

September 1, 2017

**RE: WEEKLY UPDATE**

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

Dear Mayor:

In response to inquiries to provide assistance to Houston in the wake of Harvey, Houston Mayor Sylvester Turner established the Hurricane Harvey Relief Fund to accept tax deductible flood relief donations. For more information: <http://www.houstontx.gov/mayor/press/harvey-relieffund.html>

In addition, the Division of Local Government Services will shortly be issuing Local Finance Notice 2017-18 to provide guidance to municipalities that may be seeking ways to support disaster relief efforts. The notice will be available at: [www.nj.gov/dca/divisions/dlgs/resources/local\\_fin\\_notices.html](http://www.nj.gov/dca/divisions/dlgs/resources/local_fin_notices.html).

As we approach Labor Day, the focus in Trenton is on the upcoming elections. Please be advised that very little legislative activity is anticipated until after the November elections. We draw your attention to a couple of items below and our advisory regarding the League's upcoming annual conference and unauthorized hotel reservations services.

**I. State Issues**

**a. Changes When Financing Environmental Infrastructure and Recent EIT Program Revisions**

The Division of Local Government Services recently issued [Local Finance Notice 2017-16](#), "Environmental Infrastructure Trust: the "WISE" Act and Recent Program Changes," jointly with the New Jersey Environmental Infrastructure Trust ([EIT](#)), summarizing recent EIT related legislation, along with new requirements when financing environmental infrastructure projects. For more, please see our [blog post](#).

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

**b. Court Lays Groundwork for Future Impactful OPRA Decision**

This week, in an unpublished opinion the NJ Appellate Division paved the way for another potential Supreme Court ruling on OPRA. In [Shabsi Ganzweig v. Township of Lakewood, Docket No A-4613-14T2](#), the Appellate Division ruled that police dash-camera footage that was recorded under a local police chief's directive is considered "required by law" to be made and thus subject to disclosure under OPRA.

This case may seem similar to the recent [Lyndhurst](#) decision and in fact the Appellate Division had delayed reaching a decision in *Ganzweig* until the Supreme Court issued its ruling in *Lyndhurst*. The Appellate Division hoped that the Supreme Court's ruling in *Lyndhurst* would provide an answer to similar issues raised in *Ganzweig*, but it did not. Instead the *Lyndhurst* decision left open the issue of accessibility of dash-cam videos recorded under a local police directive.

Cognizant of the fact that the *Ganzweig* case would be appealed and most likely be reviewed by the NJ Supreme Court, the Appellate Division remanded the case to the trial court with instructions for the court to produce a more complete record. In addition, the trial court was instructed to rule on the issue of access to the police dash-cam recordings under the common law (Right to Know) threshold. The common law right to access threshold was ultimately what the Court determined in *Lyndhurst* that allowed for the release of police dash-camera video in that case. However, the *Lyndhurst* decision involved a police shooting which killed a civilian; whereas the *Ganzweig* case involves a traffic stop where a civilian was assaulted by police, resulting in the suspension of two police officers. The trial court will have to decide if the assault on a civilian creates enough of a particular interest to the public the same as it did with a police involved shooting death, in order to overcome the government's interest to withhold that footage.

Because this is an unpublished opinion its precedential value is minimal, but nevertheless this is an important case as it is setting up a test of the recent *Lyndhurst* decision and has the potential to impact various other aspects of OPRA and the common law right to access. This is not the last we will hear of this case and the League will keep you updated on any future developments.

**Contact:** Frank Marshall, Esq. – League Staff Attorney, [FMarshall@njslom.org](mailto:FMarshall@njslom.org), 609-695-3481 x137.

### **c. TAKE ACTION: 2% Interest Arbitration Cap to Expire At End of Year**

In June 2014, the Legislature unanimously approved and the Governor enacted an extension on the 2% cap on Interest Arbitration awards. That extension is set to expire on December 31, 2017. While the 2% property tax levy cap will continue, the cap on Interest Arbitration awards will expire on the same day that the final report and recommendations of the Police and Fire Public Interest Arbitration Impact Task Force is due, unless the Legislature and Governor act.

The temporary 2% cap on police and fire arbitration contract awards has been an effective tool to control increasing salary costs and provide a solution to assist local governments in keeping property taxes down and costs under control. However, we recognize that this change in arbitration reform needs a longer time to mature in order to see the benefits of the legislation and its actual impact on the cost of local government budgets and the impact on taxpayers.

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 for an additional five years, at which

time the Legislature will have hard data to examine and then make a final decision as to whether this law should be made permanent.

If the cap on interest arbitration expires, while the 2% property tax levy cap remains in effect, municipalities will be forced to reduce or eliminate municipal services in order to fund interest arbitration awards.

### **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.

## **II. Federal Issues**

### **a. Federal Infrastructure Funding Prospects**

Congress returns to work in Washington next week, facing a host of difficult decisions. For a look at how those decisions might affect infrastructure funding during the balance of this year and beyond, visit our [blog post](#).

**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 web site: <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/339/Continuing-Education-Unit-CEU-Tracking-S>

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.

#### **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. Nominations Open for 2017 Great Places in New Jersey**

Great Places in New Jersey, the flagship program of the New Jersey Chapter of the American Planning Association (APA-NJ), celebrates downtowns, streets, neighborhoods and public spaces of exemplary character, quality and planning. These places represent the gold standard in terms of having a true sense of place, cultural and historical interest, community involvement and a vision for tomorrow. They help their communities enjoy relative prosperity and a good

quality of life. Since 2012, APA-NJ has designated 26 Great Places throughout New Jersey. Have one in mind? **Deadline for nominations is September 20th.** Learn more about the criteria for Great Places, past designees, and how you can nominate your place by visiting: [GreatPlacesNJ.com](http://GreatPlacesNJ.com).

#### **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](#)

#### **d. September Grants Posted**

The League's September grants page has been posted and includes links to several funding opportunities. [Click here](#) to visit the Grant Resource Center.

The League's Grant Resource Center features links and resources to assist municipalities in their grant search.

Looking for a database of grants? Through a partnership with GrantStation, League members may sign up for a discounted membership to use their funding databases. Reserve through NJLM for up to 85% off! [Click here](#) for more information.

**Contact:** Taran B. Samhammer, Advertising Manager, [tsamhammer@njslom.org](mailto:tsamhammer@njslom.org), 609 695-3481 x124.

#### **e. 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)

#### **f. How to Help Disaster Survivors in Texas - Advice from FEMA**

The most effective way to support disaster survivors in their recovery is to donate money and time to trusted, reputable, voluntary or charitable organizations.

Cash donations offer voluntary agencies and faith-based organizations the most flexibility to address urgently developing needs. With cash in hand, these organizations can obtain needed resources nearer to the disaster location. This inflow of cash also pumps money back into the local economy and helps local businesses recover faster.

Please do not donate unsolicited goods such as used clothing, miscellaneous household items, medicine, or perishable foodstuffs at this time. When used personal items are donated, the helping agencies must redirect their staff away from providing direct services to survivors in order to sort, package, transport, warehouse, and distribute items that may not meet the needs of disaster survivors.

Donate through a trusted organization. At the national level, many voluntary- faith- and community-based organizations are active in disasters, and are trusted ways to donate to disaster survivors. Individuals, corporations, and volunteers, can learn more about how to help on the National Voluntary Organizations Active in Disaster (NVOAD) website.

In addition to the national members, The Texas Voluntary Organizations Active in Disaster (Texas VOAD) has a list of [vetted disaster relief organizations](#) providing services to survivors. Texas VOAD represents more than three dozen faith-based, communities, nonprofit and nongovernmental organizations.

#### **g. Patriot Day Volunteer and Service Opportunities**

September 11, 2017 is Patriot Day. Mayors can link their homepage to the website <https://www.nationalservice.gov/> and allow residents to find volunteer and service opportunities.

Sincerely,

Michael J. Darcy, CAE  
Executive Director