(c)(3), (5).

On the filing of a Chapter 9 bankruptcy petition, as in other bankruptcy

cases, an automatic stay applies immediately and puts a hold on most creditor collection efforts. A notable exception in the case of Chapter 9 bankruptcies is that the stay does not apply to special revenue bonds. The purpose of the automatic stay is to give the debtor the opportunity to work out a reorganization without the immediate pressures of creditor action. The State Municipal Insolvency procedure provides for a more limited stay.

In a Chapter 9, a municipality will have great leverage with dealing with unions. This is because a municipality in Chapter 9 may be able to reject collective bargaining agreements if it can convince the bankruptcy court that it has tried to resolve its union issues through other means, the collective bargaining agreement is a significant burden, and that rejection is the best option on balance.

The ability to reject agreements in Chapter 9 goes beyond collective bargaining agreements. As is the case with a Chapter 11 debtor, a municipality in Chapter 9 may reject burdensome executory contracts and leases. Some unique features of Chapter 9 are that a municipality is not required to file schedules, does not need Bankruptcy Court approval to retain or pay professionals, and payments on bonds are not voidable as preferential payments. In addition, the Tenth Amendment limits the Bankruptcy Court's authority to interfere with the political and governmental powers of the municipality, and the municipality's property and revenues remain under its control.

Will New Jersey Follow the Trend?

Because of the state's commitment to protecting New Jersey public entities in the bond market, the state will be reluctant to permit a New Jersey municipality to enter bankruptcy. As long as the state has the resources to provide a financial rescue, it is unlikely that we will see any of New Jersey's 566 municipalities filing Chapter 9. However, the state faces its own growing financial pressures. Accordingly, there may come a day when the state is unable to bail out failing municipalities. At that point, the state's attitude toward Chapter 9 may change. Given the trends noted above, that day may not be as far off in the future as some may think. ▲



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How to Ask Your Public Library to Return Funds



By Vincent Mazzeo
Mayor, City of Northfield

The City of Northfield is a primarily residential community in Atlantic County, seven miles west of Atlantic City. As of October 8, our public library is set to break ground on an expansion of the existing building, funded entirely using their surplus.

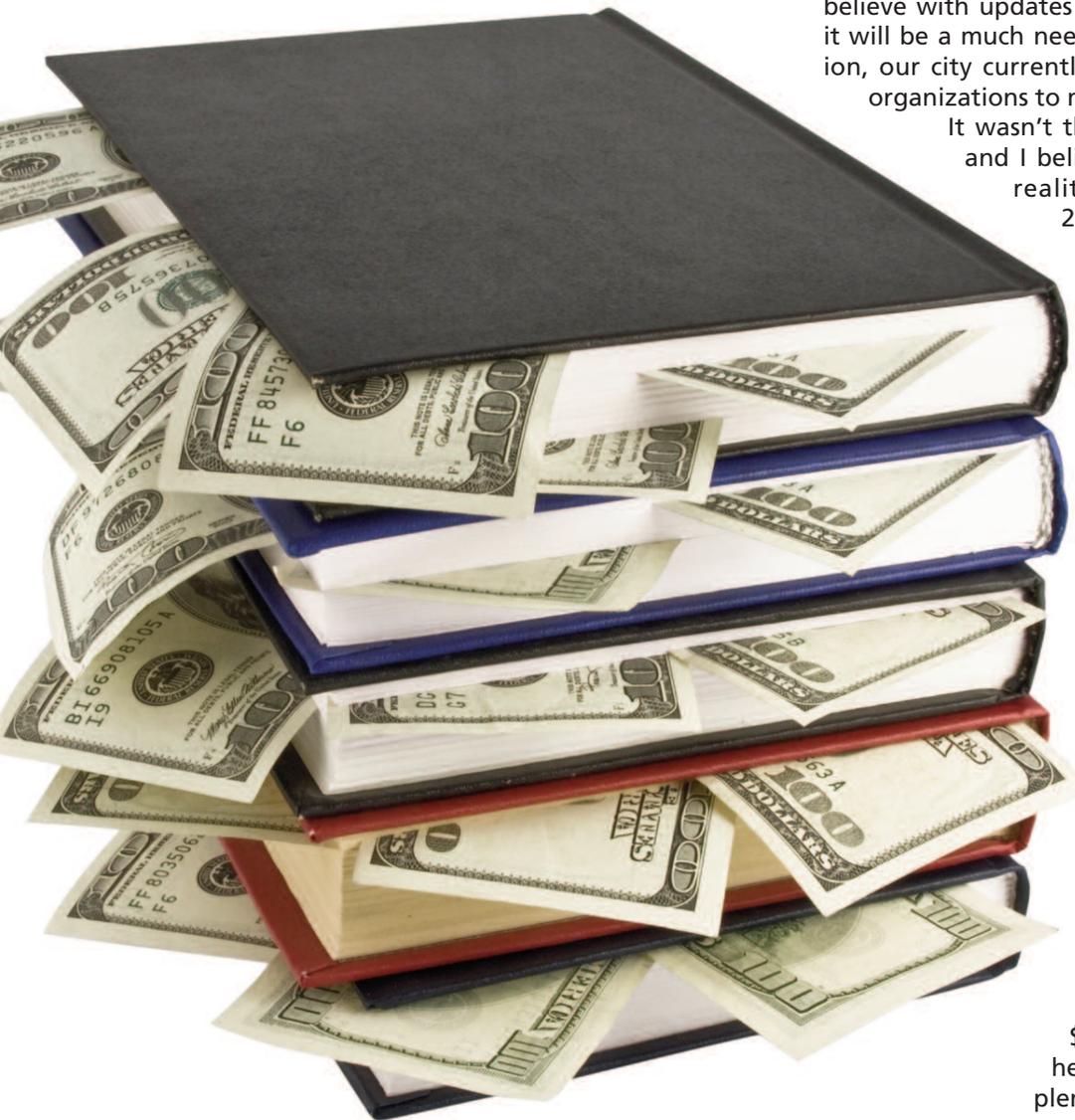
The project has been in the works since 2005, but really gained momentum when we were advised by the State Librarian that the facility was undersized based on our population. Along the way, there were many different approaches to this project regarding the building itself, how big it should be, how much to spend, and who was going to fund it.

The current structure was built in 1989 and is approximately 4,000 square feet. The expansion will add another 1,700 square feet in the form of a new meeting room, updated bathrooms, and much needed storage. In addition, the HVAC system will be modernized and the overall energy efficiency of the building will be improved.

The current library Board of Trustees supported the project based on their desire to move the library toward the future with a more modern facility. The library of today is becoming a community center, and we intend to make it available to local organizations for various meetings and functions. Our facility is right in the center of town and we believe with updates to the building and new technology it will be a much needed amenity for our city. In my opinion, our city currently lacks suitable space for Northfield organizations to meet.

It wasn't that easy to get where we are today and I believe compromise made this project a reality. Prior to being elected Mayor in 2008, I served on City Council for four years, and in 2007, I was Council Liaison to the library. As Liaison, I made it clear to the board that the city wouldn't help fund any expansion project. After becoming Mayor and then officially a member of the board, I still held that opinion but realized it was time for action. The Board of Trustees at that time had the best intentions for the library in mind in wanting to expand, but they wanted the city to help fund the project. The governing body didn't want the expansion—and for some very good reasons.

Like the rest of New Jersey, property values in Northfield increased rapidly between 2003 and 2007, and since the formula for funding public libraries is based on the valuation of the municipality, the library had been getting large increases in city funding during those years. The Board of Trustees had saved \$800,000, but still wanted the city to help pay for their expansion with supplemental funding. The governing body,



in turn, felt they could not fund anything for the library when it had a reserve that large. In addition, we, as members of the governing body, believed that with that much in surplus, some money should come back to the taxpayers.

However, there wasn't really a funding mechanism that permitted the return of excess monies to the municipality. As a result of the differences in opinion between the governing body and the library board regarding their surplus funds, there was friction between us, and the expansion plans were going nowhere.

WE HAVE A
NINE-MEMBER LIBRARY
BOARD THAT RETURNED
\$410,000 IN FUNDS
OVER A THREE YEAR
PERIOD FOR TAX RELIEF
TO OUR RESIDENTS.

In addition to specifying how big your library has to be, the state also mandated that library monies could only be used for library purposes. That changed in 2008 when what is commonly known as the Moriarty Bill (after its sponsor, Paul Moriarty) was passed. The new law enabled libraries to return excess funding to their respective municipalities. This bill was a start but it was complicated and a more specific formula of what money could be returned was in order.

There are only five municipal public libraries in Atlantic County; the rest are part of the County Library System, a wonderful and well-managed entity. Looking at all options to save money, Northfield's governing body held a special meeting in the summer of 2008 to discuss the possibility of joining the County Library System.

But many in Northfield still loved our small town library. Members of the public came out to support them, and discussions were held at length with regard to the pros and cons of having our own library or joining the county system. In the end it was agreed to stay with our own public library. However, I believe it was this meeting that became the catalyst for change. It led to the library trustees agreeing to give back money to the city through the Moriarty Bill. In both 2008 and 2009 the library agreed to give back \$55,000. This was a big help because towns were getting less in state aid and the recession had begun. Like many municipalities, our revenues were declining and new sources of revenue were few and far between; any additional revenue was welcomed. The expansion of the library, however, remained on the back burner.

In 2010 another bill was passed which expanded on the ability of public libraries to return funds. This bill was more specific and allowed libraries to keep only 20 percent over their budgets, with the rest returned

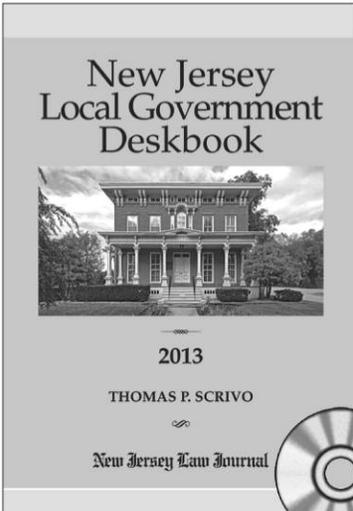
to the municipality for tax relief. There is, however, a provision in the bill that permits libraries to retain any money held in a capital fund. So, ultimately, towns had to seek the cooperation of the Library Board.

In Northfield, we are very fortunate. We have a nine-member board that returned \$410,000 in funds over a three year period for tax relief to our residents. The bill that passed in 2010 was doing what it was intended to do. Of course, the cooperation of the library board was imperative and to their credit, they did what was right. Northfield's governing body, recognizing the cooperation of the library board, finally gave their blessing for an addition to the library later that year. The library is entirely self-funding the building, using the balance of their surplus, without additional money from the city.

I believe when there is cooperation progress can be made. The new Northfield Public Library should be completed by late winter or early spring of 2013. ▲

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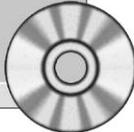
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Leave as a Disability Accommodation: Policies and Compliance



By Brian W. Kronick, Esq.
NJLM Labor Counsel;
Partner, Genova Burns Giantomasi & Webster

According to the federal Family and Medical Leave Act (FMLA), employees with serious health conditions are entitled to take 12 weeks of unpaid leave, with a guaranteed right to return to their jobs. However, when the employee has a health condition that may also be a disability under the Americans with Disabilities Act Amendments Act (ADAAA), that may not be enough.

Leave as an Accommodation? Under the ADAAA, a person has a disability when a physical or mental impairment substantially limits a major life activity. That's true even when the health condition is sporadic or in remission.

Employers must reasonably accommodate disabilities in a way that allows the employee to perform the essential functions of the job. That generally means the employer must provide some assistive device (such as an ergonomic chair), change the employee's schedule (for example, with flexible or reduced hours) or even allow the employee to telecommute or transfer to an open position, if doing so would allow the disabled employee to complete all essential job tasks.

There is a limit, however, to what an employer is required to do. An accommodation is considered "reasonable" so long as it does not create an "undue hardship" for the employer. An undue hardship is defined as a significant difficulty or expense, and focuses on the resources and circumstances of the particular employer in relationship to the cost or difficulty of providing a specific accommodation. However, undue hardships are not only financial burdens to the organization. Undue hardships also take into account accommodations that are unduly extensive, substantial or disruptive, or those that would fundamentally alter the nature of the business. Employers must undertake this analysis on a case by case basis. See 42 U.S.C. § 1630.2(p); EEOC Enforcement Guidance: Reasonable Accommodation and Undue Hardship Under the ADA.

Allowing the employee to take a defined leave of absence may also be a reasonable accommodation if, at the end of

the leave, the disabled employee will be able to resume work and perform the essential functions of their job.

The Impact of FMLA Leave on the "Undue Hardship" Analysis The EEOC considers a blanket requirement that an employee be ready to return to work after his or her FMLA leave ends, at full capacity, a violation of the ADAAA. In fact, in litigation filed in 2010, an EEOC attorney was quoted as saying, "inflexible leave policies which ignore reason-

able accommodations that will make it possible to get employees back on the job are illegal."

Thus, we now know that an employer must, after an employee's leave of absence ends, give consideration to whether the employee is entitled to additional leave as a reasonable accommodation.

That is not to say, however, that the undue hardship standard is abandoned where leave is the proposed accommodation for an employee's disability. Employers may factor the employee's 12 weeks of FMLA leave into the analysis, yet "undue hardship" remains a high threshold to meet. Employers must be prepared to explain how the leave would create a hardship, and should begin by being

able to answer the following key questions: (1) What is the impact of not having an individual in the position? (2) What is the impact of the redistribution of the essential functions of the position? (3) How are the functions carried out while the person is out on FMLA leave? and (4) What is the impact on the business if the functions are not carried out?

While the morale of other employees may not be considered, the tangible impact on the work of other employees is a valid consideration. Of course, all undue hardships and impacts on the business should be well documented.

What Employers Should Do Each time an employee seeks additional leave at the end of his or her FMLA leave, look at the situation carefully. It is legally impermissible to have a blanket policy refusing such leave extensions. Employers must evaluate each situation to determine whether the serious health condition that compelled the employee to

EMPLOYERS MUST
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seek leave is actually an ADA/A disability. If so, a leave extension as an accommodation may be required.

The duration of that leave extension will depend on the particular circumstances. The size of the workforce, the nature of the employee's job, the number of employees available to take on those responsibilities and the length of the leave requested are all factors you should consider.

THE POLICY SHOULD INDICATE THAT EMPLOYEES MUST DISCUSS ANY ADDITIONAL LEAVE WITH HUMAN RESOURCES OR ADMINISTRATION IF THEY FEEL THEY NEED ANY ACCOMMODATION IN ADDITION TO FMLA LEAVE.

Remember, this accommodation issue arises only when an employee seeks leave for his or her own serious health condition and that condition is also considered a disability. There are other reasons that an employee might seek FMLA leave that would not involve the ADA/A at all—for example for the birth of a child or to care for a sick child or parent. In these alternate situations, the ADA/A is not implicated in any way.

So, should your municipality revise its leave of absence policy? The policy should indicate that employees must discuss any additional leave with human resources or administration if they feel they need any accommodation in addition to FMLA leave. That way, the burden is on the employee to seek additional leave. Then, when he or she does, you can engage in a dialogue to make sure that a leave extension is both warranted and required.

Are Indefinite Leaves of Absence Required Most importantly, indefinite leave requests are never considered "reasonable" accommodations under

the ADA/A. However, if a doctor indicates an indefinite leave is needed, seek more information before discharging the employee.

Courts want to see that employers are communicating the consequences with employees before terminating them. Inform the employee that an indefinite leave request is unreasonable, and that he or she should ask his or her doctor for a more definite leave period. Tell the employee that if he or

she can't propose a leave of some definite length, you can deny the leave or fill the position. After obtaining a HIPAA release, you may also speak directly with the doctor. In this way, the employee can discuss options with the physician and make well-reasoned choices before being terminated. ▲

Brian W. Kronick, Esq. is NJLM labor counsel and Managing Partner with Genova Burns Giantomasi & Webster, in Newark, New Jersey.



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Summer Workplace Blood Drives Increase Donations



By Mary E. O'Dowd
Commissioner, New Jersey
Department of Health

Hospitals depend on a ready supply of blood every day to perform surgery and treat trauma victims. Thanks to the generous support of New Jersey businesses and their employees, we made great strides in increasing New Jersey's blood supply this summer.

Our 2012 Summer Workplace Blood Drive Campaign, called The Need for Blood Doesn't Take a Vacation, was hosted by the New Jersey Workplace Blood Donor Coalition, which represents some of New Jersey's biggest employers. Coalition members promoted the need for workplace blood drives to thousands of New Jersey business leaders and public officials. What's unique about this campaign is we have tracked our success so participants know they've made a difference—and we can use this data as a baseline for future campaigns.

By working together, New Jersey's eight blood centers and the New Jersey Workplace Blood Donor Coalition, which I co-chair with Novartis Pharmaceuticals Corp.'s Kevin Rigby,

held more than 3,500 blood drives and New Jersey residents donated more than 86,285 units of blood, an increase of more than 8,700 units. As a result, New Jersey's blood centers reported nearly 450 more blood drives than last summer—an increase of 13.8 percent in the number of drives and an 11.2 percent increase in the number of units of blood collected over the same period in 2011.

Members of the Coalition represent the New Jersey State League of Municipalities, the New Jersey Business and Industry Association, Novartis Pharmaceuticals Corp., the Blood Bank Task Force of New Jersey, the New Jersey Department of Health, New Jersey Chamber of Commerce, Chamber of Commerce of Southern New Jersey, Health-Care Institute of New Jersey, the New Jersey Association of Realtors, New Jersey Food Council, New Jersey Hospital Association, New Jersey Society of Environmental and Economic Development, the New Jersey State AFL-CIO, Rutgers University and Virtua Health.

It is important that we keep up the momentum that we've built this summer. A donation can help ensure blood is available when it is needed. Nine out of 10 people will need blood at some time in their lives due to illness, to treat an injury or during surgery and there is no artificial substitute. By donating blood, New Jerseyans are giving something that is irreplaceable. A single donation—one unit of blood—can save up to three lives.

Giving blood is easy. It takes less than an hour and you'll be helping others. For more information about blood donation in New Jersey, visit www.njsave3lives.com and click on the calendar of events to find upcoming blood drives in your county.

Coalition members promoted the need for workplace blood drives to thousands of New Jersey business leaders, mayors and other public officials through newsletters, newlines, publications, websites, direct mail, presentations and special events. More than 20 companies in South Jersey received training in how to conduct blood drives. Coalition members held a total of 22 workplace blood drives and raised public awareness of the need for blood through news articles and interviews. Graphics demonstrating the increase in workplace blood drives and units of blood collected are available at http://nj.gov/health/documents/workplace_blooddrive_results.pdf.

What's unique about this campaign is we have tracked our success so participants know they've made a difference. We can use this data as a baseline for future campaigns. ▲



Commissioner Mary E. O'Dowd meets with medical staff at the Motor Vehicle Commission work place blood drive on July 11.

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Small Cities Community Development Block Grants

Small Projects Equal Big Results



By Richard E. Constable, III
Commissioner, New Jersey Department
of Community Affairs



Egg Harbor City is using a \$382,982 Small Cities CDBG grant it received last year to continue reconstructing properties in its downtown redevelopment area for senior affordable housing such as Renaissance Plaza, which is illustrated here.

Sometimes the smallest things can have the biggest impact.

Intersection improvements help the elderly and people with disabilities get around town. Repairs to houses damaged by Tropical Storm Irene help lower-income families return home. And upgrades of sanitary sewer and water mains ensure safe drinking water. These small scale programs can mean the difference between progress and a community's decline.

But even small projects cost money.

This is where Small Cities Community Development Block Grants (CDBG) can help. Grants provided through this program are designed to help eligible municipalities and counties meet needs that otherwise wouldn't be met because of cost constraints. In other words, these grants plug funding gaps.

Earlier this year, the Christie Administration awarded more than \$7 million in Small Cities CDBG grants to local

governments, a majority of them in South Jersey. The grants benefited 17 municipalities, three counties and nearly 30,000 people.

I had an opportunity to visit the boardwalk in Wildwood City where local officials used a \$400,000 Small Cities grant to build an access ramp to the beach that can be used by pedestrians, bicyclists and people with disabilities. The ramp enabled the city to fully comply with the Americans with Disabilities Act.

In addition, Lt. Governor Kim Guadagno traveled to Cumberland and Salem counties to visit local communities that received these grants. She saw how a \$400,000 grant was used to replace aging water and sanitary sewer mains and install sidewalks to benefit the Seabrook Farms community in Upper Deerfield Township. She also noted the \$150,000 grants awarded to both Cumberland and Salem counties, which will be used to repair homes that were damaged in Tropical Storm Irene.

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If not for the Small Cities CDBG grants, these projects would not have gotten underway.

Funding for the grants is provided through the U.S. Department of Housing and Urban Development. The New Jersey Department of Community Affairs (DCA) administers the program for the State of New Jersey. As part of its role, the department (1) develops a Small Cities CDBG grant plan for the year, (2) notifies eligible local governments that applications are being accepted, (3) reviews the applications received, and (4) makes final decisions on grant awards.

Local governments can use the funding to buy property for public purposes, improve public infrastructure, rehabilitate public and private buildings, assist non-profit groups with community development activities, help for-profit organizations with economic development activities, and provide public services, among other things.

No matter the project, the grants must give maximum priority to activities that help people of low and moderate income or aid in the prevention or elimination of slums or blight. Seventy percent of the overall grant award must benefit low and moderate income populations.

Under unique circumstances, local governments can also use their funds to meet urgent community develop-

ment needs for which no other resources are available. A need is considered urgent if it poses a serious and immediate threat to the health or welfare of the community and has arisen in the past 18 months.

THE SMALL CITIES
CDBG GRANTS ARE
A WAY TO ENCOURAGE
LOCAL GOVERNMENTS
TO ADDRESS ISSUES
THAT WILL BENEFIT
SOME OF OUR MOST
VULNERABLE CITIZENS.

Since the Christie Administration took office in January 2010, the DCA has awarded more than 45 Small Cities grants totaling \$14.12 million to 31 local governments around the state, helping hundreds of thousands of people. The projects have been in areas as diverse as affordable housing for

seniors, food pantry expansions, roadway reconstruction and accessibility improvements for public buildings. For example, Egg Harbor City in Atlantic County used a \$382,982 grant to continue reconstructing properties in its downtown redevelopment area for senior affordable housing. To improve the local infrastructure for people with disabilities, Palmyra Borough in Burlington County used a \$500,000 grant to install or reconstruct 372 sidewalk handicapped ramps.

This year, Burlington City, Downe Township, Salem City, Upper Deerfield Township, Upper Pittsgrove Township, West Cape May Borough, and Woodstown Borough are using Small Cities grants of between \$100,000 and \$200,000 to help families rehab their homes through interest-free, deferred loans and other means.

In Gloucester City, Wildwood Crest Borough, and Woodbine Borough, \$400,000 grants are being used for public infrastructure projects that improve storm water management. Old, deteriorated water and sanitary sewer mains are being upgraded in Woodstown Borough. Also, people with disabilities who visit beaches in North Wildwood and Cape May cities will see accessibility improvements at various locations along the beachfronts as a result of \$400,000 grants.

Housing repairs, storm damage, flooding, aging water and sewer infrastructure, beach access for people with disabilities—these are things we seldom think about until there is a problem. The Small Cities CDBG grants are a way to encourage local governments to address issues that will benefit of some of our most vulnerable citizens. They can also be leveraged with other funding sources to result in an even greater impact on communities.

While these grants might not make headlines, they do make a noticeable difference by addressing important local needs. Furthermore, they help to improve the overall quality of life for New Jerseyans in need, which is a primary goal of DCA.

The department looks forward to administering the grant program now and in the future because of the tremendous benefit it provides to communities across the state. Truly, big results do come from Small Cities projects. ▲

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Legal Team Supports League Efforts

As always, the League's legal department has been very busy. The League has been involved in numerous court cases dealing with municipal issues, ranging from OPRA to labor relations to utilities regulation.

Our Legal Team also provides expert advice, not only to our membership but also in testimony before the legislature and various administrative agencies. Our knowledgeable attorneys strengthen our ability to advocate for local interests on a wide variety of topics.

As many of you are aware, our Legal Team lost an outstanding member this year. Sadly, on Saturday, September 15, New Jersey's foremost expert on land use law, Stuart R. Koenig, Esq., unexpectedly passed away. Stu will long be remembered for the depth of his knowledge, his willingness to share it, his articulate advocacy for better local government, and his wit.

During his long career, he served as special counsel to more than 40 municipalities. Our members frequently

turned to him for advice on questions involving municipal and land use law. He had long served as Senior Assistant Counsel to the New Jersey League of Municipalities. In that capacity, he represented the League on land use issues, advised on legislative matters, drafted legislation, testified before legislative committees, and appeared in appellate litigation on our behalf. He also served as the Chair of the Land Use, Environmental Protection, and Economic Development Subcommittee of the League's Legislative Committee.



His service to the League will surely be missed. ▲

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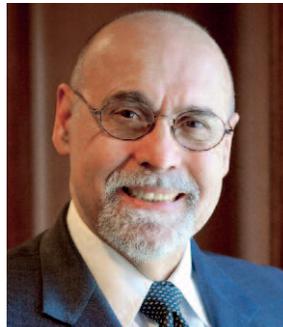
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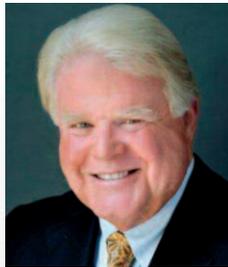
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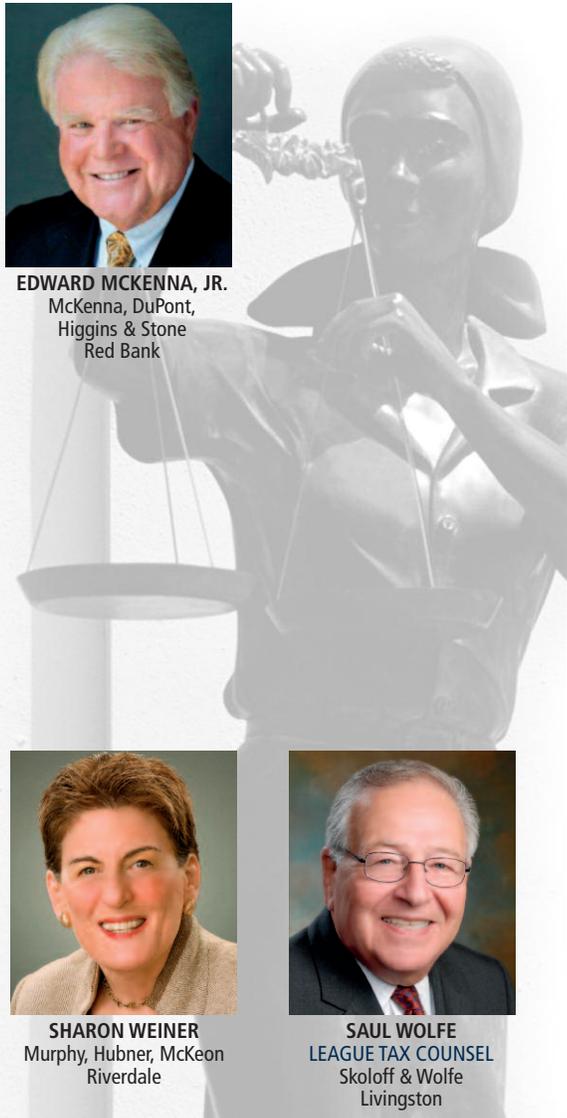
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Creating Community Homes for Those with Developmental Disabilities



By Jennifer Velez
Commissioner,
New Jersey Department
of Human Services

During Governor Chris Christie's Fiscal Year '13 budget address in February, he highlighted New Jersey's national ranking for the institutionalization of people with developmental disabilities. Our state is 49th; just above Arkansas and Mississippi.

The Governor found this unacceptable, calling it a "shameful fact;" one that "must change and is long overdue."

That change now is underway. Governor Christie committed more than \$40 million in this year's budget for programs and services that support people with developmental disabilities in the community.

In addition, the departments of Human Services (DHS) and Community Affairs (DCA) have forged a special needs housing partnership aimed at creating affordable, supportive housing for an estimated 600 people with developmental disabilities. The initiative's goal is to integrate people with special needs into the community whenever possible. To date, about 39 towns have committed funds for this purpose.

Most recently, a Task Force on the Closure of State Developmental Centers made binding recommendations to the

Governor that set in motion the depopulation of North Jersey Developmental Center in Totowa and Woodbridge Developmental Center. It is expected that more than 500 of the individuals living in the centers will need community-based residential and program opportunities.

IT'S IMPORTANT TO NOTE THAT THESE ARE RESIDENCES—NOT BUSINESSES.

It has been over a decade since the state closed North Princeton Developmental Center, and since then, community living has become more familiar to elected officials and their constituents. More than 350 non-profit agencies in New Jersey provide residential services to individuals with intellectual and developmental disabilities. In addition, thanks to program supports, many more families are



Department of Human Services Commissioner Jennifer Velez (third from left) poses with state and local officials and residents of a community home for those with developmental disabilities.

choosing to keep their adult children with disabilities at home.

With the continued development of special needs housing in the state, I think it's important to review the role of municipalities and communities in this initiative.

Today, there are 2,223 licensed community residential programs located in single family homes, apartments, condominiums and town homes throughout the state. It's important to note that these are residences—not businesses. They look like any other home and are part of neighborhoods across our state. There are no requirements or special approvals required by towns and there are no conditions regarding where or how many may be located in a geographic area, as long as a balanced integration of individuals with and without disabilities is achieved.

The homes are licensed and funded by DHS and there are operational standards that must be met. Our guidelines promote the health, safety and wellbeing of the residents. Before a person moves into a DHS-funded community home, he or she is carefully evaluated by professionals with knowledge of people with disabilities. We require that services, tailored to fit each individual's needs, are in place. This can include daily activity programs, job training, transportation or physical therapy.

The programs are monitored to ensure that community homes are well run, well maintained and provide residents with the services they need to live safely and successfully in the community. DHS' Office of Program Integrity and Accountability monitors agency-run community homes and through its regulatory process, the Office of Licensing performs inspections annually (through unannounced visits or when complaints or concerns are raised).

The Fair Housing Act and other civil rights laws prohibit discrimination in housing based on disability. It would be unheard of for city and town councils to 'count' the number of residences with a particular race or ethnicity. So it would be equally inappropriate for local governments to object to housing for special needs populations. In-home staff support for an individual with developmental disabilities does not turn a home into a business any more than someone having a nanny or nurse.

People with developmental disabilities, particularly individuals who have moved from developmental centers to community homes, have shared with us that community living has provided new and constructive experiences and activities. Even family members, who originally thought their relative could not live successfully in a community home, have seen their loved one flourish in ways that they could not have imagined.

DHS and the agencies with which it contracts to provide community

services are making a difference. We're working to serve individuals with intellectual and developmental disabilities in the least restrictive settings and honoring the civil rights of our consumers.

We appreciate the support from municipalities throughout the state, our non-government partner agencies and the individuals and families we serve.

More information about community living can be found on the department's website under Good Neighbors. Feel free to share this information with your community. ▲

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"I Want My Complete Streets"

Join Our Statewide Initiative for Safer, Healthier and More Economical Streets



By Jerry Fried
Lead Ambassador,
Ambassadors In Motion, Rutgers'
Voorhees Transportation Center;
former Mayor, Montclair

One quality of life issue that unites people of all ages is the need for safer streets. Professionals from pediatricians to gerontologists know that to live and feel healthy, Americans need to be spending more time outdoors, walking or biking several times a week for common activities like short trips to the store. Streets that accommodate such active living are

called Complete Streets (CS), and municipalities that want to take advantage of grants and initiatives to improve safety, health, and economic vitality are well-advised to adopt CS policies.

New Jersey adopted the country's most comprehensive state Complete Streets policy in 2009. Since that time, many municipalities and organizations have come onboard to form an active transportation movement.

This thinking is an important element of the state's new strategic plan and the focus of many transportation, health, and safety organizations including Safe Routes to School programs throughout the state.

This year I have been working as a lead ambassador for the New Jersey Bicycle and Pedestrian Resource Center's Ambassadors in Motion program. The program employs four forms of outreach: on-street, classroom, event and municipal/county. Our mission is to increase the number of people walking and biking, while also decreasing the number of injuries and fatalities. Through municipal and county outreach efforts, the program is spreading the word about CS, offering technical assistance, and encouraging the adoption of new local policies. The program, funded by the New Jersey Department of Transportation (NJDOT), has already helped several municipalities through the CS adoption process. To learn more about the program, please go to www.njbikeped.org.

It turns out that what's good for you, such as walking and biking, is also good for local economies. There is ample evidence from economic data and research that property values increase with walkability. This is most evident in the residential housing market. The worst drop in housing prices has occurred



A card-carrying member of Walk and Bike Montclair speaks out in favor of Complete Streets.

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in sprawling suburbs where there are few opportunities to walk. In contrast, homes in areas where basic amenities are within walking distance have maintained their value. As sustainable development-guru Chris Leinberger has so eloquently stated, "people raised on Seinfeld, Friends, and Sex in the City aren't looking to live in McMansions...they want to hang out in their local neighborhood coffee shop and walk to work."

Many of the elements of Complete Streets are dirt cheap and will pay for themselves with increased commercial property values. Take for example the \$1.1 million improvement to Montclair's downtown streetscape. The money was used to transform a hazardous thoroughfare and parking zone into a leafy public commons with amenities for pedestrians and adequate space for cars and parking. The project received the enthusiastic support of our town's fiscally-conservative budget committee and will benefit the city for years to come.

AARP has joined NJDOT to advocate for Complete Streets throughout New

Jersey. To date, over 30 municipalities and three counties have adopted CS policies. With over 1.3 million members in New Jersey, AARP is investing its resources in Complete Streets so that seniors can live healthier and longer. This powerful organization also recognizes that walkable communities make it easier for the elderly to remain in their homes.

**OUR STREETS ARE
A PRECIOUS RESOURCE
FOR PEOPLE, NOT JUST
THOROUGHFARES
FOR VEHICLES.**

Meanwhile, the Complete Streets movement is also being embraced by those who advocate for youth. Shaping NJ, the state's public/private initiative to reduce obesity and promote life-long, active living, has adopted a goal of increasing the number of CS policies and Safe Routes to Schools programs.

So with all these initiatives, how can citizens make sure Complete Streets is an engine of economic growth, quality of life, and health and safety for young and old in their communities?

The key is elected officials. Although many technical experts like municipal planners and engineers have learned about Complete Streets through NJDOT outreach, only elected officials are in a position to communicate with the public effectively. They are simply in the best position to promote policies that will ensure that our most extensive public commons, our streets, are accessible to everyone (including those who walk, bike or use mass transit).

How can you get involved? A 2013 campaign, "I Want My Complete Streets," will feature New Jersey celebrities, policy makers, and citizens (including seniors and children for whom safer streets can be a matter of life or death). Like the "I Want My MTV" campaign, the main goal is to introduce what is a new concept to most people: the notion that our streets are a precious resource for people, not just thoroughfares for vehicles. At the same time, it will raise

awareness of the many health, safety and economic benefits, direct people to online resources, and ask people to speak with their Mayors and representatives to address the issue directly. There will be Public Service Announcements that can be customized to add the voices of local officials and community leaders to those of statewide figures, buttons, t-shirts, bumper stickers, and other signs that can be posted in stores, on bikes, strollers, wheelchairs and walkers.

In Montclair, it has been inspiring to see the diversity of supporters of Complete Streets. They come from virtually every sector: senior citizens, PTAs, skateboarders, business groups, retailers, police, the YMCA, hospitals and healthcare providers. Many homeowners understand the fact that a walkable, more vibrant community is simply more desirable to homebuyers. It certainly helps when one demonstrates the \$1 million in grants and \$1/2 million in zero interest loans that the Township of Montclair has received for pedestrian and bicycle enhancements and our reputation as one of New Jersey's best destinations for dining, arts, recreation and cultural activities.

Policy makers in Trenton, including the Governor, Commissioner of Transportation, and economic development leaders have all endorsed investment in areas of the state that are transit-friendly and feature mixed-use development. These areas make it easier for residents to shop and work close to home and to use mass transit. They also make it possible for more seniors to age-in-place.

Although our state suffered from many of the auto-centric mistakes of post-war American development, over a third of our residents live in older suburbs that are ripe for invigorating redevelopment. Many also live in cities that are undergoing significant investment. For the rest, it's important that we retrofit roads and connect housing with more retail stores and public amenities to encourage healthier living and a more dynamic community. ▲

To learn more about how your community can become healthier, safer, and more economically sustainable through Complete Streets, please go to completestreets.org and contact me at jerryfriedhome@gmail.com to find out how to get a Complete Streets media kit and materials.



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Legislative Update



By NJLM Senior Legislative Analysts
Lori Buckelew, Michael F. Cerra, Jon R. Moran,
and NJLM Staff Attorney Matthew Weng, Esq.

LEAGUE SUPPORTS VACANT PROPERTY UPKEEP The League supports S-115 and A-3072, companion legislation which would permit municipal governing bodies to make, amend, repeal and enforce ordinances to regulate the care, maintenance, and upkeep of vacant residential properties on which a summons and complaint in an action to foreclose has been filed.

Further, S-115 and A-3072 provide that when a creditor is found by the municipal court of the municipality in which the property is located, or any other court of competent jurisdiction, to be in violation of any ordinance, rule or regulation adopted pursuant to the bill's provisions, the creditor is subject to a fine of \$2,500 for each day of the violation. Under these circumstances, at least 20 percent of any money collected shall be used by the municipality for municipal code enforcement.

S-115/A-3072 also requires out-of-state creditors to designate an in-state person or entity responsible for the care, maintenance and up-keep of the property.

S-115, sponsored by Senators Rice and Gill, was approved by the Senate Commerce Committee and subsequently approved by the full Senate unanimously. It now awaits consideration by the Assembly Housing and Local Government Committee.—MFC

EXPANSION OF PUBLIC WORKS CONTRACTOR REGISTRATION ACT Assemblyman Singleton and Assemblywomen Riley and Lampitt have introduced A-3359, which concerns the registration of contractors and sets criteria for responsible bidders in public works. In order for a contractor to be awarded a contract for any construction, reconstruction, demolition, alteration, custom fabrication, or repair work, or maintenance work, including painting and decorating over \$14,187, the contractor must have a Public Works Contractor Registration. The contractor has to be registered at the time of the bid opening but does not need to produce the certificate with the bid.

A-3359 expands the requirements of the Public Works Contractor Registration Act. The bill would require contractors to demonstrate that they meet the definition of "responsible bidder" in order to receive a Public Works Contractor Registration. "Responsible bidders" are defined as contractors who bid upon a contract subject to the provisions of the "New Jersey Prevailing Wage Act" or a con-

tract under which workers are required by any other state law to be paid prevailing wage rates set pursuant to that act, and who meet all of the requirements of N.J.S.A. 34:11-56.52.

In addition, A-3359 expands the information required for the Public Works Contractor Registration to include a certification, with documentation satisfactory to the commissioner, that the contractor has:

- all valid and effective licenses, registrations or certifications required by federal, state, county or local law, including but not limited to licenses, registration or certifications required to do business in New Jersey and perform the work it seeks to perform;
- not been debarred by a federal or state government agency or authority in the past three years;
- not had any type of business, contracting or trade license, registration or other certificate suspended or revoked in the past year;
- not been convicted of any crime relating to the construction business; and
- not been found in violation of the state wage, benefits and tax laws.

Finally, A-3359 will require that the contractor provide all requested information prior to receiving the Public Works Contractor Registration.

The League opposes A-3359. The new requirements imposed under A-3359 are extremely cumbersome. We fear that as a result fewer contractors will be able to receive a Public Works Contractor Registration. With fewer contractors qualified, the price for a project will increase.

A-3359 awaits consideration by the Assembly Labor Committee.—LB

"VERIZON" LEGISLATION WILL AID RESIDENTIAL TAXPAYERS

In 1997, at the request of incumbent utilities, the laws regarding state taxation of telecommunications corporations were amended in response to technological and market innovations, in order to increase competition. The amendments sought to preserve revenues to local governments by providing that local exchange telephone companies subject to the New Jersey Franchise and Gross Receipts Tax on April 1, 1997 would continue to be subject, annually, to the Business Personal Property Tax (BPPT). The statute defines

local exchange companies as those telecommunications carriers "providing dial tone and access to 51 percent of a local telephone exchange."

Verizon's self-serving interpretation of the statutory definition has led it to claim exemption from the BPPT in any municipality where the corporation unilaterally determines, in any given year, that it no longer supplies dial tone and access to at least 51 percent of the local telephone exchanges. Hopewell Borough's challenge to that claim was upheld by the Mercer County Board of Taxation in 2009. Verizon's appeal of that determination to the Tax Court resulted in a June, 2012 trial court decision accepting the corporation's self-serving interpretation of the law.

We hold, and an Office of Legislative Services opinion agrees, that it was the intent of the 1997 legislation to permanently protect this source of property tax relief funding with a one-time definition of "local exchange telephone companies." It was not the intent to allow the incumbent carrier to annually and unilaterally decide, based on information regarding market share that it will not share (and which, therefore, cannot be verified by the municipality or the state) that it will no longer be subject to the BPPT in any individual municipality.

As things now stand, over 100 municipalities know that they enter 2013 without BPPT revenues that will cost property taxpayers well in excess of \$8 million and, unless matters change, more municipalities will lose millions more in the future.

Remedial legislation (A-3393) has been introduced by Assemblyman Ralph Caputo, which will clarify the perceived ambiguity of the statutory definition to further implement the original legislative intent to preserve revenues to local governments. Companion legislation (S-2324) has been introduced by Senators Bob Smith and Linda Greenstein.

We strongly support A-3393 and S-2324, which would clearly identify the telecommunications carriers subject to taxation on their business personal property and remove the budget uncertainty caused by Verizon's obfuscation.

At this time, A-3393 awaits action in the Assembly Telecommunications and Utilities Committee. S-2324 awaits reference.—JRM

LEAGUE OPPOSES WINDOW TO REVIVE EXPIRED SEXUAL ABUSE CLAIMS The League opposes S-2281. The League understands and applauds the sponsor's intent. Sexual abuse of a child is a terrible crime that can have repercussions for years. We also agree that the current statute of limitations of two years on all claims is too short. We support Assembly Majority Leader Lou Greenwald's bill, A-2681, which would extend the statute of limitations from 2 to 7 years for suits against public bodies,

and remove the statute of limitations entirely on the actual perpetrators.

We cannot, however, support S-2281. If this bill passes, any claim of sexual abuse, no matter how far in the past, can be revived during the two-year window. The bill also exposes public officials, employees and volunteers to personal liability for the actions committed by other employees and volunteers. Specifically, they can be sued personally by someone claiming that they failed to exercise oversight of an



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employee or volunteer who allegedly committed sexual abuse decades earlier. This is true even if the perpetrator is dead and the organization no longer has any records, witnesses or institutional knowledge of what occurred to defend itself.

Under this bill, municipalities and their officials, employees, and volunteers could be faced with the near-impossible task of defending a claim of sexual abuse that may be decades old. In fact, the bill may encourage such lawsuits by including the same attorney fee shifting provision that was a significant factor in the tenfold increase of employee practices lawsuits against municipalities over the last decade.

The unintended consequence of this legislation may be to discourage local governments from offering youth programs and/or to discourage volunteers from becoming involved in these programs.—MW

LEAGUE SUPPORTS PUBLIC NOTICE FOR WATER UTILITIES The League supports A-3038, which would require public water utilities regulated by the Board of Public Utilities (BPU) which petition the BPU for an increase in

water rates, to provide notice of any hearing or proceeding to be held by the BPU involving such a request. The bill does not impact municipal departments or budgets, and pertains only to utilities under BPU jurisdiction.

Any such notice will include: (1) the name of the proceeding; (2) the BPU docket number associated with the proceeding; (3) the proposed percentage increase; and (4) information providing the utility's internet website and contact information where customers may obtain further information concerning the proceeding. The notice must be provided within a reasonable time prior to a hearing or proceeding, as determined by BPU regulation, and shall be conspicuously enclosed within the bills for service sent to customers by the utility, or other written notice, as appropriate.

On October 18, A-3038 passed the General Assembly by a vote of 78-1. It now heads to the Senate Economic Growth Committee for its consideration.—MFC

BILL ALLOWS CONTRACTING FOR CONSTRUCTION CODE SERVICES The League supports A-2006, which has been referred to the Assembly Housing and

Local Government Committee. The bill would permit a municipality to contract with a private company to provide construction officials, subcode officials and technical assistants. Under the provisions of this bill, the services provided by a private company, which would need to be certified by the Department of Community Affairs, would be considered professional services and the municipality would be able to award the contract to the company following the Local Public Contracts Law and Pay-to-Play Laws. Under the bill, no employees of a private company would be eligible for tenure rights or pension or retirement benefits.

This bill would provide a municipality with an option that could reduce costs and improve services. Governing bodies all around the state would welcome the opportunity to evaluate whether a private contractor could deliver construction code services more economically and more efficiently. Taxpayers and builders could also enjoy the benefits this reform could produce.

We commend the sponsors, Assemblymen Singleton and Diegnan. We believe that it merits legislative approval. We have asked that A-2006

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be scheduled for committee consideration as soon as possible.

Please contact your representatives in Trenton and urge them to get behind A-2006.—JRM

THE 2011 FEDERAL DEBT CEILING DEAL, EXPIRING TAX CUTS AND THE FISCAL CLIFF As you may recall, in the Summer of 2011, as our nation approached its debt limits, the Obama Administration and Congress reached agreement on a plan that allowed the government to continue to operate, and that would significantly reduce the Federal deficit over the next 10 years. The legislation aimed at an “up-or-down” vote. No Amendments would be accepted on a bill to cut the deficit by at least \$1.5 trillion over the next 10 years, which was supposed to be passed by December 23, 2011.

Under the terms of that compromise, the debt limit was increased by \$400 billion. The President could request a further increase of \$500 billion, subject to a congressional motion of disapproval which the President may veto, in which case a two-thirds majority in Congress would be needed to override the veto. Further, the President could request a final increase of \$1.2–1.5 trillion, subject to the same disapproval procedure. The exact amount depended on Congressional approval of cuts, which were supposed to be recommended by a “Supercommittee,” and whether Congress had voted on a Balanced Budget Amendment to the Constitution, by the end of 2011.

Spending was to be reduced more than the increase in the debt limit. No tax increases or other forms of increases in revenue above current law were included in the bill. The bill directly specified \$917 billion of cuts over 10 years in exchange the initial debt limit increase of \$900 billion. Fully \$21 billion of this will be applied in the FY 2012 Budget.

Additionally, the agreement established a Joint Select Committee on Deficit Reduction, often called the “Supercommittee.” That bi-partisan Committee was supposed to produce deficit reduction legislation by November 23, 2011, that would be immune from amendments or filibuster. As the deadline approached, however, the Committee disbanded due to the inability to agree on a plan. As a result, since Congress has failed to enact a 10 year

\$1.2 trillion deficit deduction bill the agreement calls for mandatory cuts (sequestrations), beginning in 2013. There are to be exceptions for military employee pay, and Social Security, Veterans’ and Medicaid benefits. Medicare benefit reductions would be limited to 2 percent. But other than that, and absent further Congressional action, the mandatory cuts will apply to both military and domestic spending.

At the same time, and again, absent further Congressional action, several previously enacted tax cuts are scheduled to expire. The combination of higher taxes and reduced federal spending would push the U.S. over, what has been referred to as, the “fiscal cliff.” While the deficit would be drastically reduced, economic activity would be significantly slowed. Conversely, extensions of the tax cuts and relaxation of the sequestration requirements would balloon the federal deficit and increase the national debt.

At this point, with the elections behind us, we are closely watching developments in Washington, in the hopes of bi-partisan cooperation and compromise. We urge you to keep in close touch with our U.S. Senators and your House Representative.—JRM

SUBMISSION OF VOTER REGISTRATION FORM ONLINE The League supports A-2870, introduced by Assemblywoman Mosquera. This bill would permit submission of online voter registration forms through a secure Department of State Internet Site, and authorize the use of a digitized signature from the New Jersey Motor Vehicle Commission database for online voter registration form approval.

We believe that this legislation would make voter registration easier. An easier, more modern registration process will increase civic participation, which is a plus for society as a whole. We are also encouraged that it requires the same information as the paper form and has the same safeguards to protect against voter fraud.

We look forward to working to see this bill become law in the near future.—MW

LOCAL APPOINTMENT OF JOINT COURT JUDGES The League of Municipalities supports ACR-88 and A-1566, which would, if enacted and ratified, allow the municipalities involved in the establishment of a joint municipal court to determine the manner in which the judges of that court would be appointed. Currently, the Constitution allows the Governor to nominate and the state Senate to confirm joint municipal court judges.

It is appropriate to allow local elected officials to make appointments to locally established courts, which will be funded through local budgets. That has always been a basic tenet of our representative democracy. This proposed amendment and bill would correct the current deficiency and remove one impediment to greater sharing of municipal court services.

We thank the sponsors for their leadership on this issue. We urge that the Resolution and the bill be given favorable consideration.

At this time, the bill and Resolution await Floor action in the General Assembly. Companion measures (SCR-106 and S-1863) await consideration by the Senate Judiciary Committee.

—JRM ▲



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The Time Has Come



By J.D. Stem
President, New Jersey Propane
(LPG) Gas Association

As you read this, you have the benefit of knowing the result of our 2012 Presidential election. But no matter who has been elected president, he will embrace the bipartisan goal of domestic energy independence, as this issue has become a central focus for both political parties.

Clearly now is the time to turn our attention to transportation fuels. These fuels, which make up 30 percent of our nation's total energy market, have not traditionally come from domestically produced resources. While our nation relies almost exclusively on domestic energy resources for electricity, heating and industrial applications; we still rely on imported oil for much of our gasoline and diesel fuels.

Fortunately, recently discovered domestic sources have provided us with a sustainable abundance of natural gas and propane (LPG) that have significantly changed the transportation fuels outlook. It's much better now for our environment and our pocketbook.

Environmental Impacts of Alternative

Fuels Propane (LPG) and its first cousin compressed natural gas are domestically-produced products.

Likewise, batteries that can be charged on our electric grid during off-peak hours, get their energy from domestically produced sources. When compared to gasoline these alternative technologies produce between 30 and 50 percent less carbon dioxide and associated greenhouse gases that contribute to global warming.

The numbers are staggering. While a single passenger vehicle operating on traditional gasoline generates about 13,500 pounds of carbon dioxide per year; natural gas, propane (LPG), and electric vehicles generate on average about 8,700 pounds.

In addition, the amount of nitrous oxides released is significantly reduced and there are less particulate emissions generated from diesel engine applications. In fact, New Jersey's environmental community (while admittedly split over the continued use of any fossil fuels for transportation), has begun to see the wisdom of using commercially available technologies to reap these



environmental benefits, as we work to develop more permanent technological solutions aimed toward zero emission vehicles.

Consumer Cost Considerations The presidential debates echoed the public's discontent with gasoline prices (now over \$4.00 per gallon) and the volatility of gasoline pricing. The root causes of gasoline prices are buried in domestic futures market speculation and impact on our nation's foreign policy. In addition, without a competitive alternative to gasoline, it may be impossible to ever gain control over these markets. However, abundant and increasing domestic supplies of natural gas and propane (LPG) have begun to command considerable attention. Considering that the energy content of an equivalent gallon of gasoline for propane (LPG) is about \$2.60 per equivalent gallon and, compressed natural gas is about \$2.25 per equivalent gallon, we now have a competitive alternative. These fuels can save consumers nearly 40 percent of current gasoline costs while they help clean up our air.

For municipal fleet vehicles traveling in excess of 50,000 miles annually these savings could amount to more than \$5,000 per vehicle, per year.

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Alternative Fuel Infrastructure Naturally, to realize these environmental and economic benefits we need to first develop a distribution system that will dispel the current "range anxiety.

"This uncertainty is the result of a distribution system that is not regionally robust enough to create consumer confidence.

First, let's discuss the opportunities for electric vehicles. With current technology this market is focused on "commuter" applications. Level 1 home recharging stations that will charge batteries overnight seem to be the best fit for this technology at current price points. Even with recent advances in battery technology, the horsepower limitations and extended 300-mile range applications that would mirror conventional gasoline passenger vehicle ranges tends to relegate this attractive clean technology to light duty, passenger applications.

Propane (LPG) and compressed natural gas, however, can accommodate a wider range of vehicles and applications, particularly those that would be of interest to municipal fleets.

Let's consider the development of the refueling infrastructure required. There are currently about 400 locations throughout New Jersey that serve as distribution points for refueling



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propane (LPG) cylinders of the type typically used for 20 pound outdoor cooking applications. These locations can be retrofitted to accommodate the installation of vehicle refueling islands that would look and operate in much the same way as traditional gas stations. These retrofits can be installed for as little as \$20,000 per location up to about \$51,000 for a new vertical cylinder dedicated system. Thus, New Jersey could very quickly create as many as 400 stations statewide for a capital outlay of about \$10,000,000 that could be financed through a joint public-private partnership.

Public high-speed, compressed natural gas facilities need to be located near natural gas distribution facilities that already cover a good part of our state. While these facilities are typically far more expensive to build, our state's natural gas public utilities have the unique ability to employ more "patient" capital to create the infrastructure required under a Board of Public Utilities approved regulated framework. While about 24 compressed natural gas refueling stations

exist today, the prospect of significantly leveraging the resources of our state's natural gas utilities to create a robust CNG refueling infrastructure is well within the reach of our state's current regulatory framework.

Providing for a structure of competitive alternatives and letting the marketplace select the technology that best fits each application will, in my opinion, create the greatest value for New Jersey going forward.

Legislative Leadership and Incentives

In recent months, the Senate Energy and Environment Committee under the leadership of Committee Chairman Robert Smith and Committee Vice-Chair Linda Greenstein have undertaken an intensive bipartisan review of the potential for developing these alternative transportation resources in New Jersey. The public policy emanating from this effort will seek to (1) spur the development of refueling infrastructure, (2) create incentives for fleet vehicle purchase and conversion, (3) provide training programs at our community colleges and technical schools to develop the

workforce required to convert and maintain these vehicles. This legislation is exactly the "spark" needed to move these technologies forward and working with the President Hanna and the leadership at the Board of Public Utilities and Commissioner Bob Martin of the Department of Environmental Protection it would appear that these coordinated efforts are moving together in concert.

With consumers demanding lower cost transportation fuel costs, our need to reduce and eventually eliminate our dependence on foreign energy resources, our need to meet the challenges of global warming and our desperate need to create new jobs and invest in new infrastructure for New Jersey, we think that the time has come to move this ball forward on all fronts. Propane (LPG), compressed natural gas and electricity are all viable, clean technologies that are commercially available now. We hope that municipal officials statewide will join us in supporting the public policies necessary to move forward and create these important public benefits. ▲

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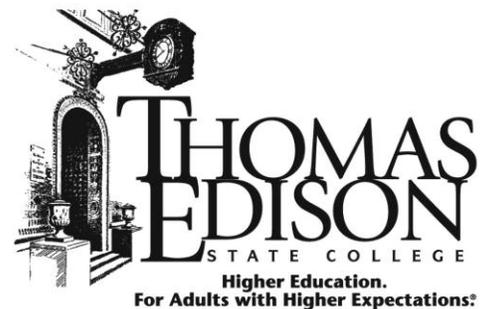
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Public Election Financing

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By Jeff Brindle
Executive Director, New Jersey
Election Law Enforcement Commission

With the presidential campaign finally over, New Jersey already is bracing for the next major political showdown: the contest for governor.

New Jersey and Virginia are the only states to hold gubernatorial elections in the year after the presidential race. As a result, those races often draw national attention. And 2013 should be no exception.

The national spotlight will come not only from the media but from independent groups that will spend millions attempting to influence the outcome of the election. Fortunately, New Jersey's Gubernatorial Public Finance program will be there to help offset that influence.

The two national conventions highlighted two potential candidates for governor, incumbent Republican Governor Chris Christie and Newark Mayor, Democrat Cory Booker. The Governor gave the keynote address at the Republican event, while the Mayor unveiled the platform at the Democratic gala.

Though neither has announced their candidacy, any election involving either one or both is sure to spark the interest of the media and outside groups.

Besides Booker, a number of other possible, but unannounced, Democratic contenders would add excitement to the race. They include: former Governor and state Senator Richard J. Codey, Assembly Majority Leader Louis D. Greenwald, State Senator Barbara Buono, and Assemblyman John S. Wisniewski.

Beyond the coverage afforded by the media, the public will be treated to a barrage of campaign ads, many of which will be underwritten by the shadow groups operating "outside" regular campaigns.

Beyond the coverage afforded by the media, the public will be treated to a barrage of campaign ads, many of which will be underwritten by the shadow groups operating "outside" regular campaigns.

Who are these independent groups? They are two types of non-profits that report to the IRS—527 groups and 501(c) 4 social welfare organizations—and Super PACs, which report to the Federal Election Commission. All three can raise and spend unlimited funds as long as they operate separately from candidates.

Under current New Jersey law, they will have little or no obligation to publicly report on their activities during next year's gubernatorial campaign.

Unless they expressly support or oppose a named candidate in their advertisements, they won't have to disclose their finances before the election, if ever. Even if they use ads to directly attack or promote candidates, they will have to disclose only their expenditures, not their donors. Hopefully, the Legislature will see fit to enact legislation expanding disclosure requirements for these groups before next year's campaign.

If history is any guide (as well as trends in other states), the public can expect a big dose of outside money in next year's gubernatorial campaign.



During the 2009 gubernatorial campaign, independent spending topped \$14 million. Democratic and Republican Governor's associations, as well as labor unions, all participated and attempted to influence the outcome of the election.

In the 2011 contest for state Senate and Assembly, over \$1.3 million was spent independently by such groups as: Republican State Leadership Committee, America's Families First, Environment New Jersey, Americans for Prosperity, Strong New Jersey, and New Jersey's Family's First.

Fortunately next year, the state does have one antidote, the Gubernatorial Public Financing Program.

The inaugural year for the program was 1977, when public funds were provided to candidates in the general election. Funds were expanded to primary elections in 1981.

Since the program's inception, 67 primary and general election candidates for governor have qualified for public matching funds totaling \$105 million, or a modest \$4.98 per vote cast in those elections.

From Brendan T. Byrne to Chris Christie, every governor since 1977 (except Jon Corzine), has participated in New Jersey's Gubernatorial Public Financing Program.

Perhaps the greatest proof of program's importance is the fact that all ten publicly funded gubernatorial elections in New Jersey have been scandal-free. Even more remarkable, this achievement has taken place in a state with an undeserved national reputation for corruption at other levels of government.

The program has two major goals: to eliminate undue influence from the electoral process and to allow candidates of limited personal means to run for governor.

In the coming year, with the anticipated independent spending, the Gubernatorial Public Financing Program becomes more important than ever.

It is the one pillar of the electoral system that stands to offset the influence of independent spending by providing candidates with enough funds so that they won't have to depend on those groups. This, in turn, will help assure the integrity of the gubernatorial electoral process.

The program is a matching program

that has served as a model for other states. By matching two public dollars to every dollar raised, candidates who qualify for the program can receive millions of public dollars to help them get their message to the voters and offset the less accountable voices of independent groups.

To qualify for the program, candidates must pass a viability test by raising a threshold amount in private donations. Once candidates qualify they must agree to abide by expenditure limits and to participate in three publicly financed debates, two by the candidate for governor and one by the candidate for lieutenant governor.

Candidates for governor and lieutenant governor run as a single slate. For public financing purposes only the gubernatorial candidates receive public funds.

In addition to the expenditure limit, participating gubernatorial candidates are subject to a public funds cap. Moreover, all candidates for governor, whether participating in the program or not, must adhere to contribution limits, which are the same for both.

By law, the thresholds and limits are adjusted by a special campaign inflation index every four years. The following thresholds and limits will apply in the 2013 gubernatorial election.

- Contribution Limit \$3,800
- Qualification Threshold \$380,000
- Amount not Matched \$122,000
- Primary Fund Cap \$3.5 million
- Primary Expenditure Limit \$5.6 million
- General Fund Cap \$8.2 million
- General Expenditure Limit \$12.2 million

The New Jersey Gubernatorial Public Financing Program stands out as a one of the monumental bipartisan achievements in the state's legislative history. The program has allowed three Republicans and three Democrats to win the office of Governor, and, in some cases, helped them win reelection.

A tax check-off fund supports the program. Additional funding is provided via an appropriation from the State Budget.

More than ever, New Jersey needs the Gubernatorial Program as the guardian of the electoral process.

While millions of public dollars will be awarded to qualifying candidates, the public can be assured that funds

will be spent in its best interest and with strict adherence to the law.

Every submission is scrutinized by a professional staff at the Election Law Enforcement Commission before any public dollars are provided to candidates.

Moreover, strict observance of expenditure guidelines are not only mandated by law but energetically enforced by the staff and the Commission.

The Commission recognizes its solemn duty to maintain the integrity of a program that not only has served the public well through four decades but is also one of the proudest accomplishments of the state.

The 2013 Gubernatorial Public Financing Program will be no exception. With the added pressure on the system being brought by independent spending, the staff and the Commission know that its role in administering the program is of signature importance. ▲

Jeff Brindle is the Executive Director of the New Jersey Election Law Enforcement Commission. The opinions presented here are his own and not necessarily those of the Commission.

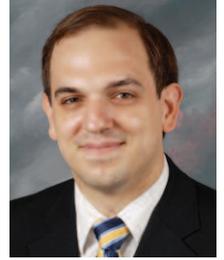
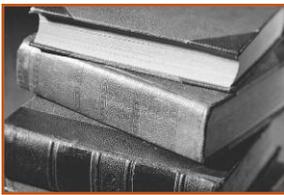
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Requirements for Bond Ordinances and the Municipal Family Doctrine

By Matthew Weng, Esq.
NJLM Staff Attorney

Q *We operate under the Borough form of government and are attempting to pass a bond ordinance. What are some of the differences in procedure between passing most ordinances and passing a bond ordinance? Does this pass by a simple majority? In addition, is there a time-frame for someone to challenge a bond ordinance, so we can be prepared?*

A The requirements for the passage of a bond ordinance are different from that of most other ordinances.

In the first place, most other ordinances are passed by an affirmative vote of a majority of the council present. For example, suppose a six-member council had four members present and two absent or vacant. A normal ordinance could pass by a vote of 3-1, since three votes would be a majority of the four members present.

In the case of a bond ordinance, N.J.S.A. 40A:2-17(b)(2) requires that the ordinance pass with "the recorded affirmative votes of at least two-thirds of the full membership of the governing body." The fact that the bond ordinance requires a two-thirds vote of the full membership is an important distinction from most other ordinances. Unlike the example above, a 3-1 vote in a six-member council would not be sufficient for passing a bond ordinance. This is because two-thirds of the full membership of a six-member council is 4 votes. No matter how many individuals are present, absent, or even vacant, a bond ordinance must have two-thirds of the full authorized membership of the voting body.

The ability to challenge a bond ordinance is also similar to most other ordinances, but contains some very important differences.

According to N.J.S.A. 40A:2-17(c), "Every bond ordinance shall be published either in full or in summary form after final adoption, together with a statement in substantially the following form:

The bond ordinance published herewith has been finally adopted and the 20-day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as

provided in the Local Bond Law has begun to run from the date of the first publication of this statement."

Thus, 20 days after publication of this statement, if there are no challenges, a bond ordinance is in effect and not subject to a challenge.

Q *As a new municipal attorney, I was curious about issues dealing with ethics and representation that may be unique to an attorney representing a municipality or a municipal agency. One of the issues I have heard I should be aware of is the municipal family doctrine. What can you tell me about that?*

A It is important to remember that a municipal attorney is still subject to the same ethics and conflict rules that any other attorney would be. However, you are correct that the nature of representing a public body carries with it some unique issues to be aware of. The Supreme Court's Advisory Committee on Professional Ethics has issued some opinions that may be helpful.

Perhaps the most important is what is commonly called the municipal family doctrine, which has two essential components.

First, in the broadest sense, the municipal family doctrine is the idea that the municipal attorney has as their client not just the council or the mayor, but the entire municipality.

Second, unlike private clients, a public client cannot give consent as a way to cure a conflict.

These two factors combined mean, at the most basic level, that a municipal attorney cannot represent a client in front of any agency in the town they represent. In Opinion 214, the ACPE stated that a municipal attorney must "avoid all situations that might reasonably lead the public to conclude that he has used the influence of his office to serve private interests or which otherwise cast doubt upon his fidelity to the municipality which he serves." ▲

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



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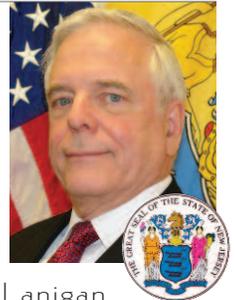
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Closing the Revolving Door to New Jersey's Prisons



By Gary M. Lanigan
Commissioner, Department
of Corrections

Offender reentry is not about being soft on crime. Rather, it is about being intelligent in dealing with those who have committed a crime.

The essential role of the New Jersey Department of Corrections (NJDOC) is to lock up individuals who have broken the law and, as a result, are sentenced by the judiciary to a term in a state prison. In the overwhelming number of instances, however, the department's role is not to throw away the keys to the cells in which these men and women are incarcerated.

Well above 95 percent of the state's inmate population will be released at some point, which is why offender reentry is far more than just a catch phrase to those of us in corrections. The objective of offender reentry is to enhance public safety by reducing the risk that inmates will reoffend and ultimately return to prison. By providing comprehensive services to offenders from the time they enter prison, through their reintegration back into society, the NJDOC's vision—with guidance from Governor Chris Christie and his administration—is that inmates become productive, law-abiding citizens at the conclusion of their sentences.

Not only has Governor Christie supported our department's commitment to offender reentry, but he has formed the Governor's Task Force on Recidivism Reduction. A multi-agency initiative that includes the NJDOC, the task force's mission is to maintain and improve the state's public

safety and inmate reentry mission. The Task Force is co-chaired by James Plousis, chairman of the State Parole Board, and Lisa Puglisi, the Governor's coordinator for Prisoner Reentry. One of the stated objectives of the task force is to get as many individuals as possible the support they need to change their lives for the better and break the cycle of offending and re-offending.

The NJDOC, in conjunction with the New Jersey Office of Information Technology, the State Parole Board, the Juvenile Justice Commission, the Administrative Office of the Courts and Rutgers University, has created a Real Time Recidivism Database with the ability to perform "real time" data queries. Among its many uses, the database can measure recidivism rates by offender characteristics or by halfway house program participation. Obviously, this information will be of great use to the task force.

Let me explain the process by which an inmate moves from incarceration to "resident" status in a Residential Community Release Program or halfway house. From the moment a state-sentenced inmate enters the prison system, we begin preparing him or her to make the transition back into society. We call this the continuum of care. The process begins by quickly moving the inmate out of the county jail and into our facilities. We then assess the inmate's educational and programming needs and, using an objective classification tool, assign him or her to a prison.



Antoinette Minors Ferguson, STARS facilitator at Mid-State Correctional Facility Annex, reviews materials with offenders (from left) Raul Taveras, Luciano Rojas, Uriel Delgado and Ronald Lucas. Photo by Scott Franks



Long-term thinking can yield immediate results.

The currently low interest rates on long-term bonds present a welcome opportunity for municipalities and counties to lock in their debt service. While one year notes were a good vehicle in the past, now is the window of opportunity to protect yourself by thinking long-term.

For advice about accessing long-term financing, contact a Phoenix Advisors professional at 609-291-0130, or phoenix@muniadvisors.com.



Phoenix News:

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Phoenix Advisors is proud to announce the addition of these professionals who will add even greater depth to our municipal and school financing services.

Over time, good behavior and program participation will allow the inmate to attain reduced custody status. In order to be considered for placement in a Residential Community Release Program, a state prison inmate must meet several criteria. The inmate must have full minimum custody status. The inmate must be within 24 months of parole eligibility or completion of sentence. The inmate must have a positive psychological evaluation and be medically cleared within the past year. The inmate must not have been convicted of arson or a sexual offense. And the inmate must have a favorable recommendation from the facility administrator.

The bottom line is that during the next five years, an estimated 60,000 inmates will leave state prison and return to their communities, whether or not they make the transition through a Residential Community Release Program. Statistics indicate that 54 percent of released offenders will be rearrested within three years, and 35 percent will return to prison within that time period. The price associated with high recidivism rates ranges from the cost of incarcerating offenders to the incalculable cost to communities, families and, of course, victims affected by crime.

To combat this pressing public safety problem, the NJDOC established the Office of Transitional Services to implement a seamless continuum of care for offenders. The office uses cost-effective, evidence-based practices to improve an offender's ability and motivation to practice responsible, crime-free behavior. The Office of Transitional Services has developed partnerships with federal, state and local agencies to create linkages to resources that provide support to returning offenders. Services are coordinated in a variety of interrelated areas: employment readiness and economic stability; mental, physical and spiritual health; and family reunification and stability.

Prior to the formation of the Office of Transitional Services, it wasn't uncommon for different prisons to administer reentry programs in different ways. The office was charged with creating uniformity, standardization and quality assurance. If a given program is designed to provide sessions 120 minutes long, then 90-minute sessions—or,

for that matter, 115-minute sessions—are not acceptable. Institutions have the autonomy to choose when and where programs are offered, but Office of Transitional Services standards must be followed.

These requirements are the result of a research process that began shortly after the establishment of the Office of Transitional Services. Through a nationwide search, the office determined which programs from other states have had the most positive impact on their offender populations. From there, the office was able to set a curriculum and implement additional standards as appropriate.

For example, the NJDOC has adopted Thinking for a Change—also known as T4C—a cognitive behavioral program, as part of its core curriculum. T4C was created by the National Institute for Corrections, whose standards for the curriculum, including program length and group size, are followed. Yet, the Office of Transitional Services implemented a number of its own policies, most notably a strictly enforced attendance policy.

Staff members in our Office of Transitional Services sometimes say, "We are seed planters. We are not farmers." Our staff can plant the seed by providing the program. They can water the crops through their encouragement. Whether or not the crops grow is ultimately up to the offenders themselves.

However, we take the various reentry programs extremely seriously and go to great lengths to make certain they perform as efficiently as possible. Quality assurance coordinators from the Office of Transitional Services observe programs, make sure facilitators are doing their jobs and oversee the curriculum.

Furthermore, New Jersey is one of the few states to solicit feedback from inmates. When a program concludes, offenders are asked to complete anonymous evaluations, which are sent directly to the program evaluation team for review and analysis. We are encouraged by the fact that approximately three-quarters of the inmates who enrolled in Office of Transitional Services core programs during fiscal year 2012 completed the program. Significantly, perhaps the most common criticism from participants is that pro-

grams aren't long enough—a clear indication that inmates believe their time has been soundly invested.

Two of the most popular offerings are Helping Offenders Parent Effectively (HOPE) and the Successful Transition and Reentry Series (STARS).

Through HOPE, offenders learn about the responsibilities of being a parent and why it's so important to be part of the lives of their children. Research indicates that inmates who become more devoted parents are less likely to return to prison and that their children tend to become better adjusted when the family is reunited.

STARS is a release preparatory program designed to address each major reentry barrier faced by the returning offender. Topics include employment, housing, transportation, education, family reunification and finances. Another chapter in the STARS curriculum, titled "Community Resources," is dedicated to enlightening offenders on specifically what will be available to them in their communities. Materials are provided that break down resources according to county. So whether an inmate seeks drug treatment in Hunterdon County, a shelter in Bergen County or a Social Security office in Camden County, that information is easily accessible.

In addition, offenders preparing for reentry are made aware of New Jersey Success (NJSuccess.org), an on-line database of community resources designed especially for men and women leaving prison.

The NJDOC also makes sure each inmate leaves prison with the necessary documents, such as a birth certificate, Social Security card, DD-214 (certificate of separation or discharge from active duty in the military) or non-driver identification card. The department can address issues including anger management, cognitive behavior and employment readiness. What we cannot do, however, is promise opportunities in the community for ex-offenders. If these men and women are denied jobs, housing and various services due to their past, if their efforts toward personal growth and development are stymied, then the reentry process is likely to fail.

When that happens, it's not just the failure of a single person. Rather, it is a societal failure. ▲

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New Jersey's Youth Advisory Boards

Tapping the Power of Youth Engagement



By Jessica Trombetta
Director, Adolescent Services,
New Jersey Department of
Children and Families

Oprah Winfrey. Ronald Reagan. Hillary Clinton. Although they are quite different, can you guess one thing that they all have in common? Not only have they enjoyed enormous success, but years before they were all leaders in their high schools' student governments.

They, like many of you who are now state and local leaders, got their start early. The opportunity to serve in student government clearly laid the foundation for years of service that has made a positive difference in our country and even throughout the world.

Although not all who were leaders in their youth serve in a formal leadership role, the skills and dedication they developed then continue to benefit our society. They bring this experience to bear on their work as parents, teachers,

coaches, business people, mentors and entrepreneurs in their families, careers and communities. Ultimately, they are instrumental in making our communities, society and country a better place to live.

In New Jersey and throughout the United States, we need to provide as many opportunities to our young people to get involved and learn how to be role models and leaders of change as possible. We need to give them seats at the tables where important decisions are made. The decisions made today will impact the lives of youth tomorrow and in years ahead.

Although youth leadership positions might be most well-known in schools, there are parts of the state that are engaging youth to help set in motion progress within communities and across the state. Two great examples of this



Although youth leadership positions might be most well-known in schools, there are parts of the state that are engaging youth to help set in motion progress within communities and across the state.

are the New Jersey Department of Children and Families Youth Advisory Boards and the New Jersey Community Development Corporation's Paterson Youth Council.

New Jersey's Youth Advisory Boards were established primarily to provide input and feedback to the Department of Children and Families regarding New Jersey's plan to provide services to adolescents under the John H. Chafee Foster Care Independence Program. A Youth Advisory Board (YAB) is an exciting opportunity to engage youth and incorporate their voice into statewide policies and practices.

INCORPORATING THE
YOUTH VOICE INTO
OUR WORK CAN BE ONE
OF THE MOST POWERFUL
TOOLS WE CAN USE
TO ADVANCE LOCAL
COMMUNITY AND
GOVERNMENT ISSUES.

YABs give young people an opportunity to promote positive youth development, youth empowerment, youth advocacy, develop their leadership skills and promote youth/adult partnerships. This forum allows youth from all demographics who are or were homeless, runaway, transitioning out of foster care or child welfare-involved to have a voice in the development of department policy and procedures at state and local levels. Currently there are 12 YABs; each meets regularly and is charged with completing projects related to the overall mission of the YAB.

Another strong example of creating these types of partnerships can be found at the Paterson Youth Council (PYC). Founded in 2006 by the New Jersey Community Development Corporation, the council's goal is to help young people to become leaders and take pride in themselves, their communities and their futures.

Program participants meet and dis-

cuss the issues in their community that concern and affect them most. Council members also participate in a number of organized community activities. After program completion, participating students have the opportunity to earn a scholarship.

Incorporating the youth voice into our work can be one of the most powerful tools we can use to advance local community and government issues. I urge

you to support existing youth leadership groups and to help young people in your community become more involved at every level. They are the future of the great State of New Jersey. ▲

To learn more about Youth Advisory Boards please contact Juanita Blair, Youth Advisory Board Program Lead at 609-888-7100. If you are interested in the Paterson Youth Council, please call the New Jersey Community Development Corporation at 973-413-1600.

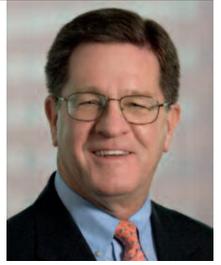
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Is the Municipal Bond Tax Exemption Protected by the U.S. Constitution?

By Edward J. McManimon, III
NJLM Associate Counsel;
McManimon & Scotland

There has been much commentary on whether Congress, in an effort to reduce the high deficit it has accumulated, can statutorily remove the exemption on interest paid on municipal bonds to derive additional revenue for the Federal Government. Much of the commentary focuses on the increased costs to states and local governments for borrowing to fund capital and infra-

structure needs if in fact that change occurs. The Federal Government's "gain" would come from an equal cost to state and local governments for funding its capital needs—certainly just a shift of costs from one government to another paid by the taxpayers. Essentially, this debate even at this early stage has become a political one with little discussion about the constitutional foundation for such tax exemption.



The simplest answer to the question raised above is no, the tax exemption is not protected constitutionally at least at the moment. This is despite the early constitutional principle of intergovernmental tax immunity derived from dual federal/state sovereignty established in the Tenth Amendment to the U.S. Constitution and confirmed in the early *McCullough v. Maryland*, United States Supreme Court Case (17 U.S. 316 (1819)) and then again, among various cases addressing that and similar points in *Pollock v. Farmer's Loan & Trust Co. in 1895* (157 U.S. 429, 155 & 673).

The reason for this answer is because of the more recent 1988 U.S. Supreme Court decision in *South Carolina v. Baker* (486 U.S. 1062, 108 S. Ct 2832) which addressed a seemingly narrow legal issue involving Federal legislation requiring, among other things, municipal bonds to be issued in registered form rather than in bearer form and imposing federal income tax on such interest if not so issued.

That decision, though by a divided court, stated clearly that there was "no constitutional reason for treating persons who receive interest on governmental bonds differently than persons who receive income from other types of contracts..." It did not actually seek to generally tax the interest on state and local government bonds. It simply required that such bonds could no longer be issued in "bearer" form. The analysis, however, went further into the question of the federal government's power to impose taxes in this area.

Despite that decision, the debate on this subject should not be deemed over, particularly if something as draconian as an actual effort to take away with federal legislation the actual tax exemption on state and local government debt issued for typical governmental purposes. Aside from the significant political debate that will ensue over states' rights and the equally significant financial and economic impact it would have on states and local governments whose costs would increase to provide the federal government with its "savings," the South Carolina case itself overturned years of U.S. Supreme Court precedent on intergovernmental tax immunity and the meaning of the 10th Amend-

ment and there were three significant dissenting opinions (O'Connor, Powell and Rehnquist).

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The U.S. Supreme Court is made up of individuals who make these decisions and circumstances sometimes change opinions and precedents as, in fact, the South Carolina decision did. Such legislation if enacted by Congress would face a stiff judicial chal-

lenge by the states and would likely wind up at the Supreme Court again. In the South Carolina dissents, it is noted that "the Court today overrules a precedent that it has honored for nearly 100 years and expresses a willingness to cancel the constitutional immunity that traditionally has shielded the interest paid on state and local bonds from federal taxation" and "Federal taxation of state activities is inherently a threat to state sovereignty" and even citing again the words of Chief Justice Marshall in *McCullough v. Maryland* that "the power to tax is the power to destroy."

In the end, it is important to remember that the federal government was created by the states not the other way around. The U.S. Constitution in the Tenth Amendment made clear that the power of the federal government is derived from the enumerated powers contained therein and that all other powers were retained by the states. While the principle has been eroded over time as the federal government became more powerful, it remains a fundamental foundation of our federal/state government. It will certainly be revisited on a constitutional as well as a statutory basis if any effort is made by the federal government to do something as drastic as tax the interest on state and local government bonds. ▲

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By Dean J. Paranicas
President and Chief Executive Officer,
Healthcare Institute of New Jersey

Michigan has autos. The Midwest has agribusiness. Texas has oil and gas. California's Silicon Valley has electronics. And New Jersey has the life sciences industry.

When Johnson & Johnson opened its doors in 1886 in a former New Brunswick wallpaper factory, it was the start of what is today one of the largest healthcare companies in the world. It also was the genesis of what is currently the greatest concentration of life sciences companies not only in the United States but in the world—and New Jersey's premier industry.

Over this long period, New Jersey's life sciences industry has richly earned and maintained its reputation as the "Medicine Chest of the World" due to its commitment to innovation and improving global human health.

According to New Jersey's Department of Labor and Workforce Development, the state has more than 1,700 life sciences businesses, which include biopharmaceutical, biotechnology, medical device and diagnostic companies. Of those, 15 of the world's top 20 biopharmaceutical companies (based on sales) and eight of the world's top 11 medical technology companies make the Garden State their global, North American or U.S. headquarters or have significant investments here.



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Why New Jersey? While business decisions are premised on factors unique to each organization, life sciences companies are attracted to New Jersey because of our highly coveted life sciences workforce; world-class transportation system, including our ports and worldwide, nonstop air service; hospitable business environment; robust research and innovation tradition; and, importantly, proximity to peer companies, which has fostered over a century of life-saving collaboration.

New Jersey's life sciences industry has richly earned and maintained its reputation as the "Medicine Chest of the World" due to its commitment to innovation and improving global human health.



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Innovation and Patient Access On the innovation front, the state's life sciences companies have invested vigorously in research and development even in the most challenging of economic times. They have done so because R&D—the painstakingly complex and costly search for new medicines, therapies and technologies—is the engine that drives this industry and secures its future.

According to HINJ's 2011 Economic Impact Report, surveyed HINJ member companies alone invested \$8.4 billion in R&D activity in the state in 2010, a 5 percent increase over the prior year. The survey also found that 30 percent of our members' New Jersey employment was dedicated to research and clinical development.

In terms of patient access, the Garden State's pharmaceutical, biotechnology and medical device companies have advanced global human health with the discovery and development of life-changing medicines and technologies. They include antibiotics, antidepressants, cancer and AIDS drugs, vaccines that have eradicated diseases, and medical technologies that save lives.

Jobs and Economic Contributions In the course of advancing human health, the life sciences industry has been an engine that has powered the New Jersey economy.

According to HINJ's 2011 Economic Impact Report, participating HINJ member companies alone accounted for more than \$24 billion in direct and indirect economic activity in the state in 2010.

In addition, HINJ member companies in 2010 employed nearly 52,000 people with an average annual total compensation of \$151,000 per employee.

Importantly, even municipalities without a direct life sciences company presence reap the economic benefits of New Jersey's innovation community. To support their day-to-day operations, life sciences companies rely on a tremendous number of local vendors to provide a wide array of goods and services.

According to We Work for Health New Jersey (WWFH-NJ), in 2010, life sciences companies purchased more than \$8.8 billion worth of goods and services from thousands of local New Jersey businesses stretching from Sussex to Cape May.

Translated into employment, HINJ member companies are responsible for creating and sustaining more than 70,000 spin-off jobs around the state through their supply chain.

Also, according to HINJ's 2011 Economic Impact Report, HINJ member companies spent \$700 million on capital investments in 2010, which represented another significant contribution to dozens of local economies.

Of special interest to NJLM members, HINJ member companies alone paid \$731 million in state and local taxes in 2010. This amount did not include the sizeable direct contributions that workers—from industry and vendor companies—made to local commerce.

EVEN MUNICIPALITIES
WITHOUT A DIRECT
LIFE SCIENCES COMPANY
PRESENCE REAP THE
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OF NEW JERSEY'S
INNOVATION
COMMUNITY.

Philanthropic Partners Corporate social responsibility is another pillar on which our industry is built. The industry's impact on New Jersey extends well beyond its doors as its commitment to the community attests.

Globally, our companies donate billions of dollars a year in products and cash contributions. Here in New Jersey, HINJ member companies alone donated more than \$160 million in 2010 to hundreds of nonprofit organizations that advance healthcare, education and culture throughout the state.

This spirit of giving goes beyond corporate donations. Employee volunteerism also is a hallmark of our industry. From building houses for Habitat for Humanity, to conducting book drives, to supporting local food banks, employees are encouraged to participate in their communities—and they readily embrace the challenge.

Moving Forward While New Jersey remains the "Medicine Chest of the World," ours is an evolving industry that faces formidable challenges. These include global economic pressures, regulatory demands and the impact of patent expirations on major products.

Because life sciences is a highly coveted industry, the competition for company investment is fierce. Other states—such as California, Massachusetts and North Carolina—as well as other nations are aggressively vying for these investments that generate well-compensated jobs, new tax revenues and community support.

If the Garden State is to remain an industry leader, we—the industry, elected officials and academia—must work together to advance an economic environment that encourages life sciences companies to invest more in our state, hire New Jerseyans, contribute to our municipalities' fiscal health, and foster an innovation environment conducive to developing the high-quality medicines and medical devices patients critically need.

The good news is our elected officials on both sides of the political aisle in Washington, DC, Trenton and throughout New Jersey recognize this urgent priority and are making progress toward this goal.

The life sciences industry has a committed ally in the Mayors Committee on Life Sciences, which was founded in 2010 by the League and WWFH-NJ.

Chaired by East Hanover Mayor Joseph Pannullo, the Mayors Committee works to promote economic development and innovation, educate policymakers and the public about the industry's contributions to New Jersey, and benchmarks best practices within host communities that nurture the industry.

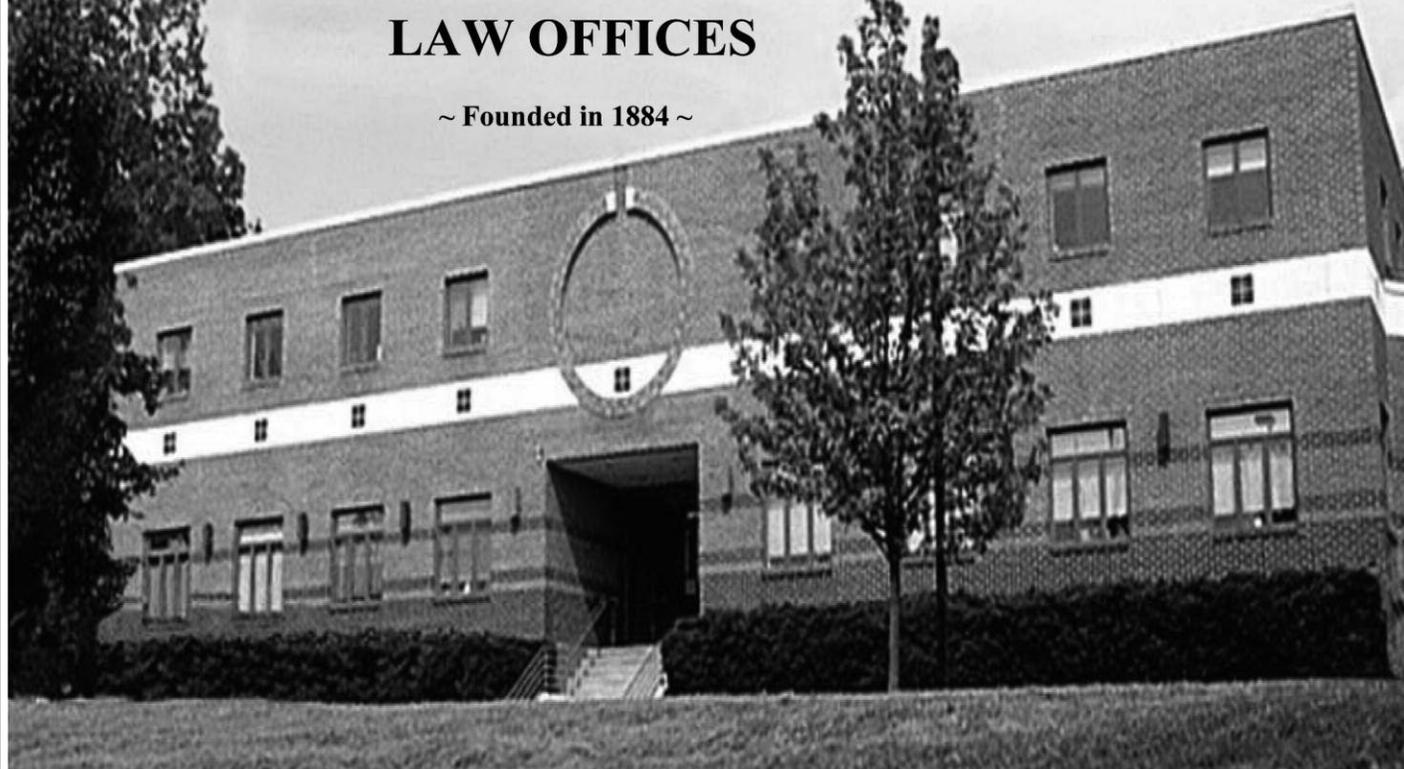
There is no doubt about it: mayors and other municipal leaders are ideally suited to speak about and represent their constituents, and can serve as a bridge spanning Main Street and Trenton in New Jersey and Washington, DC on policy issues that ultimately benefit their constituents and local economies.

I invite you to become an industry ally and join NJLM's Mayors Committee on Life Sciences. To learn more, please visit www.NJSLOM.org or contact HINJ or WWFH-NJ. ▲

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Haledon Mounted Patrol Officers Recognized

Haledon Mounted Patrol Officers Kirkor Dokum and Andrea Len won four ribbons at the 29th Annual North American Equestrian Championships in Gaithersburg, Maryland on September 29 and September 30, 2012.

Officer Dokum and Officer Len won their ribbons in the following competitions; Uniform Class, Western Pleasure Class and Obstacle Course. The Uniform Class competition judges the rider and horse's grooming, uniform and posture. The Western Pleasure Class competition judges technique and control. The Obstacle Course is a competition which recreates all manner of real life encounters and challenges such as crowd control, a bus with air brakes, and grates with smoke coming out.

The Police Equestrian Competition (P.E.C.) was founded to demonstrate what the mounted police officer is all about, trust between the rider and the horse. All of Haledon's Mounted Patrol Officers are volunteers who dedicate their personal time as well as resources. Officer Dokum and Officer Len paid all their own expenses; entrance fees, uniforms, travel, hotel and meals in order to compete in this competition. The P.E.C. is a competition open to all police departments.

Mounted Patrol Officer Kirkor Dokum has provided the horses for the patrol as well as feed and board at no cost to the Borough of Haledon. This service is free to the community. Chief Mercurio commented that the horses are good for traffic patrol, missing people searches (wooded areas). Horses give their riders a height advantage, walk slow, can see into yards and can access areas a vehicle can not.

Mounted Patrol Officer Andrea Len said that serving as a mounted patrol has been her dream since childhood. She has achieved a major goal and will be competing next year. Officer Len commented, "The competitors were formidable mounted patrol officers which made winning a ribbon an even greater accomplishment."

Mounted Patrol Officer Dokum has been competing at the P.E.C. for the past ten years and has won several ribbons. Until recently he volunteered at the Passaic County Sheriff's Department. Mounted Police Officer Dokum said, "I started riding horses when I herded cattle in Texas. The Obstacle Course was the hardest competition and I consider it a great achievement. However, the P.E.C. is much more about getting together with other officers and improving your skills."

During the event, Haledon's Police Team received certification and recognition in Defense Techniques, Crowd Movement, Large Animal Rescue and Equestrian Schooling.

The Mounted Police Division of the Haledon Police Department was recommended by Deputy Police Chief Kevin Gottheiner. "An important addition to the Borough's community policing efforts, the Mounted Patrol assists in ways that a bicycle patrol or police vehicle cannot. The horses enable the officer to reach out to the community and provide a presence for crowd control," stated Deputy Chief Gottheiner.

Mounted Patrol Officers Len and Dokum have received training and certification. Special Police Officer Dokum is a certified instructor and can train future Haledon Mounted Patrol Officers. ▲



Haledon Mounted Patrol Officers Kirkor Dokum and Andrea Len won four Ribbons at the 29th Annual North American Equestrian Championships held at Gaithersburg, Maryland on September 29 and September 30, 2012.

Thank you to our League Supporters

The New Jersey State League of Municipalities would like to thank its supporters, who value their partnership with the 566 municipalities of New Jersey. We are working together for better communities and a better life. For information about the League's sponsorship program, please contact Donna Baltz at 609-695-3481, Ext. 127 or dbaltz@NJSLOM.com.



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Election of Officers and Resolutions Are on the Agenda

League to Hold Annual Business Meeting

On November 5 NJLM's Executive Board met via conference call and decided to cancel the League's 97th Annual Conference due to the cumulative impacts of Hurricane Sandy, the forecasted noreaster and ongoing public safety and health concerns in communities across the state.

Business Meeting Rescheduled The League's Annual Business Meeting, which was to be held during the Conference, will be held at 12:00 p.m. on December 5 at the Princeton Marriot in Plainsboro. This membership meeting will satisfy the requirements set forth in the League's Bylaws. The League Nominating Committee and Resolutions Committee will have met prior to the meeting to finalize their reports.

The decision to cancel the Conference and hold the Business Meeting in early December was made after extensive discussions and consultations with the Christie Administration, Legislators, and representatives of the Atlantic City Convention Center and the city's hospitality industry. The Atlantic City Convention Center was being used as a Red Cross Shelter and Distribution Center.

The 'Best' Decision The difficult decision to cancel the Conference was made to enable local elected and appointed officials to remain in their communities to continue their recovery and restoration efforts.

"The devastation of Hurricane Sandy required the full attention of New Jersey's elected and appointed officials during the week of the League Conference. Although I'm confident we made the best decision, we have also missed out on a key opportunity to learn and improve our service

to our citizens," said League President Arthur Ondish, Mayor of Mount Arlington. "Rest assured that your League of Municipalities stands ready to assist you in your recovery efforts and with other governance issues."

2012-13 Officers and Executive Board Following the business meeting, NJLM will announce a new slate of NJLM officers and Executive Board members. The League's 2011-12 officers will continue to serve until the new officers are sworn in.

As always, the 2012-13 Officers and Executive Board Members will be nominated by a nominating committee that takes a number of key factors into consideration.

Among these are issues are diversity, growth patterns and other general factors. The NJLM Nominating Committee feels a balance of municipalities—urban, suburban and rural—is essential.

Besides this balance (and even though non-partisan in nature) the League maintains a balance between the major political parties represented on the Executive Board.

The Nominating Committee also takes into consideration whether an individual nominated has demonstrated an interest in League affairs through active participation on League committees and through their support for League policies and programs.

2012-13 League Resolutions The League Resolutions for the coming year will also be voted on during the Business Meeting on December 5. A full listing of the approved resolutions for 2012-13 will be published in the January issue of New Jersey Municipalities and on the League website (www.njslom.org). ▲

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If your community has a unique program or story, write to Taran Samhammer c/o The League of Municipalities, 222 West State Street, Trenton, NJ 08608 or via email at tsamhammer@NJSLOM.com.



By Taran B. Samhammer
Bureau Services & Research Coordinator,
Bureau of Municipal Information

In October **Clinton Town** awarded a contract to begin installing new radio-read water meters on homes. The new meters will no longer require an employee to walk from house to house. Instead they can either walk or drive down a street and use a reader to receive the information from each meter. The new meters cost \$220 each. The town estimates that they will replace 500 meters yearly over the next ten years, at a cost of around \$150,000 per year.



Sussex County is a recent recipient of a 2012 Sunny Award, an award honoring transparency in government websites. Judges perused websites for information and attempted to locate topics such as budgets, meeting schedules and public records, and compared what they found to what they feel should be provided to the public.



An ordinance has been introduced in **Delaware Township** that would regulate how many dogs a household may own. The township believes that there is a correlation between the number of animals on a property and issues of waste management and elimination. The ordinance would also attempt to address noise and odor concerns, as well as environmental issues such as bacteria and waste in runoff. The township is proposing that the number of dogs per household be capped at six over the age of seven months. The ordinance would also limit the number of litters in a 24-month period. Those who currently have more than six dogs on a property would be grandfathered; however, if a dog leaves the property for any reason it may not be replaced with a new dog until the total household number is below six.



Residents sampled appetizers, entrees and deserts from local restaurants this October during **Secaucus's** Restaurant Night. The goal of the event was to generate interest in local restaurants while providing an evening of entertainment. A street was transformed into an outdoor style cafe with tents, lights, floral centerpieces, table linens and candles.



Hudson County received a grant from the Office of Homeland Security that enabled the purchase of a 550-kilowatt mobile power generator, valued at over \$125,000. The generator can power municipal offices during emergency situations, natural disasters and acts of terrorism, or provide power to a shelter for residents.



In need of recycling containers, **Frenchtown** recently recycled barrels donated by the Ocean Spray Cranberry Corporation to use as new containers. Local elementary students painted the 55 gallon drums, making each container a unique piece of art.



Egg Harbor City has constructed a pedestrian walkway to connect the city's elementary and middle schools. The new walkway will provide a safe and direct route between the schools for children. The city will also plant trees and grasses along the walkway that are not only aesthetic but can also be used as educational tools for students participating in environmental and science classes. Funding for the walkway came from a Small Cities grant.



After receiving complaints about uncut grass and trash on properties that have become vacant as a result of foreclosure or absentee owners, **Clinton Township** is considering an ordinance to help prevent these homes from becoming unkept and unsightly. The ordinance would give the township the right to cut tall grass in a front yard and bill the owner of record, whether an individual or a bank, for this service. The township is seeking feedback on this ordinance from residents through a questionnaire on the township's website. Currently, they are considering placing the acceptable limit for the height of grass at no more than ten inches.

Dates

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|--------------------|---|
| December 3 | The Fundamentals of Procurement Card and Local Public Contracts Law; Robert Meyner Reception Center, Holmdel |
| December 12 | NJ Infrastructure: What is Needed and How to Fund It; Conference Center at Mercer, West Windsor |
| January 12 | Orientation for the Newly-Elected, Re-Elected, and Experienced Municipal Officials; Sheraton, Eatontown |
| January 26 | Orientation for the Newly-Elected, Re-Elected, and Experienced Municipal Officials; Renaissance Meadowlands Hotel, Rutherford |
| February 6 | Mayors' Legislative Day; Statehouse, Trenton |

Please visit the website www.njslom.org and click on Seminars and Events, then CALENDAR OF EVENTS for changes and updates. For more information on seminars, contact Danielle Holland at dholland@njslom.com or (609) 695-3481, Ext. 118.



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