

September 22, 2017

**RE: WEEKLY UPDATE**

- I. State Issues
- II. Federal Issues
- III. 102nd Annual League Conference IV. Also of Interest

Dear Mayor:

Now is the time to take action to preserve a critical, proven tool to curb property tax increases. Please read below for more and **how you can help our efforts in Trenton**, as well as a rundown of issues of interest in DC and of general interest.

**I. State Issues**

**a. League Partners with NJAC and NJCM on Interest Arbitration**

Earlier today, the League, the New Jersey Conference of Mayors (NJCM) and the New Jersey Association of Counties (NJAC) held a joint press conference urging for the extension of the 2% interest arbitration cap. As you know, the 2% cap on Interest Arbitration will expire on December 31, 2017, the same day that the final report and recommendations of the Police and Fire Public Interest Arbitration Impact Task Force are due. The permanent 2% property tax levy cap, however, will remain in effect. This will set the stage for local officials to be forced to either raise property tax by a referendum or cut other municipal services to fund an arbitration award for a police or fire contract. For more please see our [blog post](#).

The press conference, which includes the Officers of the League, is part of our public campaign to educate the Legislature and the general public on the importance of extending this critical tool, which has proven to be an effective curb on property tax increases.

Our thanks to League Executive Board Members Janice Kovach, Mayor of Clinton and League 3rd Vice President and Conference of Mayors President Jim Perry for speaking on behalf of their respective organizations.

We also thank League President Mayor Al Kelly of Bridgeton, League First Vice President Mayor James Cassella of East Rutherford, League Executive Board Member Mayor Gary Passanante of Somerdale, Mayor Paul Muir of Bethlehem, Mayor Al Smith of Scotch Plains, and Mayor Paul Anzano of Hopewell Borough for joining us as well.

**But we need your help. Please take action.**

First, if you have not done so already, please stress to your Legislators and all candidates for office, the importance of extending the interest arbitration cap.

Second, we urge you to pass a resolution ([pdf](#)) urging the State Legislature and Governor to extend the 2% cap on Police and Fire Arbitration Contract Awards.

And lastly, please join us for the Mayor's free legislative briefing via webinar.

### **The Need to Extend the 2% Interest Arbitration Cap**

Tuesday, September 26, 2017

11:00am-11:45am

Location: Your Computer

This briefing will provide an update on the efforts of the League and its partners to extend the 2% interest arbitration cap as a means to contain property tax increases, and specific steps that can be taken by mayors and governing body members to assist this vitally important effort. As we approach the December expiration of the 2% interest arbitration cap and the lame duck session registration is a must for this important briefing.

#### **To Register:**

1. Click on the Registration Link Below
2. Fill out the form and click "Register"
3. A Confirmation E-mail will be sent to you right after registration (save this e-mail, it contains a link that will connect you to the webinar on the scheduled date).
4. At the scheduled time of the webinar, click the link provided to you in the confirmation e-mail and you will be automatically directed to the virtual classroom. Please note, in order to connect to the webinar, you may be required you to install the GoToWebinar Codec. To do this, hit "run" or "launch" when prompted and the codec will automatically install.
5. Once the webinar program has been installed, turn on the speakers on your computer and then sit back and learn how you can help extend this vital taxpayer protection tool!

#### **Registration Link for Webinar:**

<https://register.gotowebinar.com/register/7095401806918510083>

**Schedule:** 11:00am-11:45am -Webinar Topic and Discussion.

You can register here: <https://register.gotowebinar.com/register/7095401806918510083>

For more, including links to recent editorials by the [Star-Ledger](#) and the [Courier News](#) on this issue, [please click here.](#)

#### **Contacts:**

Michael Cerra, Assistant Executive Director, [mcerra@njslom.org](mailto:mcerra@njslom.org), 609-695-3481 x120;

Lori Buckelew, Senior Legislative Analyst, [lbuckelew@njslom.org](mailto:lbuckelew@njslom.org), 609-695-3481 x112. **b.**

### **Mayors Survey**

Mayors, have you completed the 2017 Mayors survey? By now, you should have received via regular mail a letter from the League dated September 6, which included the 2017 Mayors Survey and other information. Please take the time to complete the survey and send it back to us by October 6.

**Contact:** Michael Cerra, Assistant Executive Director, [mcerra@njslom.org](mailto:mcerra@njslom.org), 609-695-3481 x120.

### **c. Comments on Proposed Rulemaking**

Recently, the League submitted written comments on a few proposed rules. These included:

[N.J.A.C. 5:30-18](#) – *Employee Compensation Disclosure* With this new rule, the Local Finance Board the Board seeks to use its statutory authority to implement a 2007 law and create an employee compensation disclosure form to be used when a municipality seeks to ratify a collectively negotiated agreement or an individual employment contract. The purpose of the form is to provide a comparison of the employee’s salary, year over year in order to keep the public better informed of salary decisions.

The League worked with stakeholders from the Government Finance Officers Association, Municipal Management Association and the Tax Collectors and Treasurers Association to submit comments opposing the adoption of this proposed rule. To view these comments please click [here](#).

[N.J.A.C. 16:41C](#) – *Roadside Sign Control and Outdoor Advertising* The Department of Transportation seeks to amend the rules concerning outdoor advertisement. The proposed amendments would put limitations on the types and manner in which signs could appear on bike share stations. The proposed amendment would include charging a permitting fee to municipalities before the posting of a sign on a bike share station.

The League submitted comments opposing the adoption of these rules. To view these comments please click [here](#).

[N.J.A.C. 7:7-23.2, 7:7A-10.2, and 7:13-18.2](#) – *Gas Pipeline in the Municipal Right-of-Way*

The amendments to these rules would allow the Department of Environmental Protection to accept the Board of Public Utilities’ designation of gas pipeline routes through municipally owned rights-of-way, as consent from the municipality of the pipeline route for the purposes of certain permitting requirements.

The League submitted comments opposing the adoption of this rule amendment as it impedes on local control and removes any incentive for those seeking to build gas pipelines to work in conjunction with municipalities to find the best route. To view these comments please click [here](#).

**Contact:** Frank Marshall, Esq., League Staff Attorney [fmarshall@njslom.org](mailto:fmarshall@njslom.org) or (609) 695-3481 x.137.

#### **d. Governor Launches 25 Anti-Opioid Addiction Initiatives**

On Tuesday, Governor Christie announced twenty-five new or improved initiatives, meant to address the opioid addiction crisis in our Garden State. The programs will be funded by \$200 million, which the Governor will repurpose from other activities, under the authority granted to him in the State's current fiscal year budget. The specific source or sources of that funding have not yet been announced.

“These initiatives will build on the dozens of major programs we've already launched during my time as Governor,” said Governor Christie, “and as with our past initiatives we continue to acknowledge that there is no one silver bullet to address addiction. People need individualized treatment and then wrap around support services to help prevent them from succumbing to the deadly and costly throes of relapse. Indeed addiction is a life-long battle, it is a chronic disease and we need to treat it as such.”

The Governor's website includes a rundown of the 25 Initiatives that will “Create or Enhance Opportunities for Addiction Prevention, Treatment, and Recovery.”

**Contact:** Jon Moran, Sr. Legislative Analyst, [jmoran@njslom.org](mailto:jmoran@njslom.org), 609-695-3481 x121.

## **II. Federal Issues**

### **a. Medical Marijuana Programs Could Be at Risk**

For the past four years, Congress has added an amendment to annual budget bills, barring the U.S. Department of Justice (DOJ) from using federal funds to interfere with the implementation of State laws that legalize medical marijuana. The provision, known as the Rohrabacher-Farr amendment, has been in place since 2014. The prohibition is set to expire at the end of this month, clearing the way for DOJ actions, authorizing the Drug Enforcement Agency (DEA) to enforce Federal laws that criminalize marijuana, under the Controlled Substances Act.

U.S. Attorney General Jeff Sessions has written to Congress, urging no action on an extension of that protection. His letter states, “I believe it would be unwise for Congress to restrict the discretion of the Department to fund particular prosecutions, particularly in the midst of a historic drug epidemic and potentially long-term uptick in violent crime. The Department must be in a position to use all laws available to combat the transnational drug organizations and dangerous drug traffickers who threaten American lives.”

At present, it appears that leadership in the House of Representatives is ready to let DOJ use federal funds to enforce the laws, as it sees fit.

By the end of 2016, the Garden State's medical marijuana program was serving around 12,500 patients, after adding about 4,600 new patients last year.

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### **b. Children's Health Insurance Program Reauthorization Progress**

A bi-partisan agreement has been reached in the Senate Finance Committee to extend the Children's Health Insurance Program (CHIP) for an additional five years. CHIP is scheduled to expire after September 30.

The program, jointly funded by States and the Federal government, is for children in families that make too much to qualify for Medicaid, but not enough to afford other coverage. About 90 percent of the, roughly, nine million CHIP children are members of families with annual incomes below twice the poverty level — less than about \$49,000 for a family of four. Thanks to CHIP, the percentage of children who are uninsured has fallen to less than 5 percent.

The program was created in 1997. In 2010, the federal funding share was increased by 23 percent. Pursuant to the bill (S.1827) announced by Senate Finance Committee Chair, Senator Orrin Hatch, and ranking minority member, Senator Ron Wyden, the federal share would remain at the current level for two more years. The increase would be cut to 11.5 percent in 2020, and would be eliminated in 2021 and 2022. At that time, the federal government would still be paying a larger share of costs in the Children's Health Insurance Program than in Medicaid. (Senator Menendez has signed on as an original co-sponsor.)

In our State, health insurance for income-eligible families and children is provided through the NJ FamilyCare program, with assistance from the federally funded State Children's Health Insurance Program or SCHIP. NJ FamilyCare helps financially eligible families (usually low-income workers in jobs without health benefits) obtain health insurance to cover the cost of routine physician visits, prescriptions, hospitalizations, lab tests, x-rays, eyeglasses for themselves and for their children and dental care for most children and for some adults. This eliminates their need to use expensive charity care in the emergency room for primary health care needs.

Back in Washington, the Administration's proposed budget looked to extend CHIP for two years. Leaders in the House of Representatives hope to enact a five-year extension, but have yet to release a specific proposal.

**Contact:** Jon Moran, Sr. Legislative Analyst, [jmoran@njslom.org](mailto:jmoran@njslom.org), 609-695-3481 x121.

### **III. 102nd Annual League Conference**

### **a. Don't Use Unauthorized Hotel Reservation Services**

Every year there are unauthorized firms soliciting housing and hotel reservations from attendees at the Annual League Conference.

**We assure you that the only firm authorized to handle our conference housing reservations is A.C. Central Reservations.**

This information is on the top of the official conference housing form sent to all municipal clerks and posted on our website: <http://nj-njslom.civicplus.com/302/2017-Conference>

### **b. Plan Now for November: Exhibit Highlights**

The Exhibit Hall at the League's Annual Conference offers a wide variety of services and products. Each day at the conference, take the opportunity to enjoy the exhibit floor by stopping in for a nice lunch and visits to the booths for every municipal need, concern, and interest.

Begin to make your list of exhibitors to visit including current favorites and the 62 new exhibiting companies—or contact them now! Plan today by visiting our interactive map at <https://shows.map-dynamics.com/NJLM2017/>.

### **c. NJLM 2017 Conference CEU List Has Been Posted!**

The first version of Annual Conference CEU list has been posted. You can view this list by clicking the following link: <http://nj-njslom.civicplus.com/DocumentCenter/View/347>

Please note, the Annual Conference CEU list is not final, please continue to check the conference page <http://nj-njslom.civicplus.com/302/2017-Conference> frequently for updates.

### **d. Don't Forget! CEU Tracking System Procedures for 102nd Annual NJLM Conference**

Badge Scanners will be used to track CEU Credits and Attendance at the NJLM 102nd Annual Conference.

#### **\*For Sessions That Have CEU Credit Available**

- All Attendees looking to earn credit must scan-in and scan-out of these qualifying sessions\* to earn their CEU credits.
- Attendees will claim their certificates after the conference via the League website <http://nj-njslom.civicplus.com/300/Conference>
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For more information or for a complete list of procedures please click the following link for <http://nj-njslom.civicplus.com/302/2017-Conference>

*\* Please note, the procedures described above only apply to educational sessions. **Business Meetings and vendor sessions are not included** in the scanning system*

#### **IV. Also of Interest**

##### **a. Innovation in Governance Recognition Program**

The New Jersey Department of Community Affairs and the New Jersey League of Municipalities will again acknowledge and promote Innovation in Governance through our annual recognition program. This is a great opportunity to showcase innovative solutions to any problems that have cropped up – either suddenly or over time – in your municipality. It can also be an opportunity to let your peers in on innovations that prevented problems from even arising.

This year, the Innovation in Governance Awards Committee is looking for any original approaches in public administration undertaken by a Garden State municipality during the past 16 months – from the beginning of June 2016 to September 30, 2017. Any innovation in any department or program will be considered for recognition.

This program was established to highlight exemplary local government activities that exhibit creative and practical approaches to local problems and concerns. We will share the winning entries with municipal leaders at the 102nd Annual League of Municipalities Conference Mayors' Luncheon on Wednesday, November 15, 2017, at the Sheraton in Atlantic City, and in the December issue of our magazine, New Jersey Municipalities.

The application can be accessed by clicking on either of the links below:

League of Municipalities website – [2017 Innovation Application](#)

Department of Community Affairs website – [Innovation Application and Letter](#)

The nomination **deadline for this program is October 2**. Accordingly, we encourage you to forward this information to the appropriate people in your municipality today, giving them ample time to meet our deadline.

**Contact:** Ciara Bradley, Legislative Administrator, [cbradley@njslom.org](mailto:cbradley@njslom.org) , 609-695-3481 x128.

##### **b. League Professional Development Webinar**

###### **“OPRA Spotlight: The Lyndhurst Decision and Police Records”**

**Date:** October 18, 2017 **Time:**

11:00a.m.-12:15p.m.

**Location:** Your Computer

The recent New Jersey Supreme Court decision in North Jersey Media Group, Inc. v. Township of Lyndhurst confirmed that most written records created during a criminal investigation are beyond the reach of Open Public Records Act requests, but the Court found that police Use of

Force reports are subject to OPRA unless the government can show that disclosure would be “inimical to the public interest.” The Court’s reasoning has opened the door to arguments that police dash camera and body camera footage may be subject to OPRA based on the extent that the Attorney General’s Law Enforcement Directive 2015-1 constituted a “law” requiring that footage be created. Even if courts continue to hold that police camera footage is not subject to OPRA, the Supreme Court’s Lyndhurst decision has opened the door wide open to common law “right to know” requests for police camera footage. This webinar will discuss the implications of this case, how to handle such a request, and what it means for Municipal Records Custodians with regards to these types of OPRA requests.

**CEUs:** CMFO/CCFO-1.5 off Admin/Anc; CTC-1.5 Gen/Dec; CPWM-1.5 GOVT; RMC-1.5 Rec; QPA-1.5 Off Admin/Gen Duties; RPPO/RPPS-1.5 M/S

**Link for Registration:** <http://nj-njslom.civicplus.com/799/Seminar-and-Webinar-Handouts>

### **c. Hep. B Inoculation Reimbursement**

Each municipality may receive up to \$5,000 in reimbursement for the cost of protecting its emergency medical technicians, firefighters and police officers against hepatitis B. **The deadline to apply for reimbursement is October 6.** For instructions please see the letter from the NJ Department of Health [here](#)

### **. Free Event! Creating Healthy and Inclusive Communities**

Inclusive communities provide individuals with disabilities equal access and opportunities for healthy living. Inclusive Health goals include achieving policy and systems implementation, as well as environmental changes that increase access to physical activity and a healthy lifestyle.

Program highlights include: Inspirational conversations and information about resources and funding through Inclusive Health. This event is sponsored by NJ Dept. of Health, NJ Dept. of Human Services, and America Walks.

**Date:** Friday, October 13, 2017

**Time:** 9:00am-3:30pm

**Location:** RWJ Fitness & Wellness Center, 31100 Quakerbridge Rd., Hamilton, NJ

For details contact: [Peri.Nearon@doh.nj.gov](mailto:Peri.Nearon@doh.nj.gov)

Sincerely,

Michael J. Darcy, CAE  
Executive Director

