

August 5, 2016

Re: Weekly Policy Update

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Dear Mayor:

**I. No Progress in Trenton on TTF**

With vital local road and bridge projects still on hold, no action has been taken on a common sense solution to New Jersey's Transportation Trust Fund (TTF) crisis. Progress on the TTF is now stymied by debates on a different issue - the proposed public employee pension funding amendment.

Please contact your State Legislators and the Governor's Office, urging them to act on a TTF reauthorization that would: provide long-term, adequate, reliable funding for essential work on our vital transportation infrastructure; double funding for Local Aid, in recognition of the fact that local roads and bridges bear more than half of all traffic in our Garden State; and provide a measure of relief to our over-burdened property taxpayers.

State policy makers now face three alternatives. They can leave the next Governor and Legislature with the problem of funding needed maintenance and improvement of our transportation systems. They can borrow to meet the needs, leaving increased debt to our children and grandchildren. Or they can get together and adopt a plan that will reinvigorate the TTF, allowing New Jersey to continue to do the work that needs to be done, in order protect the interests of our residents and to attract economic development.

As reported last week (See our [July 29 letter](#).), a common sense compromise has been reached by leaders in the Senate and Assembly. This is based on the plan unveiled back in June (See our [June 13 letter](#).), by a bipartisan alliance of Legislative Leaders. Since then, the Governor has agreed on the need to increase motor fuel taxes to put the TTF back on a solid foundation, while offering his own proposal to achieve 'tax fairness'.

With each passing day, the need for investment, and the cost of stalled projects, grows. We thank all of you who have already reached out to your Legislators and the Governor on this matter.

Your efforts have made a huge difference in the final analysis. But more needs to be done. We urge you to, again, contact your Legislators, without delay.

Also, for more on the TTF please see item VI below on the launch of the League's new legislative blog and the first post, which is on the Transportation Trust Fund.

**Contact:** Jon Moran, [jmoran@njslom.org](mailto:jmoran@njslom.org) or 609-695-3481, x121; or  
Mike Cerra, [mcerra@njslom.org](mailto:mcerra@njslom.org) or 609-695-3491 x120.

## **II. GAP Ruling-State Supreme Court Sends Advocate's Request for Stay to Appellate Division, Appeal Still Pending**

Yesterday, the New Jersey Supreme Court issued an [order](#) that refused Fair Share Housing Center's (FSHC) application for an emergency stay of the Appellate Division's July 11th decision; that decision held that current affordable housing obligations do not contain a separate and discrete "gap period." For more on that Court ruling, [please click here](#). The Court transmitted this request to the Appellate Division to be decided in the ordinary course. The League opposes FSHC's request for a stay. Additionally, FSHC's motion for leave to appeal the July 11th decision still remains pending before the Supreme Court. Likewise, the League opposes this appeal.

The League also continues to pursue a legislative solution to resolve this issue and facilitate municipal compliance. Please see Item V below.

**Contact:** Ed Purcell Esq., [epurcell@njslom.org](mailto:epurcell@njslom.org) or 609-695-3481 x.137.

## **III. Governor Signs Bills of Interest**

On August 1 Governor Christie signed the following into law:

[P.L. 2016, c. 19](#), requires the DCA Commissioner to promulgate rules providing for veterans' affordable housing assistance preference. Specifically the DCA Commissioner, in consultation with the Department of Military and Veterans' Affairs, must adopt rules for any housing project financed by the New Jersey Housing and Mortgage Finance Agency, public housing authorities, redevelopment agencies, and the Department of Community Affairs, when acting as a public housing authority, to provide a housing preference for veterans, their spouses and surviving spouses who qualify for public housing assistance. The law took effect on August 1, 2016.

[P.L.2016, c. 21](#), facilitates coordination of land use planning between civilian and military interests to preserve viability of federal military installations within State. The law implements recommendations in the New Jersey Military Installation Growth and Development Task Force Report concerning land use planning in order to minimize civilian encroachment upon military installations, protect against the closure of military installations and mission loss, and encourage the development of compatible uses of land nearby military installations. The recommendations implemented include:

- Notice, including copies, to the any registered military facility commander of master plan adoption, revisions or amendments;
- Master Plan should include existing and proposed location of military facilities and incorporate strategies to minimize undue encroachment upon, and conflicts with, military facilities, including but not limited to: limiting heights of buildings and structures nearby flight paths or sight lines of aircraft; buffering residential areas from noise associated with a military facility; and allowing for the potential expansion of military facilities;
- Requires the Military and Defense Economic Ombudsman in the Department of State to encourage military installation commanders and representatives of counties, municipalities, and of State and regional entities to maintain open lines of communication and to engage in long-term, strategic planning, including but not limited to Joint Land Use Studies, and to facilitate joint planning efforts; and
- Directs the Military and Defense Economic Ombudsman to develop and maintain relationships with commanders of military installations located within the State and with the Office of Economic Adjustment in the Department of Defense for the purpose of reducing potential land use conflicts between military installations, the State, and regional, county and local planning units.

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

#### **IV. Division Issues Guidance on Health Benefit Waiver Payments**

On August 2 the Division of Local Government Services issued [Local Finance Notice 2016-10](#) providing guidance on the Health Benefit Waiver Payments. The Division issued the notice as a reminder of existing law on payments made to employees who elect to waive locally provided health benefits. The notice highlighted that health benefit payments are statutorily prohibited from being subject to the collective bargaining process; that the amount of the waiver, as long as it does not exceed the statutory maximum, is subject to the sole discretion of the municipality; and when calculating the employee's waiver payment the local unit must deduct the employee's healthcare contribution obligation from the total premium cost. The Division is strongly recommending that the governing body authorizing payments for waiving health benefits annually review, and have a thorough discussion about, their policy, its impact on the municipality's budget and whether such payments remain fiscally prudent.

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

#### **V. Legislative Alert: Affordable Housing "Gap" Period**

We again call your attention to Senate bill [S-2254](#) and Assembly Bill [A-3821](#). This legislation would affirm the Appellate Divisions recent holding that there is no separate and discrete affordable housing obligation resulting from the Council on Affordable Housing's 16 years of inaction. The League supports this important legislation, which will facilitate municipal compliance and result in the production of affordable housing. Please [click here](#) for the League's Dear Mayor Advisory of May 26, which summarizes the legislation and provides links to a sample resolution.

**Contact:** Mike Cerra, [mcerra@njslom.org](mailto:mcerra@njslom.org) or 609-695-3481, x120.

## **VI. League Launches Legislative Blog, “The Town Crier”**

The League will be unveiling some new tools and initiatives for our advocacy effort in the upcoming days and weeks. The first, a blog focused on legislative and regulatory issues, was rolled out this past week. [Please click here](#) for the blog and to see the first post on the urgent need to reauthorize the Transportation Trust Fund (TTF.) Please subscribe to the blog to get notification when new postings are made.

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

## **VII. Apply for the 2016 Governor’s Environmental Excellence Awards**

This is New Jersey’s premier awards program for recognizing outstanding environmental performance, programs and projects throughout the state. These awards recognize significant contributions to environmental protection in New Jersey.

Nominations can be submitted for nine different categories. Full details are at [www.nj.gov/dep/eeawards](http://www.nj.gov/dep/eeawards). The submission deadline is September 28.

The Governor’s Environmental Excellence Awards Program is sponsored by the New Jersey Department of Environmental Protection, the New Jersey Environmental Infrastructure Trust and the New Jersey Corporation for Advanced Technology, in partnership with the New Jersey State League of Municipalities.

Questions about the awards program can be forwarded to NJDEP employee Tanya Oznowich by calling (609) 984-9802 or emailing [Tanya.Oznowich@dep.nj.gov](mailto:Tanya.Oznowich@dep.nj.gov).

**Contact:** Michael J. Darcy, CAE, Executive Director, [mdarcy@njslom.com](mailto:mdarcy@njslom.com) or, 609-695-3481, x116.

## **VIII. Pre-Registration for 101st NJLM Conference Opened August 1**

Pre-registration for the NJLM Conference opened on Monday, August 1, by paper and online formats. The form and online registration link are located on our website, <http://www.njslom.org>. Click on the tab “Conference,” select “Conference 2016” and click on the “Register Now” button to access your municipal pre-registration form or non-municipal registration form.

**REMINDER:** Pre-registration ends October 1, 2016. After October 1, 2016, all new registrations must be completed onsite.

**Contact:** Marie Johnson, [mjohnson@njslom.org](mailto:mjohnson@njslom.org), 609-695-3481 x113; or Johniffer Harris, [jharris@njslom.org](mailto:jharris@njslom.org), 609-695-3481, x119.

## **IX. First Responder Interoperable Communications**

We are sharing a request from the Department of Homeland Security and Preparedness for your municipality to participate in a survey related to the Nationwide Public Safety Broadband Network (NPSBN). Please remind your Fire Chief and Police Chief or Public Safety Director to complete the survey they received, so that your municipal needs are included in planning the next generation public safety communications network.

If there are any problems with the survey, or if your public safety officials have any questions, please contact Scott Kloss from the JerseyNet Team by email at: [Scott.Kloss@northhighland.com](mailto:Scott.Kloss@northhighland.com) or by telephone at (609) 588-2463.

You are invited to please visit <http://jerseynet.state.nj.us/sligp/> for more information on the project. They request your officials respond to the survey within 30 days. Survey URL: <https://www.surveymonkey.com/r/NJSLIGP>

**Contact:** Michael J. Darcy, CAE, Executive Director, [mdarcy@njslom.com](mailto:mdarcy@njslom.com) or, 609-695-3481, x116.

Very truly yours,

Michael F. Cerra  
Assistant Executive Director