



From: NJLM - Municipal Clerks [mailto:njlm-clerks@cityconnections.com]
Sent: Thursday, October 01, 2009 4:06 PM
To: Lashway, Lisa
Subject: Several Issues of Importance

LEAGUE ALERT

Municipal Clerk: Please forward to Mayor and Governing Body.

October 1, 2009

Re: I October Grant Page Posted

Re: II Office Space Available

**Re: III Get to Know the Candidates and Issues with the
NJN Debate Tonight**

Re: IV Holiday Displays

RE: I. October Grant Page Posted

A new featured article has been posted in our Grant Resource Center. This month's article is titled: *Statewide Non-Residential Development Fee Act Moratorium*.

New featured grant opportunities have also been listed.
Visit our Grant Resource Center at www.njslom.org/grants.html.

Dear Municipal Clerk:

Re: II. Office Space Available

Do Professional Firms that Provide Quality Services to Your Municipality Deserve Broader Recognition?

A Trenton Office Location Can Help Them to Grow. Can You

Help Spread the word?

At 222 West State Street, in the heart of Trenton's Statehouse Historic District, sits the Ferdinand Roebing Mansion. It has been restored to its deserved prominence as the new headquarters of The New Jersey State League of Municipalities.

We have office space available for lease. It is ideally suited to professional firms that work with State Agencies, municipalities and the private sector.

Tenants will appreciate the carefully restored mahogany paneling and plaster moldings, craftsmanship unique to the 19th century. They will welcome the modern amenities of a building updated to 21st century office standards. Single executive quality office rentals and small suites are available. Please circulate this information. Your help is appreciated!

For information visit our Broker's website at: www.segalinc.com

Prospective Tenants are Encouraged to Contact Us to Arrange a Tour.

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Anne LaBate
Vice-President
Segal Commercial Real Estate

Re: III. Get to Know the Candidates and Issues with the NJN Debate Tonight

Dear Mayor:

In a little more than a month, the nation's focus will be on New Jersey because it is one of only two states (Virginia is the other) holding a gubernatorial election. Also, all 80 members of the New Jersey General Assembly are up for election in 2009.

Debate Tonight on NJN - Familiarize Yourself with Candidate Positions

In order to familiarize yourself with the position's of all three candidates for governor, we encourage you to watch the first gubernatorial debate, which will be broadcast on NJN tonight from 8 p.m. to 9:30 p.m. The debate, which will take place in the NJN studios in Trenton, will be

simulcast on NJN Public Radio and will be streamed live and archived online. It will also be rebroadcast on NJN on October 4th at noon and 6 p.m. Click [here](http://www.njn.net/newspublicaffairs/coverage/09governorrace/news/) <http://www.njn.net/newspublicaffairs/coverage/09governorrace/news/> for more information on the debate.

It is very important for the citizens of our state to be engaged in and informed of the issues being discussed and, most importantly, to vote on November 3rd. A democracy only functions properly when citizens vote.

Voter Education Tools

Prior to the debate, please visit the League's website at www.njslom.com for a special report we prepared of the candidates views on timely municipal issues. We have also provided a link to the State Chamber's web page, **Election 2009**, which will provide you with additional resources to become a more informed voter. Review the wealth of information assembled and share it with others so that they, too, are encouraged to exercise their civic responsibility on election day. It is extremely important that you and your governing body are familiar with the issues which impact our communities and we urge you to avail yourself of these resources. I would also suggest that you link this information to your municipality's website so your citizenry can be informed on our issues.

If you require anything further please do not hesitate to contact me.

Very Truly yours,

William G. Dressel, Jr.
Executive Director

Re: IV. Holiday Displays

Dear Mayor:

The holidays are fast approaching, and municipalities once again face the issue of erecting permissible holiday displays on municipal property.

The leading case in this area of law is ACLU v. Schundler, 168 F.3d 92 (3d Cir. 1999). In that case, Jersey City erected, on city property in front of City Hall, a display with a nativity scene, also called a crèche, and a menorah. The ACLU challenged this display on First Amendment grounds in 1994, and the District Court ordered the city to never again erect the holiday display.

In 1995, Jersey City again erected a holiday display, again containing a crèche and a menorah. However, this time the city added Kwanzaa symbols, figures of Santa Claus and Frosty the Snowman, a sled, and signs that indicated the city celebrated the diverse cultural and ethnic heritages of its residents. All of the displays were of roughly the same size and prominence. The Third Circuit Court of Appeals found this a permissible display that did not run afoul of the

Establishment Clause of the First Amendment. This case gives some general guidelines to municipal officials for permissible holiday displays.

A purely religious display, especially one related to a single religion, is almost certainly unconstitutional. In a prior case, the United States Supreme Court held a crèche, with a few poinsettias and a banner reading “Gloria in Excelsis Deo!” had the “unconstitutional effect of conveying a government endorsement of Christianity.” Allegheny v. ACLU, 492 U.S. 579, 627 (1989).

A display containing symbols from different religions, as well as secular symbols of the holidays, is likely constitutional. The constitutionality of such a display is further enhanced if a secular message is also included; for example, the message in the Jersey City display celebrating the diverse cultural and ethnic heritages of its residents, or another display in the Allegheny case that consisted of a menorah, a Christmas tree, and sign celebrating liberty and freedom. The Supreme Court found the inclusion of the secular Christmas tree and secular message rendered the display constitutional. Id. at 659.

The secular symbols and messages should not be included merely as an attempt to legitimize the religious aspects. To that end, they should be at least as prominent as any religious displays.

The law in this area remains complex, and municipal officials should consult their municipal attorneys about the legality of their particular display and the potential future impact of any decision reached.

If you have any questions or concerns about this communication, please contact Matthew Weng, staff attorney, at the League, ex. 137, or at mweng@njslom.com

Very truly yours,

William G. Dressel, Jr.
Executive Director

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