

# nj

April 2022

# municipalities

Official Publication of the New Jersey State League of Municipalities

## Show Off Your City 2022

# Jersey City

Focus:

Windfarms,  
Solar, and Power Future





NJ LOCAL GOVERNMENT WEEK EVENT

# CELEBRATE NJ LOCAL GOVERNMENT WEEK



**Business Roundtable  
Discussion with Council  
& Town Officials**

Answering Questions Facing Local Businesses  
and Our Community

**APRIL 20, 2021 | 8:30 - 10 A.M.  
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Join Mayor Losardo, members of the Town Council, as well as directors from the Department of Public Works, Inspections, Public Safety, Downtown Redevelopment and the Manager's Office for a discussion on Township issues

RSVP to Tom Strowe at [tstrowe@scotchplainsnj.com](mailto:tstrowe@scotchplainsnj.com)



## NJLM invites you to join municipalities around the Garden State April 3-9, to engage citizens while celebrating the work of local government.

**SHOWCASE** the hard work of local governments and value residents receive by highlighting programs and services

**COORDINATE** community service and volunteering events with local organizations to cross-promote NJ Local Government Week.

**SHOW-OFF** your citizens' view of the community with photography showcases and contests that can serve as a feeder program for your entries to the League's Show Off Your Municipality photo contest!

Publicity tips and strategies as well as links to a sample press release and resolution and a downloadable NJ Local Government Week logo are available at [www.njlm.org/njlocalgovt](http://www.njlm.org/njlocalgovt).



#njlocalgovt

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## New Jersey Municipalities Magazine

Volume 99 | Issue 4

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### Have an idea, project or opinion to share?

*NJ Municipalities* welcomes member articles, information, and op-eds. Contact Managing Editor Amy Spiezio or go to [www.njlm.org/magazine](http://www.njlm.org/magazine).

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Focus:

## Windfarms, Solar, and Power Future



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"Empty Skies" by Sri Reddy features a quiet moment  
at the city's 9/11 memorial. For a full rundown of this  
year's winners, see page 20.

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## Sometimes It's OK to Show Off

After much deliberation, we are proud to announce that Jersey City is the winner of this year's Show Off Your City Contest (see page 20). We thank the winner of this year's Show Off Your City contest, along with our 10 honorable mentions and the dozens of municipalities that sent in hundreds of photos for participating.

It was a tough decision with so many powerful, proud glimpses of life in New Jersey's municipalities in the competition. The cover features photographer Sri Reddy's "Open Skies," showing a somber moment at Jersey City's 9/11 Memorial at Liberty State Park. The memorial is a lasting connection between the state and the site it overlooks, showing remembrance and honoring the memory of those lost. It marks a tragic moment in our history and illustrates the strength of communities banding together in the most trying times.

Show Off Your City is a natural lead-in for Local Government Week, which will be held this year April 3-9. We hope you engage with your community to celebrate the work of local government. From coffee with the mayor to photo contests, this week is a great opportunity to let residents know who their government partners are and the work done to serve them year-round.

Visit [www.njlm.org/njlocalgovt](http://www.njlm.org/njlocalgovt) to download your customizable logo and please use social media to celebrate and promote your events using the hashtag #NJLocalGovt and to share event reminders,

updates, and interesting facts via Twitter and Facebook.

We also encourage you to participate in other League efforts and want to acknowledge those efforts through the Local Elected Officials Leadership Program ([www.njlm.org/lglp](http://www.njlm.org/lglp)), a voluntary recognition program for elected governing body members who complete additional training and advocacy.

We further encourage you to engage the League to advance your local goals via advocacy on the state and federal levels. Your voice is critical to buoy legislation supporting local government and, likewise critical, to defeat legislation that goes against the best interests of your communities. The League was successful in heading off a number of bills harmful to municipal governments in the recent lame duck. We did not do that alone but rather working with countless local officials who engaged and got results. Passing resolutions, writing op-ed columns, and testifying in Trenton are just a few opportunities for you to have your voice heard.

This month's focus Windfarms, Solar, and Power Future focus shares many different local voices discussing the issue of power with an eye on smart adaptations of new techniques and technology. Concerns vary from community to community, so it's important to ensure your goals are advanced while long-term decisions are being made. We want to help you in that mission. Please contact us to take your engagement to the next level. 🇯🇵

*Michael Cerra*

Your voice is critical to buoy legislation supporting local government and, likewise critical, to defeat legislation that goes against the best interests of your communities.

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# Charge Ahead with the NJBPU

Programs available to help you move toward a clean energy future

Joseph L. Fiordaliso, *President, New Jersey Board of Public Utilities*

All one has to do is look back at the devastating impacts of Hurricane Ida or any number of recent storms we have experienced to realize that New Jersey is in a climate emergency that demands our total and uncompromising focus. Climate change is real, the climate emergency is here, and we have to act right now.

Under Governor Murphy’s leadership, this Administration has tackled climate change with a range of bold policy initiatives aimed at reaching the Governor’s goal of 100% clean energy by 2050 and making New Jersey stronger, fairer, and a much healthier place to live.

Municipalities, more specifically mayors and other elected and appointed leaders, can play an integral role in making towns and cities more energy efficient and create a pipeline for a cleaner, greener economy for residents across their communities and the state.

The New Jersey Board of Public Utilities (NJBPU) has made a concerted effort to put in place many programs tailored for local governments to lead by example to help us advance toward our vehicle electrification and energy efficiency goals and address climate change.

## Electric vehicles and charging stations

Emissions from vehicles account for 40% of New Jersey’s overall greenhouse gas emissions, which is why encouraging more electric vehicles (EVs) is critical to combatting climate change. Governor Murphy has set a goal of registering 330,000 Electric Vehicles by 2025 to reduce emissions from the transportation sector and help reach the goals of the State’s Energy Master Plan and the Global Warming Response Act.

Municipalities are a critical partner in transportation electrification. Not only will the switch to EVs reduce overall maintenance and fueling costs, but as residents see more EVs on the road—especially those with a municipal logo—they are more likely to make the switch themselves.

To help municipalities lead in this effort, NJBPU created the Clean Fleet Electric Vehicle Incentive Program. Last year



the Board expanded the two-year old program so more local governments and public entities can participate and receive grants toward the purchase of electric vehicles and Level-Two EV charging stations.

Award caps are based on the population of the community (see graphic below). Overburdened municipalities may also qualify for a bonus incentive that can be utilized to fund additional vehicles or chargers or receive 50% more funding.

	EVs	Charging stations
<b>Local governments, entities, schools</b>		
<i>serving populations &lt; 20,000</i>	2	1
<i>serving populations &gt; 20,000</i>	5	2
<i>serving populations &gt; 50,000</i>	7	4
<b>Local governments</b>		
<i>serving populations &gt; 100,000</i>	10	4
<b>State agencies, boards, commissions, universities, and counties</b>	10	4

[www.NJCleanEnergy.com/EV](http://www.NJCleanEnergy.com/EV)



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## Charge Ahead

In January, the Board opened an application window for a new program offering incentives to locate charging stations at multi-unit dwellings (MUD). Chargers at MUDs are an important step towards ensuring equitable access to EVs for all residents. As most charging occurs at home and overnight, residents of MUDs will not be able to access the environmental and clean energy benefits of EVs unless there is a robust charging infrastructure in their community.

The program provides funding for EV charging stations at MUDs with five or more units and off-street parking. Awards available under this program include \$1,500 toward the purchase of a dual-port, networked Level-Two charging station and 50% of the make-ready costs (up to \$5,000) for the Level-Two chargers. Make-ready costs include the preparation of locations for charger installation, such as pre-wiring of electrical infrastructure including junction boxes and service panels.

The Multi-Unit Dwelling program provides even greater incentives for



property owners, and management companies with the permission of the property owner, in overburdened municipalities. These include \$2,000 for the purchase of a Level-Two EV charging station and 75% of the cost (up to \$7,500) for the make-ready for Level-Two chargers.

Municipalities should also be aware of one more electric vehicle-charging program NJBPU has developed called the EV Tourism Program. The program is working to establish New Jersey as an Electric Vehicle destination for travelers throughout the Northeast. Boardwalks, parks, and overnight lodging establish-

ments can apply for up to six Level-Two chargers and two DC Fast Chargers. Watch our website for updates on the application window for Round 2, which is scheduled to open in early spring.

## Municipal Charging Infrastructure ordinance

Governor Murphy signed a law last year that defined EV chargers as permitted accessory uses in all zones and set minimum requirements for including EV chargers and make-ready for future chargers in all new construction. Pursuant to the law, the Department of Community Affairs published a state-wide model municipal ordinance that provides minimum requirements and consistent standards for electrification (See Electric Vehicles Advance in the February 2022 issue of *New Jersey Municipalities* magazine).

The model ordinance include requires that EV charging infrastructure be permitted as an accessory use in all zoning or use districts and establishes minimum ratios of EV chargers and make-ready parking spaces for certain parking lots.

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## Charge Ahead

The model ordinance also includes a Reasonable Standards section that addresses installation, sightlines, setbacks, and other health and safety factors (lighting and signage, for example). The Reasonable Standards are included to provide guidance and encourage consistency, but municipalities may modify these provisions as needed. The statewide municipal ordinance supersedes requirements in communities with existing EV charging ordinances, but municipalities are encouraged to adopt the ordinance in order to provide consistency in the future.

### Utility programs

In September of 2020, the NJBPU required all utilities to create programs to provide incentives for the make-ready for light-duty EV chargers. In that order, the Board set out minimum filing requirements to guide the utilities in creating those programs. In early 2021, PSE&G and ACE programs were approved and JCP&L and RECO submitted their plans. Both PSE&G and ACE's programs are currently running and we anticipate that the remaining utility programs will be approved and open in 2022. All programs provide funding for make-ready for residential, public, workplace and multi-unit dwellings.

In 2022, the Board is working to follow a similar process for medium and heavy duty EV charging which would include guidance on funding for fleet charging.

### Energy efficiency

Energy efficiency is also a key part of the State's clean energy program. In 2021, Governor Murphy signed a new law creating the Schools and Small Business Energy Efficiency Stimulus (SSB) Program, a \$180 million grant program for New Jersey schools and small businesses to repair or replace HVAC systems, plumbing fixtures, and appliances to meet efficiency and health standards. The federally funded program dedicated at least \$135 million of its funding to schools and small businesses within underserved communities as part of the Murphy Administration's commitment to equity and environmental justice.

The SSB funding is subdivided into two programs: the School and Small

## Getting Started

If you are interested in applying for any of our electric vehicle or energy efficiency grant programs, please contact New Jersey Board of Public Utilities Business Ombudsman Francis Gaffney at 609-477-6409 or [francis.gaffney@bpu.nj.gov](mailto:francis.gaffney@bpu.nj.gov).

Business Ventilation and Energy Efficiency Verification and Repair (SSB-VEEVR) Program and the School and Small Business Noncompliant Plumbing Fixture and Appliance (SSB-NPFA) Program.

The SSB funding will cover 75% of the total cost for projects initiated under these programs, while the other 25% must come from outside sources. The programs include a cap of \$5 million per school district and \$500,000 per small business to ensure more entities are able to participate.

This program will provide benefits to the residents of the municipalities receiving grants to improve their schools and the small businesses in their communities. This program allows for the use of cleaner energy in these communities and for schools and small businesses to use energy more cheaply and efficiently.

The SSB-VEEVR has received a tremendous amount of interest and at this time is full for school applicants. However, there are still funds available for small business through the SSB-VEEVR program and through the SSB-NPFA for both schools and small businesses alike.

Community Energy Planning Grants empower local communities to create a Community Energy Plan that aligns with the State's Energy Master Plan (EMP). The EMP takes action on climate change, with specific focus on equitable access, energy resilience, renewable energy, and efficiency. The grant program will increase access to the state's clean energy initiatives for those communities who have historically not participated in New Jersey's clean energy programs.

There are two grant award levels. First, all municipalities throughout New Jersey are eligible to apply for a \$10,000 grant. Second, municipalities identified as overburdened are eligible to apply

for a \$25,000 grant. Further, overburdened municipalities are also eligible for enhanced support, including technical assistance to develop and submit applications as well as assistance in the creation of the Plan.

The Board also offers the Energy Savings Improvement Program (ESIP). The ESIP program allows local government entities to use "Energy Savings Obligations" as the financing method for the costs (capital as well as soft costs) of these Energy Conservation Measures (ECMs). This means that the savings achieved from implementing the measures without affecting their capital budgets fund the ECMs.

The first step in implementing an ESIP is the completion of a free energy audit through the New Jersey Local Government Energy Audit (LGEA) program. The goal of the energy audit is to provide local government units with information on how their facilities use energy. The LGEA audit report will provide a narrative for each building's historic energy use, facility and equipment descriptions, an equipment inventory, and ECM opportunities identified. It also provides estimations of installation cost, energy savings, annual energy cost savings, and payback calculations.

Enabling our programs to affect all New Jerseyans at the municipal level is one of the keys to unlocking a cleaner and healthier environment for your town and New Jersey well into the future. Municipal leadership is critical to build out our charging network, reduce energy consumption, and improving clean energy access for all. It is vitally important we continue to deploy sustainable practices, engage our residents, and achieve an equitable transition toward an affordable green future. 



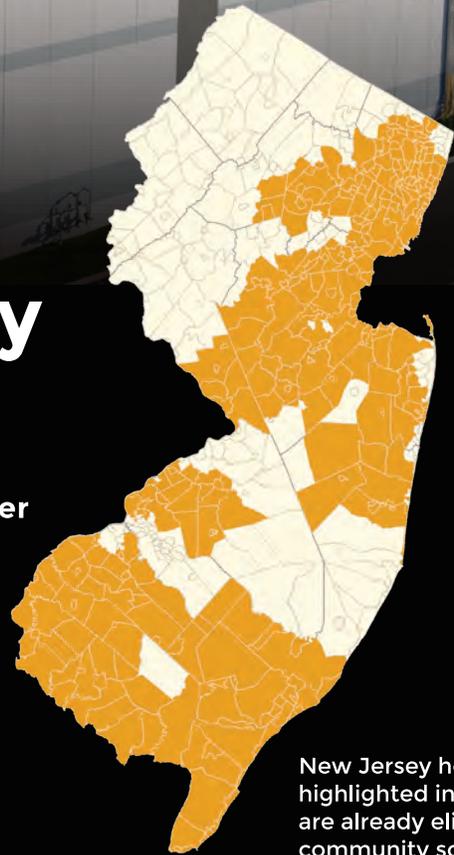
Solar Landscape's community solar projects will provide clean electricity to more than 10,000 NJ households.

Photo: Wood-Ridge NJ project

# Solar Landscape is New Jersey's Hometown Community Solar Leader

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Municipalities earn Sustainable Jersey Action Points by supporting community solar projects and advocating for workforce development.



New Jersey households highlighted in orange are already eligible for community solar.



Clean Energy Equity



Workforce Development



Clean Energy Education

# nj NOW

## Outreach: Pt. Pleasant Beach Mayor Aids Ukraine's Vulnerable



Pt. Pleasant Beach Mayor Paul Kanitra.

Pt. Pleasant Beach Mayor Paul Kanitra has returned from a humanitarian mission to Poland's border with the Ukraine, where he helped refugees fleeing the war.

Before leaving Point Pleasant Beach, Carol Vaccaro, Marla Belikoff, Marisa Tanner, and the Point Pleasant Beach Chamber of Commerce collected clothing and funds to go with the mayor. Five large suitcases filled with supplies for refugees went with the mayor, who noted their contents were distributed in just an hour and a half. "That shows you how massive the humanitarian crisis is here," Kanitra said.

The Point Pleasant Beach community has ties with those in the war-torn nation. "Young Ukrainians have been coming to Point Pleasant Beach to enjoy a summer operating our rides, attractions and more for many years," Kanitra said. "They've forged a special bond with so many of our residents. It's nice to see the community coming together like this to give back in their time of need."

On a more personal level, the mayor said, "Half of my family is Polish and Slovakian, and I feel compelled to do something watching this insane horror unfold. I don't know how much of a difference one person can make, but I'm at least going to try."

While in Poland, Mayor Kanitra had busy and heart-wrenching times working at refugee centers and contributing supplies to those passing through. He also volunteered with World



Pt Pleasant Beach Mayor and Chamber.

Central Kitchen helping to prepare and deliver food and shuttle supplies to the Mydyka border crossing.

Upon his return, the mayor shared his firsthand views and information with media and continues to encourage support for those in Ukraine through additional fundraising efforts, including a charity concert. 🎵

### Musical Fundraiser

Mayor Paul Kanitra will continue raising funds for Ukrainian refugees and raising awareness of the needs of those impacted by the war. Upon the mayor's return to New Jersey, he announced a charity concert to be held on the Point Pleasant Beach boardwalk.

The event is expected to be held on April 10 at Jenkinson's featuring New Jersey bands.



Pt Pleasant Mayor at Przemysl Glowny.



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## AGENDA

### FRIDAY, APRIL 29

#### KEYNOTE

The Local Government Ethics Law

Jacquelyn Suarez,  
*Director, NJ Division of Local Government Services*

#### CYBER ISSUES

Combating Cyber Attacks

#### BENEFITS ISSUES

Controlling Benefits Costs

### FRIDAY, MAY 6

#### ETHICS

Ethics in Local Elections

#### SAFETY

Safety in the COVID Era

#### RISK MANAGEMENT

Local Government Risk Management

## THE POWER OF COLLABORATION

[njmel.org](http://njmel.org)

Somerset County Commissioner Director Shanel Y. Robinson and Immediate Past President Mayor Janice Kovach from Clinton Town tour the new Cinelease Studios at Caven Point in Jersey City.



# NJLM Officials Represent Local Municipalities Around the State

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Mayor William Pikolycky of Woodbine, NJLM President, met with State and county groups to represent the interests of the League and local governments at recent meetings.

In a visit with Lieutenant Governor Sheila Oliver, President Pikolycky and NJLM Executive Director Mike Cerra communicated important priorities and necessities to the Lt. Governor and her team at the Department of Community Affairs.

In another event, Immediate Past President Mayor Janice Kovach toured a new film studio in Jersey City with Somerset County Commissioner Director Shanel Y. Robinson. 🇺🇸



Sen. President Scutari (center) with Wildwood Mayor Pete Byron, Mayor Pikolcyky, Vineland Mayor Anthony Fanucci (NJLM Executive Board Member), Sen. Scutari, his father Sal Scutari, and Collingswood Mayor James Maley.



NJLM President Mayor William Pikolycky with Lt. Governor Sheila Oliver at a recent meeting at the DCA offices in Trenton.



NJLM President Pikolycky with Senate President Scutari (center) and Atlantic City Mayor Marty Small, NJLM Executive Board Member.



The Cape May County League of Municipalities swears in its new officers.



NJLM Executive Director Michael F. Cerra speaks at the Cape May County League of Municipalities meeting.

# NJLM Events

April

5 Cannabis in the Workplace Webinar

June

15 NJLM Mini Conference  
Conference Center at Mercer,  
West Windsor

Visit [www.njlm.org/seminars](http://www.njlm.org/seminars) or contact Danielle Holland-Htut at [dholland@njlm.org](mailto:dholland@njlm.org) or 609-695-3481, Ext. 118.

**Health & Safety Notice:** To help prevent the spread of COVID-19, we recommend that attendees at our in-person events wear a face mask regardless of vaccination status.

## Passages: Lacey and Winslow Mayors Remembered

Two New Jersey towns lost their mayors recently. Both Mayor Barry Wright of Winslow Township and Mayor Nicholas “Nick” Juliano of Lacey Township passed served after years of service to their communities.



**Mayor Barry Wright** served on the Winslow Township Police Department for 27 years and recently as a Committee member for five years, then Mayor for the past

six years.

Mayor Wright’s main goal was always to bring the community together as one. His work included safety, diversity, and sustainability, the results of which can be seen from municipal business efficiency to the renovated Calabrese Park.

He was an active member of the Camden County Open Space Committee, Camden County Mayors Association and the New Jersey Mayors Association. He was an active member of the Board of Trustees at Ancora Hospital. He also worked closely

with Veterans Haven to address the needs of Township veterans.

He was happily married to his wife, Robin, and a proud father of 7 children and grandfather to 4 grandchildren.

**Lacey Mayor Nicholas “Nick” Juliano** died after a brief battle with a very aggressive cancer.

Mayor Juliano was elected to office in January 2015 and served as Deputy Mayor in 2017 and 2021 and Mayor in 2018 and 2022.

The mayor worked tirelessly for his constituents and valued the local community groups, the veteran’s organizations, and the emergency service squads for their devotion to Lacey.

He was an Honorary Member of Lanoka Harbor Fire Department, Citizen of the Year through the Elks Lodge #2518, and a Little League Hall of Famer.

He is survived by his wife of 45 years, Peggy Sue, and children Nicholas Willaim Juliano and Marisa Sue Juliano. 🇺🇸



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## Urban Enterprise Zones: An Essential Tool

New Jersey is experiencing an urban revival, fueled by emerging immigrant communities. Urban centers continue to outpace our suburban and rural communities. According to 2020 Census data, the 28 municipalities with the highest percentage of immigrants nearly doubled New Jersey's average growth rate.

As New Jersey experiences this demographic shift, Urban Enterprise Zones (UEZ) are an essential tool for generating wealth in expanding city centers. By utilizing State resources for strategic redevelopment projects, we can ensure that opportunity matches population growth. Through direct government investment, we can create the necessary economic infrastructure to promote local financial stability and statewide benefit.

In 1983, New Jersey crafted its UEZ program to address the challenges of suburbanization. Shrinking urban municipalities lacked the resources and tax bases to limit rising unemployment. As decades-long trends toward suburban expansion reverse, our UEZ program has adapted to maximize effectiveness.

I authored legislation to reform New Jersey's UEZ program and on August 16, 2021, Lieutenant Governor Sheila Oliver signed Assembly Bill A-5580 into law. This historic action brought necessary changes to our Urban Enterprise Zones and appropriated \$42.5 million to the Zone Assistance Fund. Bringing vital resources to our 7,267 UEZ-certified businesses in 32 zones, across 37 municipalities.

UEZ municipalities have seen a population resurgence but continue to be defined by a lack of private investment. New Jersey's 2017 Municipal Revitalization Index ranked all but one of the UEZ municipalities in the bottom 20th percentile with the majority in the 10th percentile.

### Macroeconomic solutions

It is vital that our UEZ program provides macroeconomic solutions that incentivize business development and create upward social mobility in disadvantaged communities. Modernizing the UEZ program allows the State to invest in large-scale ventures that generates sustainable jobs that support future private investment.

Zone Assistance Funds have historically served as a crucial resource for job creation projects. In 2011, the Zone Assistance Fund was slashed from the State Budget. Defunding UEZs drastically changed the nature of the program, limiting it to

less-effective tax cuts and small-scale incentives. Without funding, UEZs were unable to undertake redevelopment projects capable of stimulating private investment.

Completed projects continued to yield permanent financial benefits to municipalities, but stalled redevelopment efforts cost New Jersey invaluable progress. Between 2013-2018 the UEZ Program, without the benefit of Zone Assistance funding, generated \$510.1 million in average annual earnings. From 2013-2018, UEZs brought nearly 19,000 jobs from out-of-state businesses.

One of the most transformational changes to the UEZ program is the revised process for the five-year development plan necessary to retain UEZ status. The five-year development plans guarantee that State resources are being used towards strategically designed projects that encourage future private projects.

Utilizing UEZ resources Elizabeth developed a centerpiece plan to remediate a 166-acre municipal landfill. This created an estimated 1,700 construction jobs and more than 4,000 permanent jobs in the Jersey Gardens Mall. The city was able to successfully use a \$250,000 low-interest loan to build critical infrastructure that supported the conversion of a former landfill. Today the Jersey Gardens Mall is visited by more than 15 million people each year.

Through the modernized UEZ program, the City of Passaic is actively crafting a five-year development plan to restore Main Avenue's business district. For decades, Main Avenue has served as Passaic's commercial center, but recessions have hindered needed growth. The city will undertake a comprehensive redesign of Main Avenue that addresses critical infrastructure needs and includes versatile mixed-use spaces. Passaic will make permanent improvements to the UEZ that reestablish Main Avenue as the city's thriving financial hub. This foundational project will allow the city to pursue long-term endeavors and empower organic entrepreneurship.

The reformed UEZ program will ensure that innovative, forward-thinking projects will be the cornerstone of municipal economic development. Using New Jersey's capital resources to create the infrastructure necessary for private investment in our underfunded urban centers. Funding for the essential program will continue to increase in each yearly budget, to invest in our communities and build a stronger economic future for everyone in our state. 🇯🇵



“Solar power just makes sense... It’s also why we designed SolarAPP+... we’re using that to cut the red tape that often delays the solar permitting process. So in some parts of the country, customers have to wait weeks for approvals before they can get their solar installations online...”



- Secretary Granholm



“The seamless solar permitting process by SolarAPP+ improves the effectiveness of local government staff. But more importantly, this efficiency translates into better services for residents, area business, and local industries”



- Clarence Anthony,  
CEO, National League of Cities



“(In Tucson) the permitting process was taking four weeks. Now with SolarAPP+ we we give a permit the same day. We just approved about 450 installations in the last 60 days alone that we have been using SolarAPP+ in the city of Tucson and because time is money. For the city of Tucson we can charge less for the permit. So what that means is that it becomes less expensive for the installation and we make solar much more available to communities... to low income communities in our city.”



- Tucson Mayor  
Regina Romero



“We were the first to adopt SolarAPP+ and issue a permit through SolarAPP+ and just issued our 30th permit through SolarAPP+. With all the building we’ve done, there have been no issues.”



- Pleasant Hill Mayor  
Sue Noak

# Cut through green tape with SolarAPP+

An online portal that streamlines permitting at the local level.





# NJLM 2022 Federal Priorities

Federal funding in 2021 was a watershed year that has not been seen in decades. The passage of the American Rescue Plan Act (ARPA) and the Infrastructure Investment and Jobs Act (IIJA) has increased federal funding to New Jersey and makes a down payment on needed infrastructure investments like the Gateway Project, roads, broadband, bridges, and water, sewer and wastewater pipe upgrades.



## Repeal of Cap on Deductibility of State and Local Taxes (SALT)

Since passage of the “Tax Cuts and Jobs Act” Pub.L. 115-97 in 2017, the federal income tax deduction of state and local taxes (SALT) has been capped at a maximum of \$10,000. The League opposed passage of this legislation that removed a feature of the tax code for more than 100 years.

The League has adamantly advocated for the repeal of the SALT cap ever since. The New Jersey Department of Community Affairs issued a report this year that stated average New Jersey property taxes are \$9,112, so the need for the repeal of SALT is more important than ever.

During 2021 legislative negotiations the House of Representatives increased the deduction from \$10,000 to \$80,000 as part of the Biden Administration’s Build Back Better proposal. However, the Senate has not considered the measure.

Rep. Bill Pascrell, the only New Jersey House member on the tax-writing Ways and Means Committee has introduced HR946 calling for the full repeal of the SALT deductibility cap. The League supports this measure and has issued a sample municipal resolution to support this legislation.



## National Flood Insurance Plan Reauthorization

There has not been a long-term reauthorization of the National Insurance Flood Program (NFIP) for many years. Instead, Congress continues to extend the program for short-term periods leading to long-term instability.

The League supports passage of S.3128/H.R. 5802, the

National Flood Insurance Program Reauthorization and Reform Act of 2021, which takes concrete steps to improve affordability, transparency, accountability, and the long-term sustainability of the NFIP. The bill makes the program more affordable, creates greater transparency, and injects fairness into the claims process.

Under the legislation, the NFIP would be reauthorized for five years and extends the program until September 30, 2026, and caps annual rate increases to 9%, reducing the current increases by more than 15% annually.



## Direct Federal and State Support to Municipalities for the Replacement of Lead Service Lines

Pipes containing lead that connect water mains to homes and other buildings, often called lead service lines, are a primary source of lead in drinking water. Property owners have generally and historically been responsible for the maintenance of the service lines that run from their property to the water mains. The League urges the federal government to robustly fund replacement of lead service lines in our communities. While there is funding for lead pipe removal in the Bipartisan Infrastructure Law, it is only a fraction of what will be needed in New Jersey and across the nation.



## Investing in Local Broadband Infrastructure to Equitably Bridge the Digital Divide

The COVID-19 pandemic has brought to the fore many of the long-standing social, economic, and racial disparities in American society. These disparities are especially

pronounced in the area of broadband internet access and our nation’s enduring digital divide.

A number of localities have negotiated and entered into agreements with wireless providers to deploy 5G broadband service in their communities, including provisions to bridge the digital divide. However, some members of the Federal Communications Commission (FCC), Congress, and our state legislatures have wrongly characterized the balancing act among competing interests for the public rights-of-way and maintenance of local authority as a barrier to 5G deployment and, instead, have put the interests of national corporations ahead of the needs of communities by imposing on municipalities a one-size-fits-all policy which preempts existing state and local policies.

Congress, the FCC, and other federal agencies, along with the New Jersey state legislature, must increase efforts to leverage and otherwise use relief funding to address the digital divide by robustly funding efforts to address the digital divide and lay the groundwork for an equitable, robust, and resilient post-pandemic economy and society.



### Community Development Block Grant Program

The Community Development Block Grant (CDBG) Program is administered by the U.S.

Department of Housing and Urban Development to provide annual grants on a formula basis to state, cities, and counties. The CDBG Program improves the quality of life for low- and moderate-income citizens by providing decent housing, a

suitable living environment, and economic opportunities.

Communities use CDBG funding to respond to current and emerging community development needs, including the development of affordable housing, improvement of existing housing stock, the delivery of vital services, and the development of important infrastructure improvements.

The League urges Congress to support investment in low-income communities and communities of color by reauthorizing and funding the CDBG program at \$12 billion to reflect the inflation-adjusted value of the program, and we believe annual increases should occur with the goal of reaching that level in the future

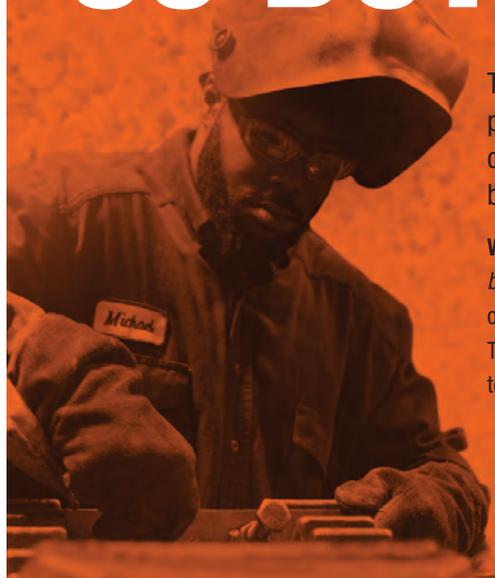


### Addressing the Backlog of U.S. Army Corp of Engineer Projects

The most recent estimated cost to fully address the backlog of U.S. Army Corps of Engineers projects is \$109 billion according to a report from the U.S. Army Corps of Engineers. Many of the Corps’ projects are among the largest investments of federal funds needed in municipalities and states to address flood risk management, ecosystem restoration, economic equity, environmental justice, and climate resilience.

The League urges the Biden Administration and the Congress to address the growing problem of Corps project implementation in upcoming family assistance and infrastructure funding packages. ❄️

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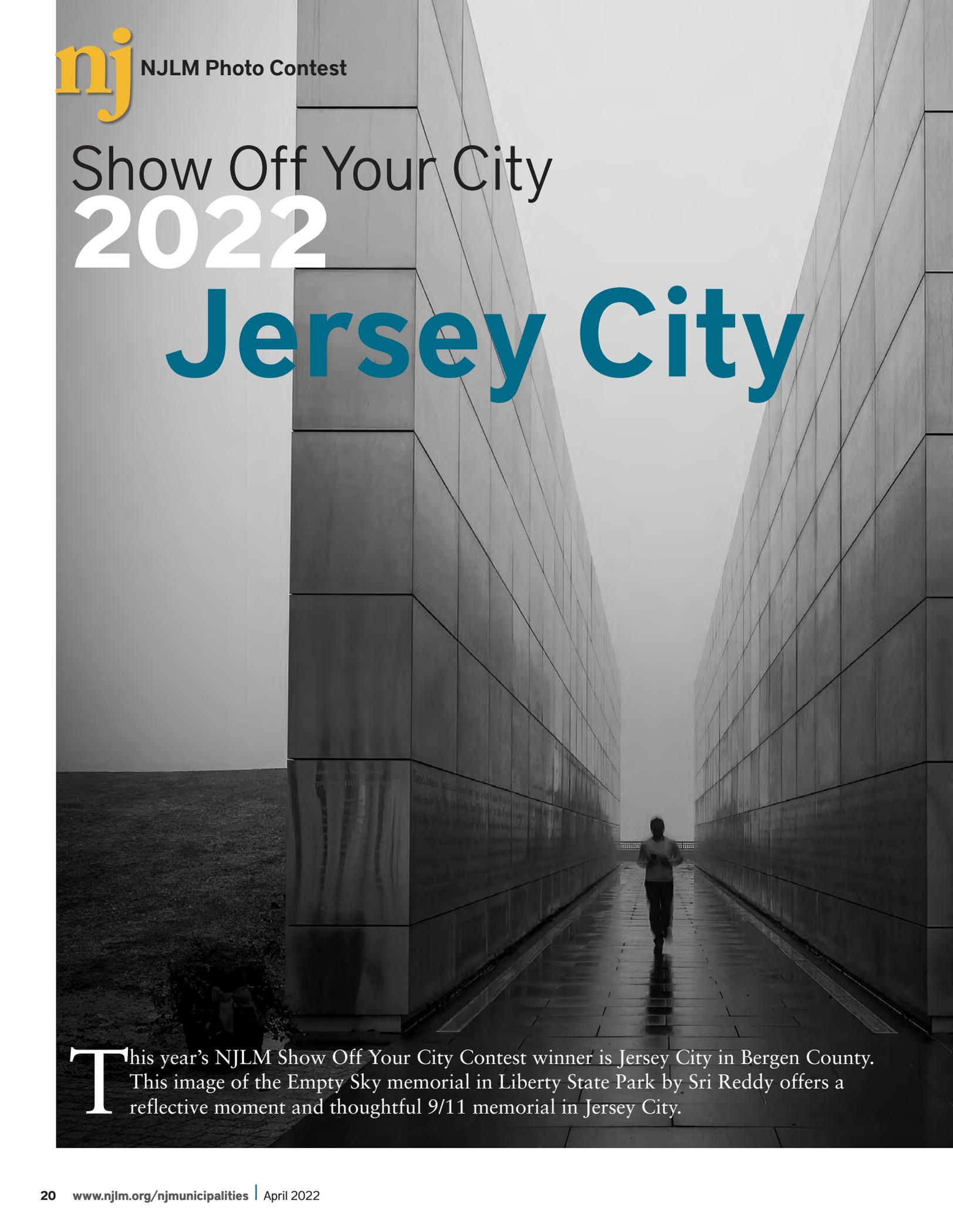


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Show Off Your City  
2022

# Jersey City



This year's NJLM Show Off Your City Contest winner is Jersey City in Bergen County. This image of the Empty Sky memorial in Liberty State Park by Sri Reddy offers a reflective moment and thoughtful 9/11 memorial in Jersey City.

### Representatives from Jersey City note:

In Jersey City, we take pride in being the most diverse city in the entire nation, with nearly 300,000 residents representing various backgrounds, ethnicities, cultures, and the like. Under Mayor Steven M. Fulop’s leadership, Jersey City has become a sought-after destination to live and work. The administration’s efforts are also attracting major investment spanning all six wards, including Bayfront in the south section, the largest mixed-income community built in the region in decades; Centre Pompidou x Jersey City in Journal Square, which will bring iconic art masterpieces to the local neighborhood for residents, students, and visitors to experience history; and the first municipal Aerofarms located in public housing sites to provide free nutritious produce for residents and close gaps in healthy food access.

Jersey City has been ranked one of the

best cities to live in the U.S., the most LGBTQ friendly, the most culturally diverse, the most welcoming for immigrants, among many other notable distinctions, all of which speaks to the work being done to create an inclusive and equitable city for all.

“The past two years alone we’ve overcome so much to achieve even more, and I’m incredibly proud to be able to work with our diverse residents on the issues that really matter. We continue to set the bar high for implementing creative solutions that make Jersey City a more resilient and united community by expanding opportunities, equity, accessibility, and inclusivity,” said Mayor Fulop

Congratulations to Jersey City and thank you to all of the participants for this year’s contest. We are proud to share a sampling of images on these pages, on the League website, [www.njlm.org](http://www.njlm.org), and on League social media. 🇺🇸

**The 9/11 Memorial in Liberty State Park in Jersey City, The Empty Sky** honors the 749 New Jersey residents killed in the September 11<sup>th</sup> attacks in 2001 at the World Trade Center, the Pentagon, and Shanksville, PA. According the New Jersey 9/11 Memorial Foundation, “Empty Sky” honors both the memory of those lost and the special place that they called home – New Jersey.”

In 2004, a design competition jury selected Jessica Jamroz and Frederic Schwartz Architects’ memorial proposal, colloquially known as “Empty Sky” (named after a Bruce Springsteen song about 9/11), from among 320 entries.

The memorial features twin walls flanking a granite path directed toward Ground Zero. The length of each wall is exactly equal to one side of the former World Trade Center Towers as the height of the wall reflects proportion of the former buildings if they were lying on their side, the foundation notes.

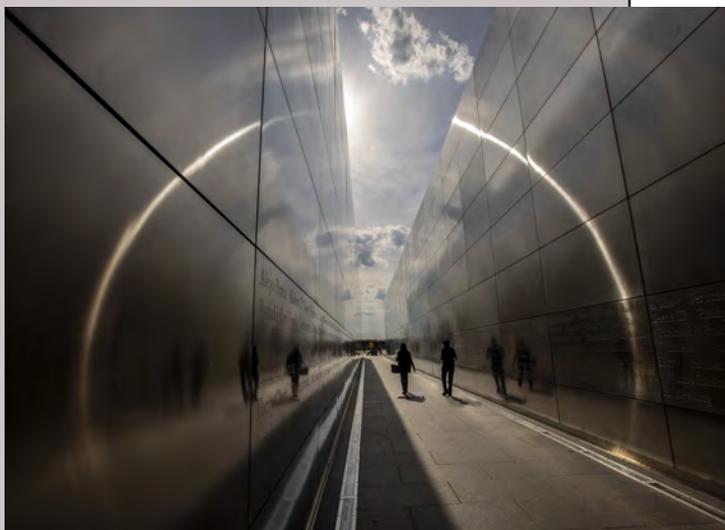
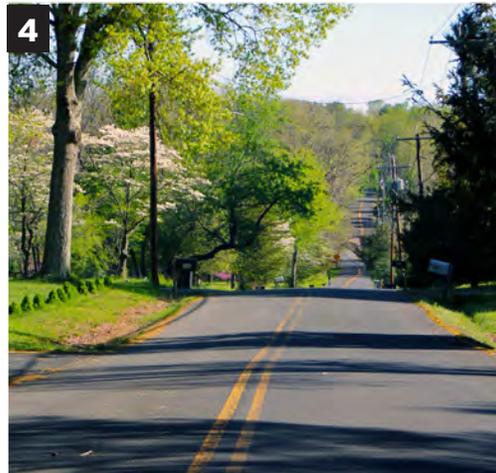


Image by Jennifer Brown, City Photographer, Jersey City



# Honorable Mentions:

**1 Berkeley Heights** Launches the Adopt-a-Drain program. Credit: Natalie Chin. **2 Cranford** Officer D'Ambola reading to kids.  
**3 Farmingdale's** "Ride Only" parade. **4 Montgomery** Opossum Road by Tammy Garaffa, Community Information Officer, Township of Montgomery. **5 Scotch Plains** inaugural Pride Celebration. **6 Middletown Township's** 9/11 20th anniversary memorial by Tom Zappic Photography. **7 Mount Olive** lake overview by Gene Moretti. **8 Westfield** four seasons at the station. **9 Pennsauken** Harvest Festival. **10 Summit** Outdoor dining in downtown Summit on Maple Street. Credit: City of Summit Communications Office.





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# Memorials

**1 Glen Rock** Glen Rock's patriotic display. Credit: Simon Toffell. **2 Hillsborough** Blue Star Memorial sponsored by the Neshanic Garden Club. Credit: Marti Evans. **3 Spring Lake Heights** Veterans Day. **4 Mt. Laurel** Sept. 11 Memorial 2021. **5 Matawan** Memorial Day Main Street Memorial Park guest of honor Frank Leonard placing wreath. Credit: Cathy Zavorskas, Community Engagement Coordinator, Borough of Matawan. **6 Evesham Township**'s students, first responders, elected officials and other community members prepare a surprise welcome home celebration for a returning soldier at Van Zant Elementary School.



# Municipal Moments

Show Off Your City

**1 Bordentown** Mayor Jennifer L. Sciortino presents Historical Society Co-President Bonnie Goldman (dressed as Clara Barton) with a proclamation declaring Dec. 4 "Clara Barton Day" in Bordentown City. **2 Burlington** Spin Class on the river. Credit: John Alexander/City of Burlington. **3 Watchung** held its inaugural Juneteenth Event. **4 Cape May** mall entrance decked out for fall. **5 Highlands** First Aid Squad celebrates its 90th Anniversary **6 Roselle Park** Gazebo on the corner of Grant and Chestnut Street. Credit: Roger Brenner. **7 Piscataway** Bike Rodeo outside The YMCA at the Piscataway Community Center (YPCC). **8 Dunellen** Memorial Day Parade. **9 Stafford's** Annual Stafford Township Halloween Parade from 2021 with (from left) Miss Stafford 2021, Alyssa Antonelli, Mayor Gregory E. Myhre, Gunnar Myhre, Little Miss Stafford 2021, Capri Butler and her sister, Aksel Myhre as Darth Vader, Amber Myhre, Annika Myhre, Junior Miss Stafford 2021 Kealia Grace Smith, and Councilman Robert E. Henken. **10 Lawrence's** municipal building surrounded by spring blooms.



# Natural Beauty

**1 Deptford** glows in the sunset. **2 Moorestown** Evening tractor and water tower by Anne Gandolfo. **3 Vernon**'s Pochuck Quagmire Bridge over Pochuck Creek. **4 South Orange** Floods Hill by Jeremy Moss. **5 Oradel** autumn in the woods by Bruno Ippolito. **6 Mountainside** Lake Surprise in the Watchung Reservation.





5



6



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# Adopting Renewable Energy

## Equitable solar solutions benefit Secaucus

Mike Gonnelli, Mayor, Secaucus

A mile west of the Hudson and surrounded on three sides by the Hackensack River, Secaucus is no stranger to the threat of flooding. It was after Hurricane Ida, when we saw the community rally together in the wake of receding flood waters.

All over the great state of New Jersey, the effects of sea level rise and more powerful storms is impacting communities. As the “Jewel of the Meadowlands,” Secaucus has the most open space of any town in Hudson County, giving our residents and visitors access to environmental resources and an appreciation for how precious they are.

This is what motivates the town leadership and the Secaucus Environmental Department to explore renewable energy solutions in our community. While we have installed solar projects on several municipal buildings, we would love for more of our residents to have access to the benefits of solar power, so we are all working together to reduce our carbon footprint. One of the more compelling and equitable solutions for Secaucus residents and businesses to enjoy the benefits of solar can be accomplished through a program known as community solar.

### Making renewable energy accessible

Among the many renewable energy solutions, community solar requires no construction or investment from the municipality and immediately conveys benefits to our residents.

In the community solar model, developers build solar projects on large commercial rooftops and use the clean electricity generated to power local homes and apartments. Residents get the benefits of solar—lower cost and cleaner air—without the need for solar panels on their rooftops.

In return for using community solar, rather than electricity generated by fossil fuels, the subscriber receives a monthly credit on their bill they receive from the electrical utility that reduces their monthly cost. Because the panels are installed on large commercial warehouses, it eliminates the need to find open space, a precious commodity everywhere in New Jersey, but especially here in Secaucus.

The appeal to members of the community is clear—a reduction in both their monthly energy bills and greenhouse gas emissions.



A community solar installation in North Bergen now generates renewable energy for Hudson and Bergen County residents, including those in Secaucus. Photo credit: Solar Landscape, Asbury Park, NJ

While other renewable energy sources will serve an important role in our conversion to clean energy in the years to come, community solar presents a simple and significant opportunity for all of us right now.

### How it works for some Secaucus residents

Asbury Park-based solar developer, Solar Landscape, installed a large solar panel array on the rooftop of a warehouse in North Bergen and Hartz Solar installed panels on the rooftop of a warehouse owned by Hartz Mountain in Secaucus. These installations now generate clean solar energy for nearby households in Hudson and Bergen Counties. When residents participating in community solar get their PSE&G bill, they receive a credit.

For some residents, cutting their monthly utility bill is enough to entice them to use community solar. Others are enticed by the idea that they can go solar—joining the fight against climate change—without installing solar panels on their home. This is particularly true for those who do not have the choice to install solar panels on their home, whether they rent, cannot afford to do so, or their roof is not suitable

**The rise of community solar**

Secaucus was one of the first New Jersey municipalities to adopt community solar because of our ample commercial warehouse stock. And the concept is growing quickly.

The federal government is promoting community solar nationwide. In October, the U.S. Department of Energy set a new target to enable community solar systems to power the equivalent of 5 million households by 2025 and create \$1 billion in energy bill savings.

“Achieving these ambitious targets will lead to meaningful energy cost savings, create jobs in these communities, and make our clean energy transition more equitable,” said Energy Secretary Jennifer M. Granholm.

Fortunately, New Jersey is leading the way in community solar and the program was enacted into law through the state’s Clean Energy Act of 2018.

The New Jersey Board of Public Utilities has announced that it will make the program permanent in 2022, allaying fears that the benefits of the pilot program would go away. Last year, the Board of Public Utilities announced the expansion of the

program to 165 megawatts, bringing the full total to 160 community solar projects in the Garden State, generating more than 240 megawatts.

In Secaucus, we make New Jersey’s unique attributes work for us in community solar. Most notably: our warehouses and our population density. In fact, many of the newest housing units in Secaucus are rental units in multi-level buildings and these residents would not have been able to take advantage of the benefits of solar power.

In contrast to residential rooftops or open space, warehouse rooftops make good sites for community solar installations in New Jersey, enabling warehouse owners to rent out their roofs as a revenue generator. And putting panels on commercial rooftops preserves the Garden State’s precious open spaces, an important benefit for environmental conservation statewide.

**The halo effect of community solar**

Clean energy equity is the cornerstone of New Jersey’s community solar program, which requires 51% of subscribers to be low- to moderate-income households. In a world where residential solar panels and electric vehicles are out of reach for so many, community solar provides solar access for all and enables governmental bodies new opportunities to help residents assist in fighting climate change.

Community solar can mean workforce and economic development. Some community solar programs in New Jersey include job training as part of the project to create the clean energy workforce of the future.

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## Adopting Renewable Energy

Creating community-wide access to solar energy also gives municipalities a chance to walk the walk when it comes to sustainability and climate change education. In schools across the state, community solar developers are teaching students about career opportunities in the state's green energy economy.

Community solar also gives you bragging rights. Promoting, supporting and developing community solar projects can earn New Jersey municipalities Sustainable Jersey action points. Sustainable Jersey's new resource guide also outlines how municipalities can support community solar projects or lead one, including becoming a project ambassador, outreach partner, anchor subscriber, site host, and more (see article page 38).

Finally, local nonprofits, such as our local VFW Post 3776 and Secaucus Emergency Fund, benefit from community solar. In nearby Newark, the Boys and Girls Club of Newark worked with a community solar developer to educate their community about the program, creating benefits for both the community and the nonprofit. 📌

## Tips for Municipalities: Exploring and Implementing Community Solar

- Do your homework. Research existing community solar options for which your residents are qualified to subscribe. This may be in your municipality or a neighboring one. If none are yet available in your area, consider working with a solar developer to develop a community solar project on your city's own large buildings.
- Educate your residents. A dedicated webpage on our municipal site, [secaucus.gov/solar](https://secaucus.gov/solar), provides a link to Energy Sage (which explains both rooftop and community solar to residents) and links to the two companies that are currently subscribing community solar projects in our town and will continue to be updated. We also hosted Facebook Live community solar educational webinar events and worked with our library to promote the program. Social media posts and our community newsletter have also been great platforms for us.
- Talk to your community's leaders. Leaders in your environmental communities, including environmental commissioners, Sustainable Jersey green teams and representatives for League of Conservation Voters can often help with increasing public awareness and spearheading resolutions and ordinances to make community solar a success.

## Around the State: Pairing Community Solar with Municipal Housing Authorities

Douglas Dzema, *Executive Director, Perth Amboy Housing Authority*

In Perth Amboy, the Housing Authority has always been about creating access.

Access to affordable housing. Access to valuable community services. Access to the enjoyment of family life they thought might be out of reach.

Now, we're providing access to the fight against climate change.

For a long time, we had hoped to go solar. We knew that reduced electrical costs could make room in our operations budget for other services and opportunities for residents. Plus, with New Jersey—and especially Perth Amboy—feeling the effects of climate change, connecting our residents to clean, renewable energy was a community service on its own.

However, we thought solar wouldn't be an option for the Housing Authority. Without enough space or spare financial resources for solar panels on our property, it seemed like it would always be out of our reach.

That's what made community solar so appealing to Mayor Caba and the Perth Amboy Housing Authority. Now, with no investment necessary on our part, our residents use electricity generated by solar panels on a Duke Realty warehouse on High Street in nearby Perth Amboy. It lowers our utility costs, giving us more budget for the services our residents have come to expect from us. Plus, our community solar provider has become a valuable partner to us and our residents.

I encourage other municipalities and housing authorities to do their homework on community solar. It's a state-backed program that requires no financial investment and guarantees a reduced utility cost.

Best of all, it gives our residents the chance to say they're helping to fight climate change.

Community solar does more than power our community, it empowers it.

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# The Future of Energy

## Keeping prime farmland open while siting solar power projects

Tom Gilbert, *Co-Executive Director, New Jersey Conservation Foundation, and*  
Shane Godshall, *Member, Woodstown-Piles Grove Joint Environmental Commission and Woodstown Planning Board*

The future of energy in New Jersey is clean, renewable energy. A transition to renewable energy sources, including solar, is supported by studies showing that ending the reliance on natural gas and other fossil fuels will improve New Jerseyans' health, reduce emissions contributing to climate change, and bring jobs and other economic benefits to communities. However, the siting of solar projects must be done with consideration to our dwindling agricultural lands and open spaces.

### Counterproductive siting

Agricultural land is classified into categories based on soil quality, with "prime" soils being those with the best combination of physical and chemical characteristics for producing crops. The conflict with solar stems from the fact that prime farmland is generally wide-open, contiguous spaces with gentle terrain, which also makes it ideal to put long flat lines of solar panels. However, locating massive solar panel arrays on prime farmland is counterproductive and simply solves one problem by worsening another: Clean energy production increases, but only by accelerating the continued loss of the Garden State's farmland and heritage.

It's not as though there are no alternatives to siting solar on prime farmland. Drive around the state and you will see massive rooftops on warehouses, distribution centers, and other commercial facilities, most of which have ample space for solar panels. And let us not forget about the vast parking lots, brownfields, capped landfills, farmland with poor soil, and other marginal land where solar panels could legitimately be considered an improvement.

Still, local governments are increasingly faced with proposals for solar development on prime farmland, so they need to be prepared by ensuring that master plans and zoning ordinances are clear on the issue. It is important for officials to understand recent state policy changes that govern the siting of solar projects and how solar development is treated under municipal land use law. It's important to also be clear about where a municipality does and does not want solar development to occur.



Only with careful planning can New Jersey advance clean solar energy without having to settle for undesirable tradeoffs.

### Protecting agriculture

Proposals to site solar panels on farmland can appear tempting. After all, doing so protects the land from having buildings erected on it, brings income to farmers who sell or rent their land to power providers, and creates increased ratables. But municipalities must also consider how solar development on prime farmland will affect local food production and the agricultural heritage, quality-of-life and attractiveness of their communities.

Solar field promoters often tout dual-use projects where agriculture would coexist with solar panels. But the concept is just being piloted and studied now in New Jersey and we do not yet know to what degree solar development and agriculture can thrive together.

Several bills were passed and signed by Governor Murphy last year to update solar policies, including provisions to foster sound siting and generally prevent large, utility-scale solar projects on prime or statewide important soils within Agricultural Development Areas (ADAs). Solar installations cannot be located in forests, freshwater wetlands, Green Acres areas, preserved farmland, or in the Highlands Preservation Area or Pinelands. Agricultural Development Areas are, for the most part, off limits, although the final bill included a waiver for the first 2.5% of the best soils within ADAs statewide, but not more than 5% of such lands in any county. This still leaves

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## Future of Energy

a lot of places for developers to locate solar arrays where they do not conflict with farmland preservation and agricultural retention goals.

### Inherently beneficial use

Local officials need to be aware that solar is considered an “inherently beneficial use” under the municipal land use law. This means that solar development automatically satisfies the positive criteria in the legal test for a zoning variance. The fact is often misrepresented to make it seem that solar facilities are pre-approved or beyond the reach of local scrutiny. It is simply not the case, as any plan must also satisfy the negative test. A variance can be granted only if there would be no substantial detriment to the public good and no substantial impairment of the intents and purposes of the zone plan or ordinance.

### Protecting working farmland

Pilesgrove is a community dominated by agriculture; large swaths of land under active cultivation define the community and its culture. This town knew what it was and what it wanted to look like—and that led the town to protect its working farmland. These forward-looking planning efforts formed the foundation needed to effectively push back at a project that was not a good fit for the community.

Significant growth of solar energy is an important part of New Jersey’s ambitious goal of achieving 100% clean energy by 2050. But in the nation’s most densely populated state, we must find appropriate sites that do not undermine our common-sense open space and farmland preservation and protection goals—“appropriate” being the key word.

There is simply no need to blanket our best farmland soils with solar panels.

This is one situation where the old saying, “You can’t have it both ways,” doesn’t apply. With some considerate planning, New Jersey can have both solar power and prime farmland. Our children and grandchildren deserve no less. 🍷

Tom Gilbert is Co-Executive Director of the New Jersey Conservation Foundation. Shane Godshall is a member of the Woodstown-Pilesgrove Joint Environmental Commission and the Woodstown Planning Board.



## Case Study

Officials in municipalities that might be faced with proposals for large solar projects on prime farmland can learn from the experience of Pilesgrove Township, in Salem County, where Dakota Power wanted to install a huge array of panels on prime farmland.

The proposal that came before the Pilesgrove Planning Board in the summer of 2020 was a utility-scale solar project that would generate 150 megawatts. It would have been seven times larger than the next largest solar facility in New Jersey. At 800 acres, it would gobble up an area of prime agricultural land almost as large as Woodstown Borough, the donut-hole-town that Pilesgrove encircles.

There were several concerns for the Planning Board to consider in reviewing the proposed project. First, the installation of such a large facility didn’t align with the Township’s vision as an agricultural community. Second, there was the possibility of threatened species and habitats on the site. Third, the project was situated on prime agricultural farmland. And, finally, the site location was identified as “not preferred” for solar facilities under the state’s Department of Environmental Protection’s 2017 Solar Siting Analysis Update.

The applicant sought a zoning variance because the site falls within an agricultural retention zone where solar is not permitted. The proposal was submitted as dual-use in an attempt to satisfy the agricultural goals within the zoning district and described as part sheep farm and part solar facility, where sheep would graze under the solar panels on the property. Ultimately, the Pilesgrove Planning Board denied the request for a zoning variance because the project was simply too large to receive one. The developer is appealing that decision.

That project would have also been inconsistent with the siting provisions of the new utility-scale solar legislation, which generally prohibits projects on prime or statewide important soils within Agricultural Development Areas. Over 90% of the site where the Dakota Power solar facility would have been located has prime soils.

Thankfully, the rigorous work of identification, zoning changes, and adoption of ordinances needed to support this decision had been done a decade ago. Pilesgrove revised its Master Plan to recognize the importance of agriculture within the community and created ordinances intended to protect the land. It also identified where it wants solar development to occur, in the Light Industrial Zone. The Township and Environmental Commission worked diligently to identify and begin preserving prime agricultural lands and threatened habitats.

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# Ready Today — Ready Tomorrow



# Turbine Cables

South Amboy says yes in my backyard for offshore wind power

*Fred Henry, Mayor, City of South Amboy*



**A**s communities up and down the shore weigh in on how and where the cables that will connect the power from offshore wind turbines to the state’s electric grid will touch land, I say emphatically, “Yes in my backyard!”

I understand this is a controversial issue for many, especially in places that locating the cables directly beneath active beaches has been proposed. But that environmental risk doesn’t have to exist and because offshore wind infrastructure projects can be a growth strategy for New Jersey municipalities.

### Brownfield use

South Amboy is home to a tract of land on the Raritan Bay occupied for many years by a coal-fired JCP&L power plant. The E.H. Werner facility opened in 1930 and closed in 2015. It included a massive building that was visible from Staten Island, along with huge piles of coal and a now-rusted water tower—all trappings of what, before long, will be known as the bygone fossil fuel era.

The plant closed in 2015. Now, the 26-acre site is an eyesore in our community—a partially remediated brownfields site could be put to better use under the right circumstances.

And that’s exactly what will happen if the New Jersey Board of Public Utilities approves Rise Light & Power’s plan for cables to come ashore on the old Werner site. From there, they will go underground along a railroad right of way to reach the power grid about 15 miles away. This will be a 21st century facility that repurposes the past to power the future.

The Outerbridge Connector Project would be great for South Amboy for a few reasons:

- The company will clean up the site at no cost to the city.
- Constructing the project would create good-paying union jobs.
- It would bring a significant local taxpayer to the city without adding to the school population.

In short, it’s a win-win all around for South Amboy taxpayers—but not just for our taxpayers. This project would be a big contributor to Governor Murphy’s ambitious goals for New Jersey to be a national leader in the production of clean offshore wind power.

### Outerbridge proposal

The Outerbridge project was proposed in response to BPU’s solicitation for plans to solve the problem of how and where to bring cables from offshore wind farms ashore. BPU received about 80 proposals, and could announce the winning choices late this year. The choice BPU makes is important because, around the world, plans to locate those cables under beaches have delayed or prevented the switch to clean wind energy.



## Development picture

The project also fits in perfectly with other development taking place in South Amboy. We're building a ferry terminal within walking distance of South Amboy's NJ Transit station for service to Manhattan. So, we'll be a transit and energy hub—the only state-designated transit village that has both rail and ferry service.

Our population is growing, and an article in *Forbes* magazine recently described South Amboy as "a setting with both elbow room and a helping of hometown charm." As I told *Forbes*, "South Amboy continues to be a destination for residents looking for more space and room to grow. With the convenience of being located near the Jersey Shore and less than an hour from New York City, the area is becoming a dream destination for locals, as well as families and professionals from surrounding cities."

We are adding up to 2,500 units of luxury condo and apartment space that will be attractive to people who want to be near New York. South Amboy is only 2.68 square miles—and 1.14 square miles of that is water—so we're building carefully, determined to maintain the city's cozy character.

The Outerbridge renewable connector solves that problem by using existing electrical infrastructure that used to deliver power from coal to the grid, and will instead deliver clean offshore wind energy to the grid from cables that come ashore on an industrial site—not under a beach.

So, if you serve the residents of communities where developers propose locating cables under the beaches that are such an important part of your economic, aesthetic, and environmental character, I'd like to make a request.

Instead of opposing offshore wind and, in the process, diminishing its potential to improve public health and mitigate the dangers of climate change that we already see so clearly in our state, get behind projects like the one proposed for my city.

Visit us in South Amboy and I'll give you a tour of the former Werner site and treat you to pizza from Sciortino's, Delio's Don Giovanni's, or Amano's. You will quickly understand offshore wind's potential to be a low-risk, environmentally sound choice when onshore infrastructure is sited appropriately—in my backyard—and an excellent tool for economic development. 🍕

Fred Henry has been Mayor of the City of South Amboy since 2015.

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# Municipalities & Renewable Energy

## Making the most of solar in New Jersey

*Randall Solomon, Executive Director, Sustainable Jersey*

**M**unicipalities play a key role in ensuring that the benefits of renewable energy reach all members of the community, from community solar projects to policies that support adoption of solar on residential and commercial properties.

Sunlight is a 100% clean and renewable source of energy, and solar is one of the fastest-growing renewable energy alternatives in the country. A range of solar technologies capture energy from the sun for electricity or heating. Solar photovoltaic panels transform solar radiation directly into electricity. Solar thermal (or solar hot water) collectors capture the sun’s energy as heat and may be used to heat water for commercial and residential hot water needs including space heating.

Using solar energy is one of the most impactful strategies available for reducing greenhouse gas emissions. Beyond environmental value, however, solar energy brings numerous economic, social and political benefits as well as the creation of local jobs. The State of New Jersey has been a national leader in recognizing and encouraging the use of solar energy, and a solar or photovoltaic energy facility or structure is considered an “inherently beneficial use” in the Municipal Land Use Law.

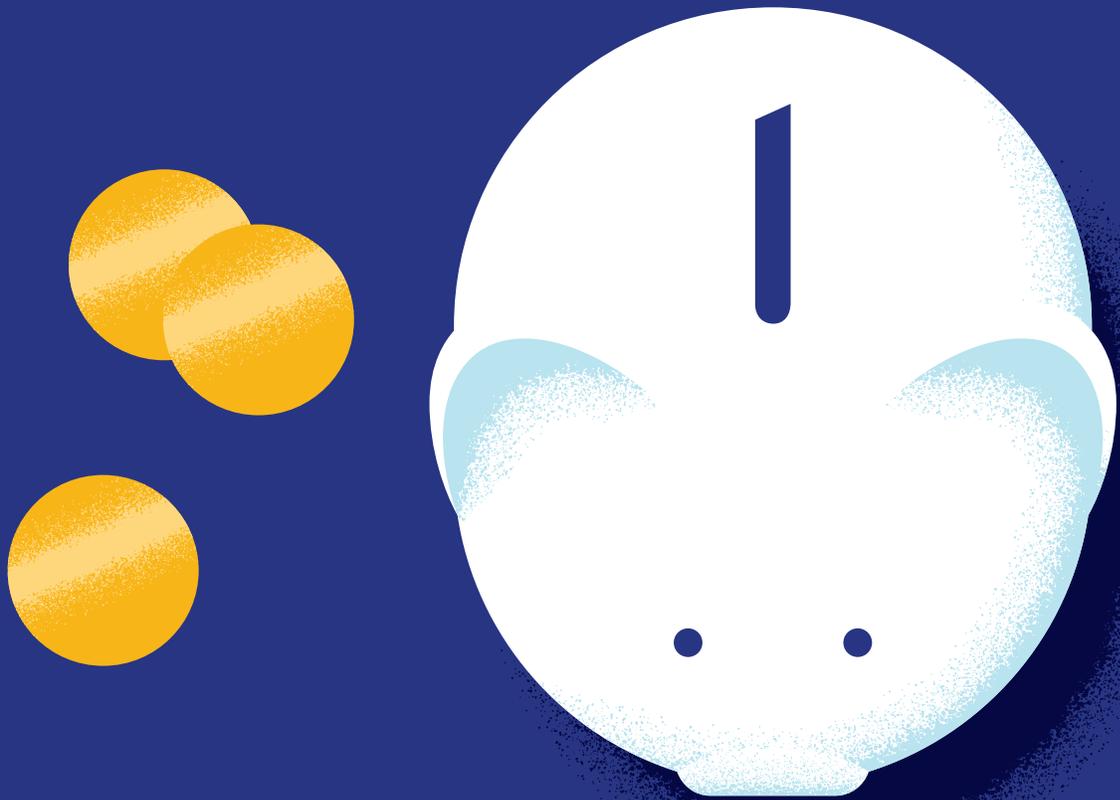


### Sustainable Jersey’s Gold Star in Energy

In 2017, Sustainable Jersey released the Gold Star in Energy. It provides a roadmap of the specific actions and levels of performance municipalities must meet to reach state energy goals. In addition to energy planning and efficiency, Sustainable Jersey includes certification actions that help towns make use of renewable energy, both for their own operations and for the community at large. Some of the Sustainable Jersey actions that focus on renewable energy include: Municipal Geothermal

Energy System; Municipal On-Site Solar System; Municipal Wind Energy System; Buy Electricity from a Renewable Source; Make Your Town Solar Friendly; Solar Outreach; Municipally Supported Community Solar; Wind Ordinance; and Renewable Government Energy Aggregation.

Using the guidance provided in the actions, New Jersey municipalities are taking the lead in helping their communities become more energy efficient, make use of renewable energy sources and take advantage of the benefits of using advanced new energy solutions. Municipalities are upgrading their own operations and are offering programs that make these same solutions available to the broader community.



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## Municipalities & Renewable Energy



### Manchester Township to Cap Municipal Landfill and Add Solar Array

As he was sworn in on January 4, 2022, Manchester Mayor Robert Hudak outlined the projects that will benefit residents in 2022. On this list is the Whiting landfill closure and solar array. Manchester Township is partnering with the renewable power company NextGrid, Inc., for a project that will benefit the municipality, its residents and the planet. Located in Ocean County, Manchester Township is certified at the bronze level with Sustainable Jersey.

Mayor Hudak explained, “Manchester Township realizes the importance of renewable sources of energy. We were looking for the best way to incorporate solar. After considering many options, this partnership opportunity is valuable because it offers a way to remediate and cap the landfill while providing sustainable and clean energy—all at no cost to the township.” The Whiting landfill is owned by Manchester Township and located in a redevelopment zone. Capping of the municipal landfill will be funded and managed by the business partner and completed in adherence with New Jersey Department of Environmental Protection requirements. They will work to bring the solar project to life; the company will manage environmental studies, design the system, secure permits, execute agreements and ultimately construct the project.

When completed, the Manchester Township solar project will generate 4.62 megawatts (MW) of clean electricity. The land will be leased from the township and the township will benefit from the \$352,000 yearly rent which translates to nearly \$10 million over the life of the system. The energy produced from the solar array will power township buildings and the greenhouse gas emissions reduced by the solar project will be equal to taking 955 passenger vehicles off the road per year.

The Manchester Township solar project was included in Community Solar Energy Pilot Program that is administered by New Jersey’s Clean Energy Program through the New Jersey Board of Public Utilities. This program provides access to solar energy through a subscription-based model that virtually connects customers to a solar installation within their electric

utility company’s territory. The resulting energy output is divided among multiple participants known as subscribers, which can be homes or businesses, and reflected as a credit on their utility bill. This allows households that previously lacked access due to cost, shaded property, or lack of roof control to participate in a more equitable solar market. Community solar makes “going solar” possible without having to purchase, install or maintain solar panels. Manchester Township is promoting the Community Solar Energy Program to eligible residents, including low-and moderate-income (LMI) residents who will benefit from discounted energy costs.



### Downe Township Supportive Solar Ordinance

Downe Township is a Sustainable Jersey bronze-certified municipality located on the Delaware Bay in southeastern Cumberland County. In 2019, the township passed an ordinance supporting solar systems (Ordinance 2019-13). “With this ordinance, we hope to encourage solar in Downe,” said Meghan Wren, the chair of the Downe Township Green Team. “The ordinance supports our goals to reduce reliance on fossil fuels, increase local economic development and job creation, reduce greenhouse gas emissions and assist New Jersey in meeting its Renewable Portfolio Standards.”

Municipalities like Downe can influence how quickly solar power is adopted by local residents and businesses. Reducing soft costs related to zoning barriers and streamlining permitting and inspection processes can potentially lower the cost of solar installations and reduce unnecessary delays for consumers.

The Downe Township ordinance states that solar is a permitted “accessory use” in all zones and clearly notes the site requirements for the different types of accessory-use solar, including required setbacks and height limitations. The rules for solar in historical districts are included and the ordinance encourages solar in new development projects.

Another important component of this ordinance is the permitting fee structure. The permitting fees are set as a flat price based on the size of the project. The permitting fees for

solar are capped at \$640 for projects larger than 100 kilowatts. Setting a flat permitting fee is an important way to encourage larger solar arrays in a municipality. Downe Township received 15 points toward its Sustainable Jersey certification application for this work through the action: Make Your Town Solar Friendly.

### Technical Assistance

Sustainable Jersey offers grants and technical assistance to New Jersey municipalities and school districts to help them achieve certification and earn Gold Stars. In addition to the detailed actions, Sustainable Jersey has free publications and guides on the website. For example, the Community Solar: Sustainable Jersey How-To Guide reviews the multiple roles municipalities can take in supporting development of community solar projects. Over \$6.5 million in grants have been provided to towns, school districts and schools for



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community-based sustainability projects. Municipalities also receive assistance to advance complete streets, sustainable energy, social justice and more. To set up

a consultation with Sustainable Jersey staff, email [info@sustainablejersey.com](mailto:info@sustainablejersey.com). For more information visit the website: [www.SustainableJersey.com](http://www.SustainableJersey.com).



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# Tackling Mental Health

## Mayors Wellness Campaign provides municipalities with support, tools

*Julie DeSimone, LSW, Program Officer—Mayors Wellness Campaign, New Jersey Health Care Quality Institute*

**M**ental health has received a lot of attention lately, especially as the pandemic increased isolation, led to a lack of social connection, blurred the lines of work and home boundaries, and created an atmosphere of uncertainty. But do we really know what mental health is?

According to the Centers for Disease Control and Prevention (CDC), mental health includes our emotional, psychological, and social well-being. It impacts how we think, feel, and act. It also helps determine how we handle stress, relate to others, and make healthy choices. Mental health is important at every stage of life, from childhood and adolescence through older adulthood.

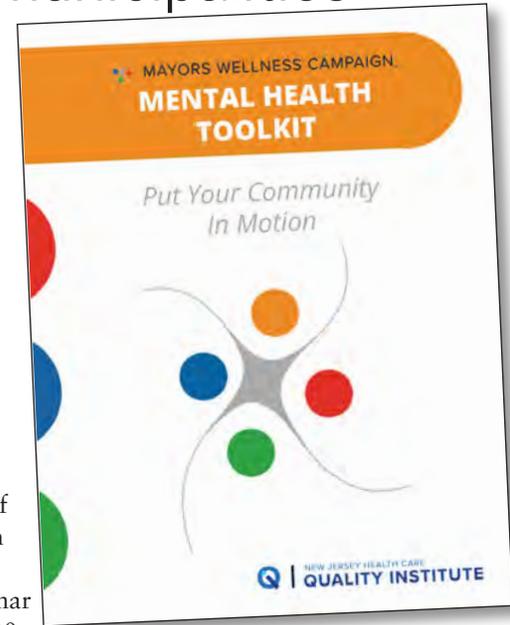
Concerns around mental health issues were on the rise prior to the pandemic, but issues have reached a critical point. Mental health challenges are top of mind for local officials looking to support their residents. We held 21 focus groups with mayors and Mayors Wellness Campaign (MWC) volunteers across New Jersey in 2020 and community leaders identified mental health as one of their top concerns.

Throughout the pandemic, municipal leaders have reached out to the MWC requesting briefings on mental health and substance use topics and information on local resources available to residents. They requested information on mental health programs their MWC could host. The New Jersey Health Care Quality Institute and its MWC are ready to support your evolving needs. We recognize the increased need to focus on mental health as the state fights the pandemic and works to reopen and thrive.

### **Mental health initiative**

As a result, with the generous support from The Horizon Foundation for New Jersey, the MWC created a comprehensive Mental Health Initiative which includes:

- Education and training for community leaders and residents to increase understanding of mental health issues.
- Development of a Mental Health Toolkit comprised of evidence-based tools and strategies addressing mental health and stigma interventions.
- Outreach and support to a pilot community to assist with the implementation of the initiative and resources for residents.



The Mental Health Initiative and release of the Toolkit will launch in April 2022. We are hosting a launch webinar on Wednesday, April 20

at 10 a.m. to walk MWC mayors and others through the Toolkit and its use. You will also hear from communities who have implemented the types of mental health programs highlighted in the Toolkit and learn from their experience. For more information and to register for the webinar, visit the event page.

### **Mental health first aid**

In addition to the Toolkit, last August the MWC started offering Mental Health First Aid (MHFA) trainings. These trainings teach participants how to assist someone experiencing a mental health crisis; how to identify risk factors and warning signs for mental health and addiction concerns; and how to apply specific strategies to help someone in both crisis and non-crisis situations.

To date, the MWC has trained 45 community leaders ranging from elected officials, law enforcement, municipal program and support staff, and resident volunteers. Participants reported increased knowledge about mental health and stigma, feeling better-equipped to recognize someone experiencing a mental health crisis, and an increased awareness of how to support someone experiencing a mental health challenge. More trainings will be offered throughout the year. Interested mayors and others should contact MWC staff. 📞

**About the New Jersey Health Care Quality Institute** Now in its 25th year, the New Jersey Health Care Quality Institute's mission is to improve the safety, quality, and affordability of health care for everyone. Its vision is to create a world where all people receive safe, equitable, and affordable health care and live their healthiest lives.

@Vist [www.njhcqi.org](http://www.njhcqi.org) for more information about the Mayors Wellness Campaign.

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# Lead Poisoning Prevention

## Landmark Lead Safe Certificate bill program nears enactment date

Ben Haygood, *Environmental Health Policy Director, Isles*

On June 24, 2021, the New Jersey Legislature passed legislation to protect all New Jersey children from the ravages of lead dust in older housing. Implementation of the provisions of this bill will be the most powerful action that NJ could take to protect children from exposure to lead hazards.

Lead in the paint of NJ homes and apartments causes the vast majority (70%-80%) of the more than 4,000 new childhood lead poisoning cases each year in New Jersey. As the lead paint deteriorates, lead dust spreads to floors, toys, counters, and window ledges, eventually making it to the mouths, lungs and brains of vulnerable children. Lead is a dangerous neurotoxin that affects a child's learning, memory, and even behavior, as it damages the part of the brain that controls impulse.

In states and cities where lead safe certificates have been implemented, childhood lead poisoning from lead-based paint has plummeted. In Rochester, for example, after requiring a lead safe certificate for all rental housing, lead poisoning of children dropped nearly 90% over 10 years. Maryland has reduced lead poisoning in Baltimore by 99%; Rhode Island and Massachusetts have had similar outcomes.

The implementation of S-1147/A-1372 will mean that every family, no matter where they live, will have a safe and healthy home where their children will be safe from lead hazards in their homes.

### What does the lead safe certificate bill do?

S-1147 / A-1372 requires a proactive (primary prevention) inspection process for rental properties built before 1978, and requires that landlords have an updated Lead Safe Certificate at rental turnover.

In a nutshell, unless previously inspected, every single-family, two-family, and multiple rental dwelling will be (initially) inspected for lead-based paint hazards at rental turnover, or, if there is no turnover, they will be inspected within two years of the effective date of the bill. After the initial inspection, they will be inspected every three years, or upon subsequent tenant turnover, whichever is earlier (but not sooner than 2 years).



The law exempts:

- Rental units built after 1978
- Those that have a lead safe certificate
- Seasonal rentals
- Rental units that have been inspected at least twice with no outstanding lead violations through the regular DCA cyclical inspection process

### When Will the Bill Take Effect?

The bill takes effect one year following enactment (approximately July 2022). A program of Public Education for renters, owner and Landlords must be created prior to the effective date.

### How will units be inspected for lead?

Municipalities are responsible for enforcement and will conduct a lead inspection (if they have a local agency), hire a New Jersey Department of Community Affairs (DCA)-certified inspector, or permit the owner/landlord to hire a DCA-certified lead evaluation contractor. DCA is authorized to conduct investigations and issue penalties against municipalities for failure to comply.

Municipalities are authorized to collect specified fees, to conduct investigations and to issue penalties for failure to comply—30 days grace/cure period, and then the owner is fined up to \$1,000 per week until the required inspection has been conducted or remediation efforts have been initiated.

Visual inspections will be allowed under this bill for municipalities with under 3% of children with an elevated blood lead level (EBLL) as a compromise. Dust wipes are required for municipalities with 3% or more. The exact ranking is still under discussion, but should be close to the latest DOH public report (2019) with 12 municipalities plus the small towns (<35k) that still need to be included:

For the most recent NJ DOH report (2019), there are 12 municipalities (over 35k in population) with more than 3% of children with an elevated blood lead level (EBLL):

East Orange . . . . .	6.6%
Irvington: . . . . .	5.9%
Atlantic City . . . . .	5.9%
Trenton. . . . .	5.9%
West Orange. . . . .	4.3%
Newark . . . . .	3.9%
Paterson . . . . .	3.8%
Edison . . . . .	3.3%
Plainfield. . . . .	3.2%
Monroe (Middlesex). . . . .	3.2%
Camden . . . . .	3.1%
Jersey City . . . . .	3.1%

\*Note: municipalities with populations less than 35,000 are excluded from this public report.

For the most recent NJ DOH report (2019), there are 5 counties with more than 3% of children with an elevated blood lead level (EBLL):

Salem County . . . . .	7.6%
Essex County . . . . .	.4%
Warren . . . . .	3.7%
Mercer . . . . .	3.6%
Cumberland . . . . .	.3%

**What happens if lead-based paint is found?**

If a lead-based paint hazard is found on the property, the owner shall remediate the hazard in accordance with New Jersey Public Law (NJAC 5:17). If no hazard is found, or if the unit has been certified as “lead free” by a certified Lead Evaluation firm, the landlord/owner shall receive a “lead safe certificate” which is valid for two years. The landlord will also maintain a record of the lead-safe certification and provide a copy to the tenant(s).

**How will lead remediation be paid for?**

DCA is authorized to provide financial

assistance up to 100% of the costs of lead hazard control work (through the Lead Hazard Control Assistance Fund)—including lead evaluation and relocation costs (\$150 thousand maximum per unit). DCA is tasked with establishing a new grants program, for remediation that prioritizes residences with children under 6 years old. DCA is appropriated (from the General Fund) \$3.9M for this

bill. We believe this to be in addition to the \$10M in the current FY22 budget for the Lead Assistance Programs being offered across the State of NJ through multiple community-based agencies. 🇯🇵

@ For more information, contact Ben Haygood, Environmental Health Policy Director, bhaybood@isles.org

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# Who Should Pay for the Rising Costs of Climate Change?

The polluters who caused the problem

*Jason F. Cilento, Mayor, Dunellen, and Kaleem Shabazz, Councilman, Atlantic City*

If the stakes of climate change weren't already clear enough, last year's Hurricane Ida brought them into even sharper focus: communities underwater, homes and businesses destroyed, lives lost.

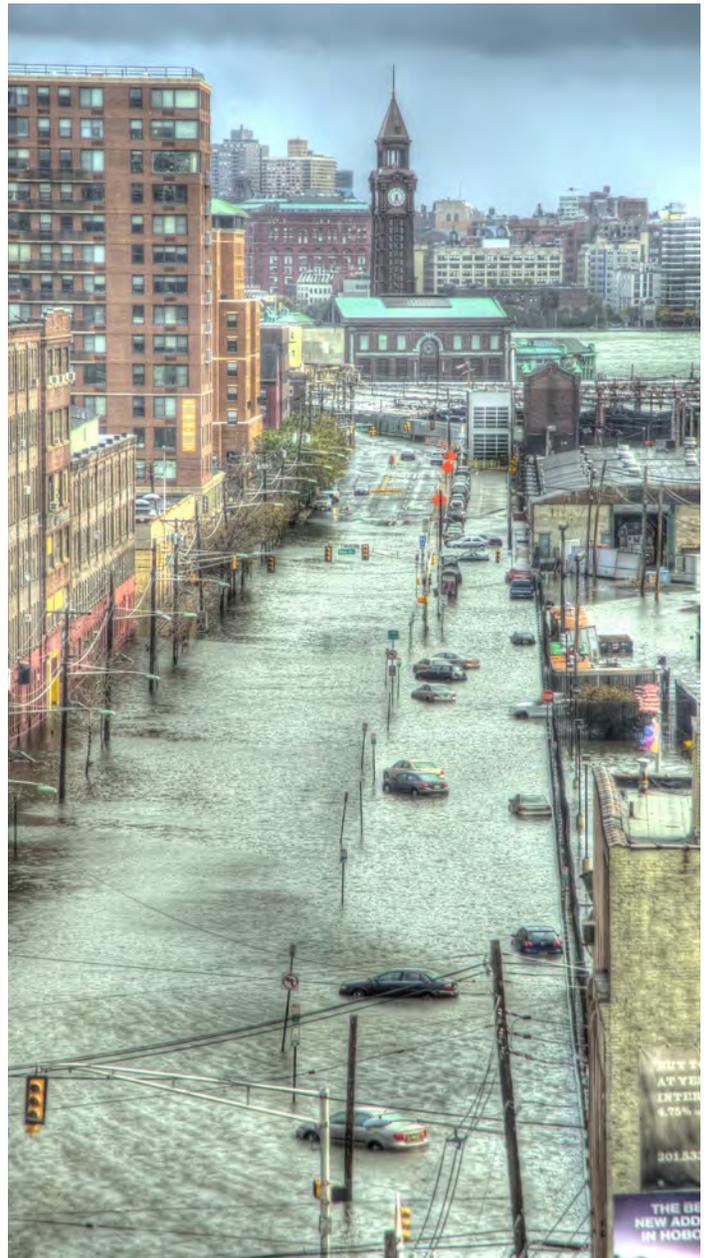
It's not only major disaster events like Ida, either: rising seas, stormwater pollution, and more punishing heat waves threaten our residents and infrastructure, increasing the challenge for local budgets and taxpayers.

As we all confront these expenses, there is one basic fact about climate change that New Jerseyans must recognize: this crisis was not inevitable. A small number of bad actors—mostly fossil fuel executives who deemed their profits more important than the health and security of others—knew decades ago that their oil and gas products would cause this emergency. But they deliberately lied to the public and policymakers, robbing us of valuable time to avoid the crisis we're now in. Until those bad actors pay their fair share of the damage they've caused, it's communities like ours who will keep paying the price.

## Leaders for Climate Accountability

That's why last year we both joined Leaders for Climate Accountability, a group of public officials across the country who support holding these polluters accountable. In New Jersey, more than a dozen local and county elected officials participate in our growing network, and we encourage more to join.

The rising cost to protect and adapt our communities in the face of a changing climate is an urgent and pressing issue. Many municipalities, including ours in Atlantic City and Dunellen, are continuously forced to fix and pay for overloaded stormwater and sewer infrastructure as flooding becomes worse and more frequent. Protecting communities against back bay flooding could cost up to \$16 billion, according to federal and state officials, while the price to protect our shores and coastlines from sea-level rise is estimated to be as high as \$25 billion by 2040. More extremely hot days also means higher costs to cool schools, public buildings, and to protect vulnerable residents. These costs often fall hardest on low-income residents, communities of color, and other marginalized populations that have fewer resources available to them.



Hoboken in the aftermath of Superstorm Sandy. In 2020, Hoboken became the first New Jersey municipality to sue major fossil fuel companies over climate change damages.



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## Paying For Pollution

### Municipal Land Use Law

The costs of climate resilience and adaptation are now every municipality's problem. Under the new Municipal Land Use Law, all New Jersey municipalities are now required to include climate change vulnerabilities in any Master Plan Land Use Elements, compelling us all to assess, plan, and execute projects that can protect our communities from extreme weather.

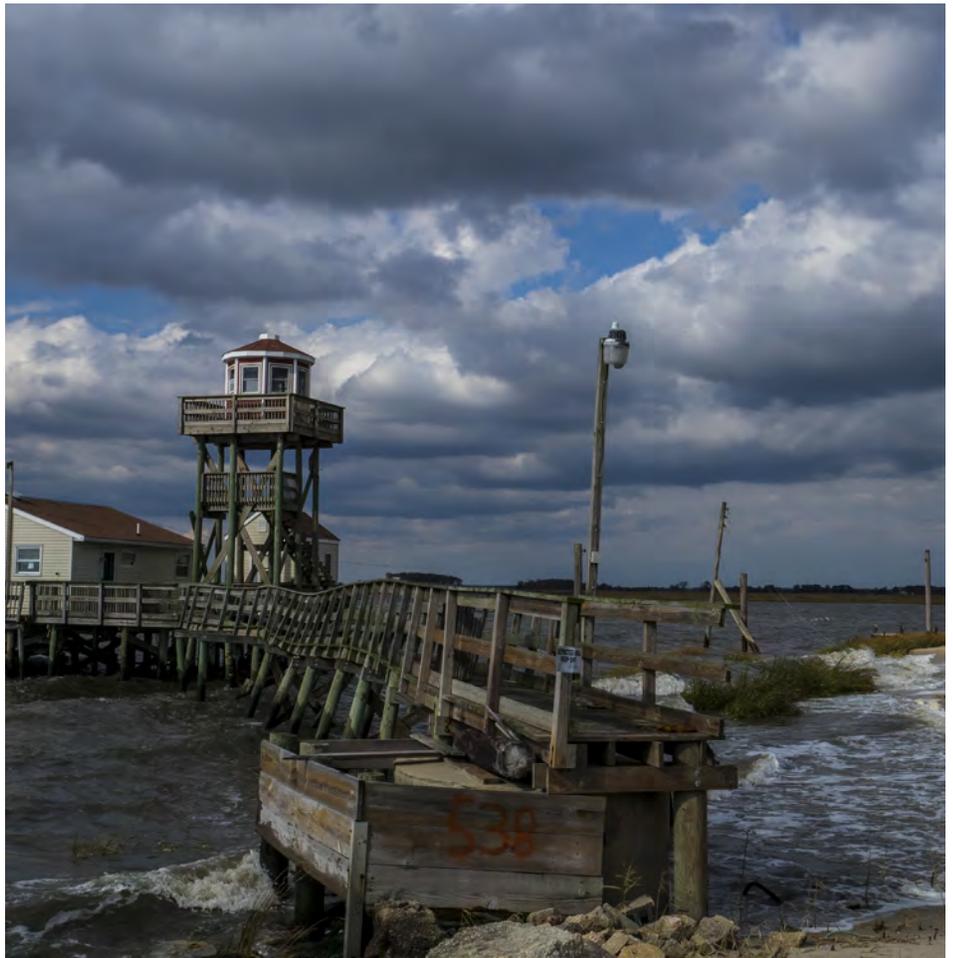
We need to protect our communities from climate change because we owe it to our constituents and because we have no other choice. At the end of the day, we also must acknowledge how profoundly unfair it is that our communities are picking up this tab, while the polluters that knowingly caused the problem are not paying a dime to clean up their mess.

Decades ago, executives at Exxon-Mobil and other fossil fuel corporations were told by their own scientists that their oil and gas products would cause these "catastrophic" outcomes. But rather than share that information with all of us, and help lead the transition to cleaner energy, Big Oil took a page from Big Tobacco's playbook. Like tobacco companies that denied their products cause cancer and addiction, oil and gas companies spread disinformation about their products' leading role in climate change, launching a massive campaign to deceive the public and lobby against fair, common-sense solutions to curb the emissions they create.

When you consider how corporate polluters have lied about the dangers of their products, made trillions in profits while leaving our communities to pay the price, and continue working overtime to obstruct climate action, it should be obvious that they, and not our hard-working constituents, should be paying to clean up the mess that they caused.

### Paying a fair share

Those companies did not play fair, and it's time they were held accountable. As Leaders for Climate Accountability, we support the growing calls for New Jersey to join the ranks of communities across the country that have taken some



**Above:** A home in Bay Point, Cumberland County. It previously sat on a point that had been eroding away for decades and was fully lost in Superstorm Sandy. The home was purchased and later demolished by the State of New Jersey's Blue Acres program. This photo was taken in 2017. **Below:** Hoboken in the wake of Superstorm Sandy.





Homes in Money Island, Cumberland County that were damaged by Superstorm Sandy and later bought out and demolished by the State of New Jersey's Blue Acres program. This was taken in 2018.

of these companies to court to make them pay their fair share of the damage they caused.

In 2020, the City of Hoboken, under the leadership of Mayor Ravi Bhalla, one of our fellow Leaders for Climate Accountability, became the first New Jersey municipality to file a climate accountability lawsuit against a number of major fossil fuel companies.

“As a coastal community, Hoboken has directly felt the impacts of climate change, including rising sea levels and more frequent storms,” said Mayor Bhalla when he announced the city’s lawsuit. “At the same time, we’ve invested hundreds of millions of dollars adapting to the realities of climate change, big oil companies have engaged in a decades long campaign of misinformation that has contributed to global warming which has disproportionately impacted our residents. We cannot stand idly by and allow big oil to continue profiting at the expense of Hoboken residents. It’s time these companies pay their fair share and be held accountable for their actions.”

### Municipal action

In recent years, a growing number of New Jersey municipalities, including Atlantic City, Asbury Park, Bradley Beach, Maplewood, Red Bank, and Sea Bright, as well as Atlantic, Hudson, Essex and Union counties have all passed their own resolutions calling on Governor Murphy and the attorney general to take similar legal action.

Suing companies to hold them accountable for selling dangerous products is nothing new. Whether it’s tobacco, opioids, asbestos, or lead paint, when industries lie about the harm they know their products will cause, there is a long American tradition of making them answer for their misconduct in court. That’s why seven attorneys general across the country, including those in Connecticut and Delaware, have recently filed lawsuits to hold big oil companies accountable.

New Jersey cannot wait on the sidelines of this fight. Not every community has the resources to take on big

corporate polluters, but the New Jersey Attorney General’s Office has a history of doing just that. As our next attorney general takes office, we hope he will consider the growing calls for climate accountability from communities that are sick and tired of paying the price for the fossil fuel industry’s misconduct.

When presented with the question of who should pay for climate change damages—the companies that caused them or the people of New Jersey—the answer should be obvious. ♻️

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



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# Conference Connections

## Training Tips

EAS Regional Council of Carpenters explains best practices for publicly funded construction projects

Frank Mahoney, *Communication Director, Eastern Atlantic States Regional Council of Carpenters*

The administrative and reporting requirements of publicly funded construction projects are often confusing for both contractors and government officials. Recognizing this, the Eastern Atlantic States (EAS) Regional Council of Carpenters provided training for municipal administrators, purchasing agents, accounts payable professionals, custodians of records, solicitors, engineers, and architects at the 2021 New Jersey League of Municipalities Conference in Atlantic City.

The Exhibitor Learning Session, entitled, “Best Practices for Purchasing, Administering, and Closing out Publicly Funded Construction Projects in New Jersey” was presented by EAS Carpenters’ Director of Industry and Labor Compliance Ron Meischker.

“We felt it was important to provide this training in an effort to help public officials better understand and manage the process of administering a public construction project,” said Meischker. “Based on the feedback we received after the presentation and subsequent presentation requests from government agencies and associations for more training, we appear to have been right on target.”

### Defining prevailing wage in New Jersey

The New Jersey Prevailing Wage Act establishes a prevailing wage level for workers engaged in public works to safeguard the workers efficiency and general well-being. The Act requires the payment of minimum rates to laborers, craftsmen, and apprentices working on public works projects. It also requires contractors to be registered as New Jersey Public Works Contractors and timely submission of payroll records to the public body.

Prevailing wage rates are wage rates based on the collective bargaining agreements established for a particular craft or trade in the locality in which public work is formed. In New Jersey, these rates vary by county and by the type of work performed.

The standards are meant to ensure a level playing field for bidders by standardizing compensation packages for all workers participating in the project and to ensure workers are paid a fair wage for the craft work they are performing.

“Prevailing wage is in place to protect worker wages, provide a level playing field for contractors, and create transparency for the general public,” Meischker said. “The training helps government officials best manage the project to ensure all rules and regulations are being followed, while streamlining the process.”

### Reasons best practices for prevailing wage projects are important

Prevailing wage rates are based on the collective bargaining agreements established for a particular craft or trade in the locality in which the public work is performed.

Cheating on prevailing wage projects has wide-ranging impacts on workers and families, taxpayers, honest contractors, their employees, and families as well as public employees. It also impacts other companies because falsifying payroll records adversely impacts workers compensation premiums for other,

honest business owners, Meischker said.

For a project to be subject to prevailing wage, the total value of the project must exceed \$16,263, if the work is being done for, or on property or premises owned or leased by, a municipality or \$2,000 if the work is being done for, or on property or premises owned by any other public entity including boards of education and municipal utility authorities, according to the New Jersey Department of Labor.

Anyone unsure about how to find a contractor who is a registered public works contractor should visit the state’s Department of Labor Wage and hour website.

The New Jersey Public Works Registered Contractors site also provides information on whether a contractor has registered as a public works contractor.

“Anyone not in the state’s database is not eligible to bid on a project,” Meischker said. The penalty for being an unregistered contractor working on a public works project is \$2,500 for the first offense.

### Reasons to care about workers’ rights issues

Failure to pay prevailing wage and other related construction industry tax fraud are personal because the harmful actions of unscrupulous contractors hurt families and local workers.

When basic worker’s rights are disregarded, there are lost wages and insurance shortfalls, Meischker said.

Nationwide, there is an estimated 2.16 million workers who are misclassified or “off the books” with about \$1.74 billion shortfalls in workers compensation and \$811.1 million in overtime not paid, along with \$725.1 million in unemployment insurance shortfalls.

“That’s what happens when basic workers’ rights are disregarded in favor of profits by contractors and labor brokers,” Meischker said. “Fraudulent construction practices hurt workers and provides less tax revenue to your tax coffers.”

### Future classes planned

Meischker has been asked to provide this seminar by several organizations and government entities in 2022. Most notably, he will be a presenter at the 2022 Rutgers University Public Purchasing Educational Forum being held in Atlantic City on April 27 and 28.

@Municipal officials may request a learning session at their location by contacting the Compliance@EASCarpenters.org or by calling 609-226-6679.

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Ron Meischker, Director of Industry & Labor Compliance

# Gold Dome



Ben Dworkin, Ph.D., Director, Rowan University Institute for Public Policy & Citizenship (RIPPAC)

## Predicting the After-effects of Redistricting

Given the alternatives, New Jersey's legislative redistricting process is pretty fair. In many other states, legislative power dictates who controls redistricting. In contrast, the redrawing of 40 legislative districts in New Jersey is determined by a commission with five members from each party. The 11th member, who represents the public and serves as commission chair, is selected by the Chief Justice of the state Supreme Court.

This year, for the first time, the final map was supported by a bi-partisan agreement, forged by the commission chair, retired Superior Court judge Phil Carchman. In what some considered an endorsement of the end result, complaints were heard from politicians on both sides of the aisle.

On paper, Democrats are expected to maintain their majorities in both houses, albeit with smaller margins than over the last decade. This is unsurprising, as Democrats outnumber Republicans in New Jersey by more than a million registered voters.

But there are enough competitive districts in the new map that could provide Republicans a path to the majority in a "wave election" that favors their party. The 2023 election, when both the state Senate and Assembly will be on the ballot, may well be that kind of year for the GOP. Republicans are counting on "Phil Murphy fatigue" and President Joe Biden's low approval ratings to propel them to the majority.

Beyond this surface-level analysis, there are other possible outcomes stemming from the new map. Here are seven additional predictions:

• **There will be a new effort to rein in the 11th member.**

Outside of a few civil rights laws and judicial precedents, the 11th member is free to lead the commission in any way. This arbitrary element provides no guarantee that the 2031 process will either duplicate or deviate from Carchman's leadership this year.

In 2018, legislative Democrats sought to codify standards for redistricting and were met with vociferous opposition countering that the proposal would favor the sponsors' majority status. The bill failed to get a full vote in either house.

Moving forward, another attempt to bring predictability to the process is likely. With high stakes for each side, leaving anything to chance is hardly a prudent strategy.

• **Sometimes, a map is just a map.** While the boundaries for legislative districts are one significant factor in who wins elections, they are not the only factor.

The political climate, as in 2021, can have a huge effect on electoral outcomes. Candidate recruitment is also a major influencer on who wins a seat. Further, turnout and fundraising levels also affect the effectiveness of the map. Democrats typically do worse, regardless of the map, when there is no statewide contest at the top of the ticket to drive turnout.

Over the next decade, these factors will have just as much, if not greater, effect on the outcomes of legislative campaigns as the map itself.

• **The legislature's appetite for bold action is going to be limited for now.** Politicians worry when changes affect their chances for reelection. New lines mean new political dynamics and the next election is less than two years away.

Until legislators feel comfortable and secure in the new districts, finding a coalition in Trenton with an appetite for aggressive, creative and historic legislating will be difficult.

This won't be a "do-nothing" legislature, but it's not likely that anything but "safe" lawmaking will be seriously considered until after the 2023 elections.

• **The GOP will become more competitive as it raises more national money.** Republicans, with little chance of winning a majority over the last decade, have been unable to raise significant money nationally for its party coffers and supportive Super PACs.

Now, with majority status in reach, major GOP funders from across the country should see New Jersey as a worthwhile investment.

Therefore, rather than being outspent 7-to-1, as has happened often, better-financed Republican candidates will be more likely to flip Democrat-controlled seats where the money advantage had protected potentially vulnerable incumbents.

• **Narrow margins will make it tougher for Democrat leadership.** If the 2023 elections result in Democrat majorities

of 43-37 (Assembly) and 21-19 (Senate)—a perfectly plausible outcome under the new map—Democrat legislators are likely to start questioning if continued party discipline is the best strategy moving forward. They may be less willing to go along with party positions on bills, making it harder to pass anything controversial.

The Senate President and the Assembly Speaker have significant tools to counter this and maintain party discipline, including “leadership PACs” that allow them to raise and spend more money than any of their caucus members.

But it’s assumed that the primary goal of any elected official is to be re-elected. If the margins get tight after 2023, that dynamic may rationalize a wider diversity of voting among Democrat legislators than we’ve seen in years.

**• Targeted district decisions will affect county and local races.**

Money used to generate partisan turnout in legislative races clearly helps down-

ballot contests at the county and municipal level.

Under the new map, some areas, like District 8 in Burlington County, may not receive the same multi-million-dollar campaign investment that it has seen in recent years. Local Democrats, who have piggybacked on past legislative campaign spending to score multiple municipal and county victories, will have to hold their gains without that money in the years to come.

Republicans, who dominated Burlington County for decades until recently, are now in a better position to recoup their losses over the less-well-funded Democrats.

**• Municipal officials will have more political leverage.** The late arrival of official U.S. Census numbers, and the resulting delay in redistricting, created a situation where the new districts are known more than a year before June primaries.

Thus, while in normal times, an

incumbent legislator would have about three months to develop political partnerships with local officials in his or her new district, this period will now extend for 16 months.

The new map moves 147 municipalities into different legislative districts. That’s 26% of all of New Jersey towns. Incumbent legislators will now have to serve the interests of their current communities and, at the same time, develop or strengthen existing political operations in the towns that they could be representing come 2024.

This extended “political dance” means that many municipal officials will suddenly have expanded political leverage with state legislators seeking their support over an extended period of time.

The new legislative map may have been approved, but it’s clear that the aftereffects are going to reshape politics in Trenton for years to come, and will go well beyond which party is in the majority. 🇯🇵

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## Municipal Designation of Open Container Areas; Recalling Elected Officials

### What is required in order to recall an elected official?

While the recall of an elected official is possible in every form of municipal government, the practice is actually quite rare. In short, recall provides the voters with the opportunity to end an elected official's time in office prior to the conclusion of their term, but only after the official has served at least one year in office.

A recall petition requires the signature of at least 25% of all registered voters of the municipality. Note that the percentage of signatures required is far higher than what would be required with the possibly more familiar referendum petition, which requires just 15% of the total votes cast in the vote for the last election for General Assembly.

A referendum petition must set forth a statement of cause upon which the removal is sought. The reason for recall stated in the petition need not constitute good cause, and courts have broadly interpreted this requirement to allow a broad category of reasons. For example, in *Westpy v. Burnett* (82 N.J. Super. 239), the court found sufficient a statement of cause within a petition for recall alleging the cause for removal was because of the formation of a voting block negating the value of the minority members of the council.

Once the appropriate number of signatures is obtained, the petition is submitted to the municipal clerk who must, within 10 days, complete an examination and ascertain whether or not the petition is signed by the requisite number of qualified voters. If the number of signatures is determined to be insufficient, the clerk must return the petition to the petitioners who have 10 days to amend the petition and resubmit. If resubmitted the clerk has another five days to review the amended petition.

Once the petition is deemed sufficient, the municipal clerk must notify the official subject of the recall petition within two days. Once noticed of the recall petition, the subject official has an opportunity to resign or submit resignation. If within five days of notice of the recall petition the subject official does not resign, or if the resignation is not accepted by the municipal council, then the clerk shall fix a date for holding a recall election. The recall election must not be held less than 60 days nor more than 90 days from the filing of the petition.

The ballots at the recall election must conform to statutory

requirements, including containing the words "recall election" on the ballot and specific language in bold-face type. This information is provided for in Title 19 of the Revised Statutes.

### I understand that since COVID some municipalities have been allowing folks to consume alcohol in public places. Is this allowed, and if so is there a process for doing so?

During the pandemic, when indoor occupancy limits were in place, local restaurants, bars, and breweries struggled to stay afloat. In response, many municipalities began allowing use of outdoor public areas, such as sidewalks, parking areas, and other spaces, to expand the available seating and allowing these businesses to serve patrons food and drinks in these areas. This however, touched upon a gray area of the law as typically public consumption of alcohol in most circumstances is illegal.

In part as an attempt to add color to the law, P.L.2021, c.395 was adopted, explicitly providing municipalities with the authority to designate open container areas. The law provides that a municipality may designate an "open container area" where people are permitted to carry and consume open containers of alcoholic beverages outdoors. An open container area can be an entire municipality or a portion of the municipality.

Before a municipality can designate an open container area, a public hearing must be held on the merits of establishing such an area. This allows public input and the ability to address concerns of the local community. Sales of alcoholic beverages in a designated area would still be subject to other laws, regulation and local ordinance regulating the same.

While I don't think this new law will lead to a Bourbon Street in the Garden State anytime soon, it does provide some clarity for any municipality that wishes to allow open consumption. Designating an appropriate area can help boost establishments struggling through the COVID pandemic. It can also allow more enjoyable use of open spaces by allowing residents to freely enjoy a picnic in the park accompanied by a class of wine or their favorite beer from a local winery or brewery. 🍷



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## Inflation's Impact on Budgeting

**B**udget season is upon us. We all know there is an elephant in the room, and its name begins with the letter “i.” I am referring to the word inflation. It is a daily news topic. Inflation is very real. As prices increase, the purchasing value of money decreases. This affects us all. We must prepare.

What are your budget expectations this year? This is a question every Chief Financial Officers ask themselves before preparing their municipalities' budgets. Budgeting is about priorities. The governing body determines those priorities to respond to the needs of the community. It has expectations of what it will offer, and to what level of public goods and services. One thing is for certain, inflation will negatively impact the municipality's finances and its ability to provide services.

The prognosis is not good. Perhaps this year will not be as impactful. How this may be so is with professional service contracts often renewed at the beginning of the year, and high dollar contracts, like labor and trash removal, that remain unexpired. Do your municipality's labor contracts contain a Consumer Price Index (CPI) adjustment? I am sure some do. I would gather that this contract feature has become somewhat less common, and if present, less impactful, as we have been spoiled for a long time (see historical inflation chart). If not this year's budget, then perhaps next year's budget is when the pain kicks in.

It is a safe bet nearly all municipalities will tap into their appropriations cap bank for this year's budget. If so, they may exceed the statutory limit on increasing total budget appropriations by a modest amount. Local Budget law statutes, N.J.S.A. 40A:4-45.2 and 40A:4-45.1a, concern the appropriations cap bank and COLA rate determination. The statutory requirement states, “... municipalities and counties shall be prohibited from increasing their final appropriations by more than 2.5% or the cost-of-living adjustment.” There are some exceptions to this rule. That is where the appropriations cap bank comes into play. The Division of Local Government Service's Local Finance Notice 2021-19 has announced a Cost of Living Adjustment (COLA) of 2.5% for this year. It is the maximum permitted by statute. Cap banking enables a municipality to exceed this

maximum, but just by a little.

In plain speech, a municipality's budget may not increase by more than about 3% over the prior year's budget amount. I state “about 3%”, with emphasis, as this is a good approximation. It is not technically correct. Rather, it is a rule-of-thumb measure. A discussion about appropriations cap banking is beyond this article's scope. It is technical and complex. Your municipal CFO will offer you a precise dollar figure for your municipality's budgeting concern. The emphasis here is the impact of inflation on a budget.

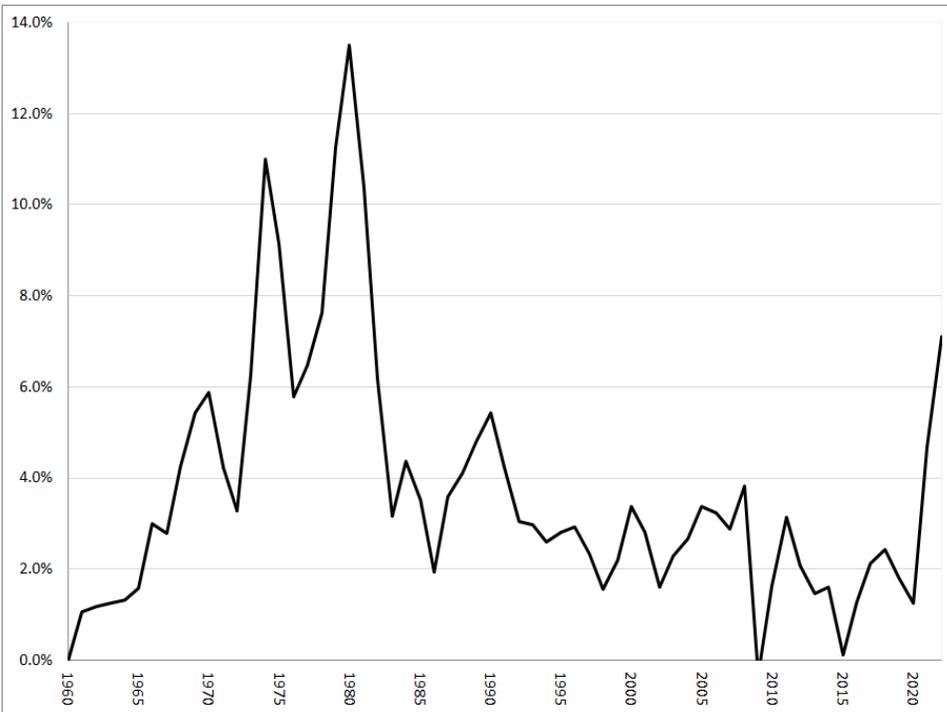
As of this article's writing, the rate of inflation is above 7%. This figure has been trending upward. While the State has provided us with the maximum COLA of 2.5% as permissible by statute, it will be insufficient. Likewise, with tapping into the appropriation cap bank, that is assuming your municipality has a significant amount in the bank, the budget may squeeze out another half-percent increase. This is an approximation. There is a big gap between the cost increases in goods and services, as measured by inflation (7%), and a budget's permissible maximum increase (3%). The mathematical difference is discouraging.

One logical solution is to ration public services. My guess, a safe one, is that this will not be a popular solution. A reduction in public services will displease the electorate, to put it kindly. While it was necessary to fight World War II, rationing and other austere measures were no fun during the 1970s. Our economy today is not as precarious.

The appropriations cap limit may prove too restrictive for this year or next. If so, another solution is to seek a dispensation before the Local Finance Board. For your CFO and Chief Administrative Officers' sake, I hope not. To do so, it should be for a very extenuating circumstance. That may be the case for many municipalities. The venerable Cedar Grove CFO and Rutgers instructor, William Homma's catchphrase, “Let's go to Trenton!” might take on a new and less enthusiastic meaning. This entails a detour a few blocks down State Street to visit the Local Finance Board office instead of Thomas Edison State University for a license exam.

Another solution is for the State legislature to revisit the appropriations cap statute N.J.S.A. 40A:4-45.1. This needs strong consideration. History may repeat itself. It is trending

**Historical Inflation Rate, years 1960 through 2022 (January).**



Source: U.S. Bureau of Labor Statistics

that way. Here is some historical perspective. The budget appropriation cap was introduced in 1976. Inflation was rampant then. The cap was 5%, generous by today’s standard. Exceeding the cap may occur with the approval of a voter referendum. This concession is no longer available. The appropriation cap law was then revised in 2004, turning the screws tighter, to remove several cap exceptions as well as the max percentage increase.

The 1976 appropriations cap statute states, “... the Legislature recognizes that local government cannot be constrained to the point that it is impossible to provide necessary services to its residents.” I hope today’s State Legislature takes note. Some budget pressure cooker relief is necessary. 🇯🇵

Along with his work as CFO for Lakewood, Peter O’Reilly is the author of the book, *Definitive Guide to Local Public Finance in New Jersey*.

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## Spring Cleaning and Beyond: Take a Look Inside Your Operations' Performance

**A**t various times of the year, it's good to review how your operations are performing, especially when it comes to personnel management. In my previous articles, I highlighted several areas that many of us overlook. It is not for wanting to have things right, but simply a matter of having time in a very busy schedule to perform the things that aren't absolutely necessary in order to keep your town running.

Many of the legal requirements of personnel management in New Jersey are fairly new, enacted over the past few years. A good practice is to take some time to review how your organization is doing when considering three major personnel matters: Compliance with Fair Labor Standards Act (FLSA); Workplace Democracy Enhancement Act (WDEA); and the New Jersey Equity Pay Act.

### Fair Labor Standards Act

The FLSA is probably one of the most overlooked federal requirements that has been in place since 1986. The problem is that we all have our own interpretation of what causes overtime and who gets it. Some believe that the collective bargaining agreement, or the New Jersey Civil Service Commission governs the rules on FLSA. It does not. Towns may use stipends to pay for additional, after-hours work. An example is a clerical worker taking minutes at an Environmental Commission. A stipend in this example will not satisfy the requirements of the Act.

Every administrator or personnel director should take time to review those positions that are not covered by a labor agreement. Typically, these are management employees. Once identified, the reviewer needs to determine the exempt status of an employee.

Exempt or nonexempt status must be determined based on the employee salary and duties—the actual work being done.

If the employee is exempt, overtime or any compensation for time worked beyond 40 hours is a local policy decision. Oftentimes, we skip the process of determining if the status is in accord with the FLSA and simply say that the employee is “salaried” and therefore no overtime. That would be a mistake that could be costly. The exemption test must be done thoroughly and completely. And, keep all those records used

in making the determination!

Next, determine if stipends are being paid to nonexempt employees who are eligible for overtime according to the Act. Generally speaking, stipends for work that is done during the course of the normal workday do not satisfy the requirements of FLSA. Please note, that even if there is an agreement of any sort that provides for the stipend in lieu of overtime, there would still be a violation of the Act.

### Workplace Democracy Enhancement Act

The Workplace Democracy Enhancement Act was put in place a few years ago (2018) and has several requirements that are important to have in place. While there are a number of requirements, I highlight a few that are easily done.

First, the municipality must allow the unions to meet with union members during work hours to discuss complaints or grievances. Secondly, when there is a new employee that would be a member of the union, time must be given for the union to meet with that employee.

**A good practice is to take some time to review how your organization is doing when considering three major personnel matters: Compliance with Fair Labor Standards Act (FLSA); Workplace Democracy Enhancement Act (WDEA); and the New Jersey Equity Pay Act.**

Third, when hiring an employee, local governments must provide the union, regardless of representation or not, the employee's name, job title, worksite location, home address, work telephone number, home telephone number, cellular telephone number, date of hire, work email, and personal email. Furthermore, this must be done within 10 days of the hiring. Additionally, every quarter the municipality must provide the unions with the information above for each of their unit employees.

## Equal Pay Act

Likely one of the more difficult requirements of personnel management in New Jersey is ensuring that your municipality is complying with the Equal Pay Act. There is no question that the issues of pay equity throughout the United States, and in fact the world, needs to be addressed. The State provides guidance, but the work to comply still must be performed.

According to the NJ Division on Civil Rights Guidance (March 2020) on the Act, “[i]f a member of a protected class demonstrates that they are compensated less for substantially similar work than a person who is not a member of that protected class, the employer is liable under the Equal Pay Act unless it can demonstrate either:

1. That the pay differential is made pursuant to a seniority system or a merit system; or
2. That all five of the following are true:
  - a. That the [pay] differential is based on one or more legitimate, bona fide factors other than the characteristics of members of the protected class, such as training, education or experience, or the quantity or quality of production.
  - b. That the factor or factors are not based on, and do not perpetuate, a differential in compensation based on sex or any other characteristic of members of a protected class.
  - c. That each of the factors is applied reasonably.
  - d. That one or more of the factors account for the entire wage differential; and
  - e. That the factors are job-related with respect to the position in question and based on a legitimate business necessity. A factor based on business necessity shall not apply if it is demonstrated that there are alternative business practices that would serve the same business purpose without producing the wage differential.” N.J.S.A. § 10:5-12(t).”

This evaluation will take a lot of work. However, even after the evaluation is done, the municipality must determine how to implement changes in salaries where necessary. This will be a difficult exercise, but clearly is needed to address pay inequity that may exist in your organization.

I am hopeful that this information is beneficial and will assist you in complying

with these various and important rules of personnel management for your community. The League of Municipalities Labor Advisory Service is here to assist should you need further information. 🇯🇵

@ To discuss about the NJLM Labor Advisory Service, email Matt@njcs.us

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CCN PDF 0618-0106

# Legislative Update

Lori Buckelew, Deputy Executive Director and Director of Government Affairs;  
Paul A. Penna, Senior Legislative Analyst,  
Andrew LaFevre, Legislative Analyst;  
Frank Marshall Esq., Associate General Counsel

## End of Legislative Term Recap

Over the course of the last two years comprising the 219th Legislative Session, the League's Legislative team tracked 2,835 out of the 11,427 bills introduced. Of those tracked bills, 734 were sent to Governor Murphy of which he signed 670 into law. The League supported 26 of these new laws and opposed 16.

Highlights of the past legislative term included:

### OPRA/OPMA

For more than 10 years, Senator Weinberg has pushed legislation to reform the Open Public Records Act (OPRA) and Open Public Meetings Act (OPMA). While the bills have varied over the years and there were elements in each that provided common-sense reforms, the League remained steadfast in opposition because the bills: (1) did not address the expenses municipalities incur under OPRA; (2) continued to provide for mandatory prevailing attorney fees in OPRA, and expanded this practice to OPMA; (3) expanded the definition of "government record" to include documents "required by law to be made, maintained, or kept on file"; (4) required subcommittees to comply with certain provisions of OPMA; and (5) continued the exemption of the legislature from the provisions of both OPRA and OPMA. Over this same period of time, the League has lobbied for common-sense reforms and the need for a study commission.

**Status:** OPRA/OPMA bills were released from Senate committees over the years, however, the bills never made it to the Senate floor. In addition, the bills never had a committee hearing in the Assembly.

### Cannabis

During the legalization of adult recreational use cannabis, the League never took a position on the issue. However, we formed a coalition with the New Jersey Urban Mayors Association and the New Jersey Conference of Mayors to ensure that municipal interests were protected. These efforts proved successful.

The New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (CREAMM), adopted in February 2021, included several provisions

strengthening municipal control over the rollout of cannabis operations within local communities. Regulations adopted by the Cannabis Regulatory Commission later that year reiterated the idea that municipalities would have a strong position in determining the extent to which the cannabis industry can operate within municipal boundaries.

Through our efforts, each municipality alone has the ability to decide whether or not it wishes to have cannabis operation in the community. Municipalities that do wish to welcome the cannabis industry have the authority to determine the number and types of cannabis license holders that can operate within their borders. Further, municipalities may set up their own licensing requirements, and are able to levy and collect a local tax on cannabis sales.

**Status:** The League continues to be a resource for municipalities, and continues to protect municipal interests as further regulations are adopted.

### Responsible Collective Negotiations Act

In the spring 2021 and through the end of the legislative term, legislation that was touted as addressing some issues with the 2018 "Workplace Democracy Enhancement Act" would have greatly expanded the power and influence of public sector labor unions to negotiate previously non-negotiable items.

This legislation would have altered the test for what is a negotiable subject by requiring that a subject is in fact negotiable unless the negotiated agreement would prevent the government from carrying out its statutory mission. In other words, everything would have been on the table. For example, the various safety protocols, staff transfers, closed facilities, and deeming certain employees essential during COVID would be subject to negotiations. By requiring an employer to negotiate previously non-negotiation items, the legislation would have unraveled 50 years of clearly defined standards that established a precedent for PERC and courts to consider when reviewing county and municipal matters. The League partnered with the New Jersey Association of Counties and New Jersey Municipal Managers Association in opposing this legislation.

Over the course of the legislative process, the bill was amended several times. Ultimately, the Governor signed into law a bill that expands the scope of negotiations for the State as an

employer, but not for municipalities, counties, and certain others. Although we remain concerned about the precedent the measure may establish and potential litigation as the new law creates two separate standards for negotiations, the law as ultimately adopted explicitly removes municipalities and counties and further eliminated conflicting language that would have established a new test for determining what would constitute a negotiable item.

**Status:** Signed into law on January 18, 2022 as P.L. 2021, c. 411, however the expansion of the scope of negotiations applies only to the State as an employer.

### Coronavirus Relief Bonds (CARB) Bill

The League worked with the Government Finance Officers Association and a group of financial planners to pass legislation that permits municipalities and counties to issue bonds for the loss of revenue and/or unanticipated expenses directly attributable to the COVID-19 pandemic. The bill was conditionally vetoed by the Governor to address some of the concerns raised by the Division of Local Government Services. After lengthy discussions, and the Division's proposed guidance, our initial concerns with the conditional vetoed were addressed.

**Status:** Signed into law on August 31, 2020 as P.L. 2020, c. 74

### Shared Service Legislation

Since 2010, then-Senate President Sweeney advanced legislation that would have driven shared services. The legislation would, on the one hand, allow the voters to express their opinion on a shared service proposed by the Local Unit Alignment, Reorganization and Consolidation Commission (LUARCC); but on the other hand, if the voters rejected such proposal, the municipality's state aid would be reduced by the proposed savings from the shared service agreement. Over the years, the legislation included provisions that addressed longstanding civil service hurdles to shared services and at other times added additional hurdles that would make shared services an even greater challenge for civil service towns. In its lifetime, the

bill had passed the Senate but never had an Assembly Committee hearing.

**Status:** Assemblywoman Lampitt and Assemblyman Moriarty have introduced the legislation in the new legislative term.

### Small Cell/5G

Over the last two legislative sessions, efforts have been made by telecommunications providers to erode local control over the use of rights-of-way to allow them unregulated and unmonitored access to this public asset to deploy small cell and 5G nodes. Bills such as A-1116/S-2674 were advancing quickly in the most recent legislative session but ultimately were never approved by both houses.

It is anticipated that similar bills limiting municipal oversight of the rights-of-way will continue to be pursued; however based on trends in the industry and with legislation across the country, it is likely that there will not be such a strong push for a sweeping bill like we

have seen in the past. Instead, we are seeing efforts from the telecommunications industry to push for more piecemeal legislation, and also seeing them attempting to persuade individual local governments to provide them the type of access they desire, much to the detriment of the localities.

An example of this alternative legislation is S-4082/A-3165, which was introduced last year and would provide that applications for the collocation of wireless equipment be processed administratively as a permit rather than an application for development. This change would mean that applications for collocating wireless equipment would be subject to a much shorter timeframe for review, 30-days as provided for in the bill, than what is currently allowed under federal and state law. This is of particular concerns for municipal officials as the proliferation of small cell technology has shown that permit

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applications for wireless equipment come in batches, requiring review of a large number of applications in a shorter amount of time.

A-3165 was unanimously passed in the Assembly but its Senate companion, S-4082, never made it to a full vote in the Senate.

On a related note, the Governor

signed into law A-850, establishing a 19-member commission that will evaluate impediments of access to broadband service within the state, with a special focus on the feasibility and proliferation of community broadband networks. The League supported this legislation and hopes the Commission's findings will lead to policy changes and an

increase in resources allocated to help assist those currently without adequate access to fast and affordable broadband internet access.

While the League continues to monitor legislation, we encourage our members to review their own specific ordinances to ensure they maintain the proper control over their rights-of-way. The League has a number of resources available for our members to ensure they retain control over their local rights-of-way.

**Status:** The League continues to monitor for potential legislation and to be a resource for municipalities. A-1116 was reintroduced in the new legislative session as A-471, S-2674 was reintroduced as S-1487. A-3165 and S-4082 have not yet been reintroduced in the new legislative session.

### Restoration of Urban Enterprise Zone

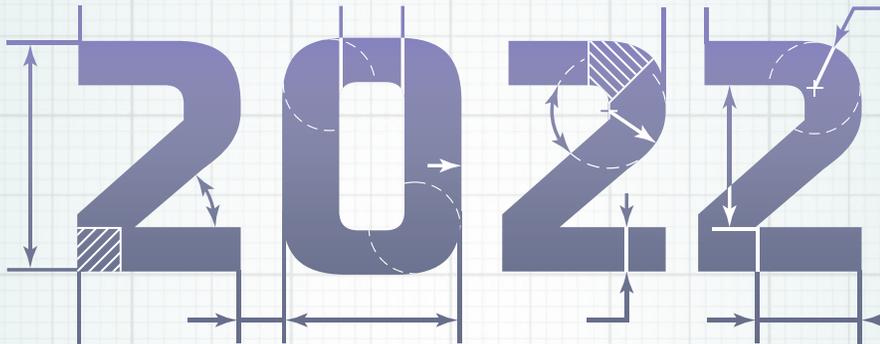
Since the reduction in scope of the Urban Enterprise Zone (UEZ) law a decade ago, the League worked to enact legislation that restores and revises the program. After much advocating for it, a measure was signed to continue the UEZ program. There are 32 UEZ zones in 37 municipalities and 7,267 certified UEZ businesses. The reduced sales tax to the consumer and exemption for construction materials and goods remains in the program. The changes made in this legislation to the Urban Enterprise Zone program include creating new permitted spending categories including loans, grants, and public safety; requires municipalities to update zone development plans; appropriates \$42.5 million for zone assistance funds for FY 22; creates a \$100,000 limit cap on larger businesses; and alters the method of tax distribution to UEZs.

The new formula applies a 50% weight to each UEZ municipality's Municipal Revitalization Index Distress Score, the average number of unemployed persons in each UEZ municipality and number of commercial and industrial parcels located in each UEZ municipality, and would apply a 50% weight to the gross taxable sales in the municipality subject to reduced sales tax.

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The League thanks Elizabeth Mayor and League Past President Chris Bollwage and the New Jersey Urban Mayors Association for their tireless advocacy to accomplish this goal.

**Status:** Signed into law on August 17, 2021 as P.L.2021, c.197.

### Hospital Property Tax Bill

In 2015 a New Jersey tax court decision examined the property tax exemption status for a large not-for-profit hospital. After reviewing the modern-day business practices of the hospital, the tax court determined that the hospital's property tax exemption status was highly questionable. While the parties in the matter were able to come to a settlement agreement, the decision resulted in many municipalities hosting not-for-profit hospitals to begin challenging the exemption status of these properties. This in turn led the industry to push for legislation to protect their non-profit exemption status, despite modern business practices allowing them to operate more like a for profit entity.

For years, the League negotiated with industry representatives, attempting to come up with collaborative solution; however, at the urging of the industry legislators pushed ahead with legislation that would allow these facilities to avoid paying their fair share of property taxes. Then, in February 2021 despite the League's continued opposition, the legislature passed and Governor Murphy signed into law P.L.2021, c.17.

This new law undermines the ability of a municipality to

challenge a not-for-profit hospitals' tax exempt status. The law does require not-for-profit hospitals to make a community service payment to the host community, however this payment is far below what would likely be collected as property tax, if these facilities were treated equally.

Shortly after adoption of P.L.2021, c.17, a number of host municipalities filed suit, challenging the new law based on a violation of the New Jersey Constitution's tax uniformity clause. These lawsuits are still pending and the League is monitoring their progress.

**Status:** Signed into law on February 22, 2021 as P.L. 2021, c. 17.

### Hospital Wrap-Around Services

Early in the last legislative session legislation (S-1676/A-3326) was introduced that would allow hospitals to construct housing and provide wrap-around services for individuals who are homeless or housing insecure. While the League supports efforts aimed at providing health care and housing to those in need, we opposed provisions of the legislation that would deem such housing as a permitted use in all residential and nonresidential districts within a municipality, thereby completely exempting such housing from local zoning requirements.

After passing in both houses, the measure was sent to Governor Murphy in March of 2021. In May of 2021 the Governor conditionally vetoed the bill, and requested amendments seeking clarifying language related to affordable housing credits

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## Legislative Update

and identifying eligibility standards for those to qualify for the housing. The conditional veto did not address League concerns regarding zoning. Ultimately, both legislative houses concurred with the Governor's recommendations and the bill was signed by the Governor on June 30, 2021.

**Status:** Signed into law on June 30, 2021 as P.L.2021, c.134.

### Civil Service Opt-Out

Legislation that would have permitted municipalities with populations under 2,500 to withdraw from civil service by ordinance unanimously passed the Senate and was released from the Assembly State and Local Government Committee. The bill failed to get a second reading in the Assembly. While the legislation would only apply to 9 of the 194 Civil Service municipalities, the League viewed the bill as the first step toward giving Civil Service municipalities a decision on how to manage personnel issues. Municipalities are permitted to change their name, their form of government, and their borders. Municipalities can even consolidate with neighboring communities, but they cannot change a decision made in some cases over 100 years ago—a decision that was made prior to today's federal and state labor laws.

**Status:** Senator Cruz-Perez has introduced the legislation (S-517) in the new legislative term.

### PILOT Legislation

Over the legislative term there were several pieces of legislation which would have changed PILOT agreements. The legislative proposals included the requirement to share PILOT revenue with school districts, either percentage based on levy percentage or flat fee and subjecting PILOT projects to the Prevailing Wage laws. The League was part of a broad based coalition, including the New Jersey Conference of Mayors, New Jersey Urban Mayors Association, and NJ Builders, expressing strong opposition to such proposals.

**Status:** As of this writing, no new legislation has been introduced.

### Expanding 20 and Out for Police and Fire

The League of Municipalities joined with the New Jersey Association of Counties and Government Finance Officers Association of New Jersey in opposing legislation that permits a Police and Fire Retirement System (PFRS) employee who was enrolled before or after April 19, 2021 to retire, regardless of age, upon attaining 20 or more years of service credit and allows that employee to receive a retirement allowance equal to 50% of the member's final compensation. The public safety unions supported the bill as it clarified the Division of Pensions interpretation of a 2000 law that permitted PFRS members who were already enrolled to retire at any age with 50% of their final compensation upon attaining 20 years of service. Any member who enrolled in the retirement system after Jan. 18, 2000, was not eligible for this benefit. The bill was amended to limit to a two-year period during which a PFRS member may retire to receive this benefit.

**Status:** The amended bill was signed into law on April 19, 2021 as P.L. 2021, c. 52 and the benefit will sunset in 2023.

### Dog Ownership Bill

The Assembly Agriculture Committee considered the "Responsible Dog Ownership Act," which provides for the protection of the public, especially children, from unrestrained dogs. It requires the establishment of leashing and fencing requirements to be implemented by municipalities throughout the state. It also amended the State's vicious dog law to clarify enforcement of that law and establish new criminal offenses involving dog attacks and criminal liability for owners of the dogs involved.

While a laudable goal, there were a number of implementation and enforcement challenges that made the proposal unworkable. While we worked with the sponsors and they were amenable to our suggestions, there were too many variables to permit the League's support.

**Status:** A-2401 was favorably reported from the Assembly Agriculture Committee last June but advanced no further.

### Warehouse Bill

S-3688, introduced last year by then-Senate President Sweeney, aimed to provide for a regional economic and land use impact report, and established a review process related to the development of certain large warehouses. The measure would have also required property tax reassessment under certain circumstances.

In short, this legislation sought to create a mechanism that would have required input from neighboring municipalities whenever a municipality received an application for development of any warehouse. While the League did not take a position on the bill, we raised a number of concerns with the concepts laid out within, our goal being to balance both the concerns of involved parties and to protect the concept of home rule.

**Status:** This bill was released out of committee but never went to the full senate for a vote. No similar bill has been reintroduced new legislative session but efforts continue within the administration, to address issues and provide solutions with "warehouse sprawl." The League is actively participating in these conversations with the administration and continues to be an advocate for all our members.

### Daniel's Law Implementation

In 2020, Governor Murphy signed P.L. 2020, c. 125, known as Daniel's Law, prohibiting disclosure of active, formerly active, and retired judicial officers, prosecutors, and law enforcement officers' home address, both primary and secondary. The well-intended law is fraught with implementation challenges. To address those challenges, clean-up legislation was introduced and signed into law that would create an Office of Information Privacy to streamline the process of implementing Daniel's Law.

The Office would establish a secure portal for those covered under Daniel's Law to submit or revoke a request for the redaction or nondisclosure of their home address. In order to have their home addresses redacted under Daniel's Law, a

person would have to submit a request to the Office of Information of Privacy through a secure portal. A public agency would be required to redact or cease to disclose the home address no later than 30 days following the approval from the Office of Information Privacy. P.L. 2021, c.371 includes a list of exceptions to the requirement to redact and the prohibition against disclosure of home addresses.

The League was part of focus group discussions on how to implement Daniel’s Law and worked with the sponsors to ensure local concerns were addressed.

**Status:** Waiting for Department of Community Affairs to appoint the Director of the Office of Information Privacy. P.L.2021, c.137 took effect January 12, 2022 and applied retroactively to December 10, 2021. However, compliance with provisions of Daniel’s Law and the recent amendments are not required until next year, January 13, 2023.

**Expedited Construction Permits**

Last session, both houses passed S-3095/A-4850 sending the measure to Governor Murphy for his action. The League opposed this measure which sought to establish an expedited construction inspection program that would allow able and willing property owners to pay an additional fee to jump the inspection line and receive an inspection within two days rather than three as currently provided for.

While S-3095/A-4850 ostensibly provided a mechanism for expedited inspections, the more likely unintended consequence of the bill would have been a complete shift in inspections being performed by municipal officials to third-party entities. This would be a tectonic shift in the nature and function of construction inspections and is something that needs far more consideration and discussion with a host of impacted stakeholders.

Further, language within S-3095/A-4850 would have made the municipal building department a transaction agent for third-party inspection entities—with enforcing agencies acting as a middleman for the collection of fees from applicants only to be turned over to the third-party inspection entities. This comes at an administrative cost to municipal building departments, for which the legislation provided no means to offset or recoup such costs.

Ultimately, Governor Murphy conditionally vetoed the bill, returning the measure to the legislature for them to take action to concur with his recommendations. The legislature failed to take action to consider the Governor’s conditional veto, and the measure was left, not proceeding to become law.

**Status:** Approved in both houses, S-3095/A-4850 was conditionally vetoed by the Governor and did not proceed to become law. A-4850 has been reintroduced in the new legislative session as A-573. 





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## Local Governing

# Mayors Unite to End Childhood Hunger

**R**obbinsville Mayor Dave Fried and Hamilton Township Mayor and NJLM Executive Board Member Jeff Martin are the first two mayors in New Jersey to join the Mayor's Alliance to End Childhood Hunger.

The National Alliance is a non-partisan coalition working in partnership with Share Our Strength's No Kid Hungry campaign to ensure that every child has the healthy food they need to thrive. It was launched in 2022.

Members pledge to work to end childhood hunger by engaging with community leaders to share ideas and approaches to ensure equitable access to food for all children and to improve utilization of important existing programs such as afterschool and summer meals.

As part of the program, more than 64 mayors from 30 different states signed and supported a letter to Congress asking to extend the USDA waiver authority to schools and community organizations so they can maintain their flexibility in offering federal child nutrition programs such as summer and afterschool meals to ensure vulnerable children can continue to access meals and snacks.

At the start of the pandemic, Congress provided the U.S. Department of Agriculture (USDA) with the authority to issue nationwide child nutrition waivers to ensure that children would continue to have access to healthy meals despite COVID-19 related disruptions and safety precautions.

Child nutrition waivers give community organizations and school nutrition providers critical flexibilities that have:

- Supported families who needed to pick up multiple meals at a time in one location as they returned to work or faced transportation challenges.
- Allowed for social distancing protocols through grab-and-go meal distribution or delivery.
- Ensured that children who need meals are getting nutritious food as families continue to struggle economically through the pandemic.
- Helped school nutrition providers support a return to "normal" in-person learning with the flexibility to implement safety precautions and overcome supply chain and labor disruptions.

Child nutrition programs play a critical role in helping kids learn, stay healthy, and thrive. 🍌

@ For more information, visit the Mayors' Alliance to End Childhood Hunger's website, <https://mayorshungeralliance.org>.

# NJLM Supporters

The New Jersey State League of Municipalities would like to thank its supporters, who value their partnership with the 565 municipalities of New Jersey. For information about the League's sponsorship program, please contact Michael F. Cerra at 609-695-3481, Ext. 112, or [mcerra@njlm.org](mailto:mcerra@njlm.org).



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