

November 4, 2016

RE: WEEKLY UPDATE

- I. Policy Issues: Legislation and Regulations
- II. 101st Annual Conference Reminders III. Also of Interest

Dear Mayor:

I. Policy Issues: Legislation and Regulations

a. Public Question 2 will Constitutionally Dedicate Transportation Funding

As you know, on Friday October 14 the Governor signed PL 2016, c. 56 and PL 2016, c. 57, bills which reauthorized the Transportation Trust Fund (TTF). The League long sought the reauthorization of the TTF as well as the doubling of the portion of the TTF that goes to counties and municipalities, which is part of the new law. On Election Day, New Jersey voters will cast their ballots on Public Question 2, the “New Jersey Dedication of All Gas Tax Revenues to Transportation Amendment,” regarding the funding of transportation projects.

Passage of the question would amend Article VIII, Section 11 of the New Jersey State Constitution to dedicate all revenues generated by the gas tax for transportation projects. Essentially, the proposed constitutional amendments would lockbox gas tax revenues for transportation projects and not subject them to the annual budget process. In other words, if the proposed constitutional amendment were to fail, future State budgets could reallocate gas tax revenues for other purposes, which would likely reduce the local portion. Passage of Public Question 2 would secure all gas tax revenues for the TTF.

For more information [please click here for our Town Crier post November 3](#) and [here for our post of October 3 for background on both public questions on the ballot.](#)

Contact: Michael Cerra, Assistant Executive Director, mcerra@njslom.org, 609-695-3481 x120.

b. Comment Period for DEP Public Access Rules Closes Tomorrow

As a reminder, public comments for the Department of Environmental Protection’s (DEP) new public access rules are due by November 5th. An overview of these rules and instructions to file comments can be found [here](#).

By way of background, these rules deal with issues of public access to New Jersey waterways and beaches and were proposed pursuant to P.L. 2015, c. 260. That legislation itself was a response to an Appellate Division decision that invalidated the DEP’s 2012 public access rules. *Hackensack Riverkeeper v. New Jersey DEP*, 443 N.J. Super. 293 (App. Div.

2015). Importantly, these new rules purport to make the adoption of municipal public access plans (MPAPs) by local government entirely voluntary.

While the League appreciates the rule proposal's stated objectives we are, nevertheless, concerned that other DEP program and permit requirements create a de facto mandate on local government to adopt MPAPs. A copy of the League's comments can be found [here](#). Contact: Edward Purcell, Esq, Staff Attorney, epurcell@njslom.org. 609-695-3481 x137.

c. State Granted Amicus in affordable housing "gap" Case before State Supreme Court

Last week we reported to you that the State Attorney General's office filed a motion seeking to participate as amicus curiae in the pending appeal of the unanimous Appellate Division July 11 ruling that there is no basis for the imposition of a new "gap" obligation on municipalities. In *Re the Declaratory Judgment Actions filed By Various Municipalities, County of Ocean, Pursuant to the Supreme Court's Decision in In Re Adoption Of N.J.A.C. 5:96, 221 N.J. 1 (2015), Docket No. 077565 (N.J. App. Div. 2016).*

This week we were pleased to learn that the State's motion was granted.

This "gap issue" arises out of COAH's inability to promulgate third round regulations from 1999 to the present or make any final determination as to state and regional housing need, as well as constant litigation by certain groups. The effect of this new obligation on municipalities would have likely resulted in arbitrary determinations and inflated local, regional and statewide need to numbers that municipalities could not realistically meet.

In its brief, the State concurs with the July 11 ruling and that of the position of the involved municipalities and the League. [Please click here to read the State's brief.](#)

For more on this important Appellate Division ruling, [please see the League's July 11 letter.](#)

In the meanwhile we again call your attention to Senate bill [S-2254](#) and Assembly Bill [A-3821](#).

This legislation would affirm the above referenced 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. If you have not done so already, we would urge you consider adoption of the sample resolution in support of this important legislation.

[Please click here for a revised and updated version of the draft resolution.](#)

Contact: Michael Cerra, Assistant Executive Director, 609-695-3481 x120, mcerra@njslom.org,
Edward Purcell, Esq, Staff Attorney, 609-695-3481 x137, epurcell@njslom.org.

d. Atlantic City 5-year Program Update

Last week we reported to you that Atlantic City Mayor Don Guardian and Council President Marty Small presented the City's 5-year recovery plan to avoid further State intervention before the Assembly Judiciary Committee. The presentation included a detailed briefing by the City's respected consultants on economics, structural challenges, revenues, legacy liabilities and much more. For an informational update, please [Click Here](#).

The same plan was presented to the Department of Community Affairs (DCA) earlier. The DCA rejected the initial plan on Tuesday. [Please click here for the DCA's full report](#). Please click here for the Executive Summary.

http://www.nj.gov/dca/news/pdf/atlantic_city_recovery_2016_conclusion.pdf

Since the City submitted its plan early, it will resubmit its plan to address concerns raised by the DCA and to address what the City representatives call errors in the DCA report.

Contact: Michael Cerra, Assistant Executive Director, mcerra@njslom.org, 609-695-3481 x120.

e. Bill to Require Annual Compilation of Unfunded Mandates Advances

Bill [A-1034](#), sponsored by Assemblyman Webber, was reported out of the Assembly Appropriations Committee last week. The bill would require that the commissioner of the Department of Community Affairs compile and annually update a list of all unfunded state and federal mandates on local government.

The League supports this legislation. While other state departments, beyond the Department of Community Affairs, may impose mandates on local government—this review is a welcome start.

Please contact your legislator and ask them to support A-1034.

Contact: Edward Purcell, Esq, Staff Attorney, epurcell@njslom.org. 609-695-3481 x137.

f. Advocacy Tools for Local Officials

[As Mentioned in our August 19 Friday recap letter](#) the League is rolling out some new tools and initiatives for our advocacy efforts. Please [click here](#) for more on our VoterVoice service.

We would suggest registering with that service to assist the League in future legislative efforts. And please [click here](#) to read the League's new legislative blog, "The Town Crier."

Contact: Mike Cerra, Assistant Executive Director, mcerra@njslom.org, 609-695-3481 x120.

II. 101st Annual Conference Reminders, November 15-17

a. We've got an App for that: Smartphone App Available for 101st Conference

You can download the new official conference app. Access a fully searchable session schedule, interactive map of the exhibit floor, a thorough listing of exhibitors, and up-to-date event information. Don't miss important sessions, speakers or exhibits – create a personalized schedule before you arrive at the Convention Center to maximize your experience! See: www.njslom.org/2016conf/app.

b. Order your Meal Function Tickets Now, for the Annual League Conference.

For order forms go to: <http://nj-njslom.civicplus.com/336/2016-Conference>

Mayor's Box Luncheon

Wednesday, November 16 at Noon

Including the presentation of Mayors Hall of Fame and Innovation in Governance Awards

Guest Speakers include:

Honorable Charles A. Richman, Commissioner, State Department of Community Affairs; and, Honorable Bob Martin (Invited), Commissioner, State Department of Environmental Protection.

Women in Municipal Government Breakfast Thursday,
November 17 at 8 a.m.

Presentation of the Thirteenth Annual Women in Government Award

Honorees include:

Barbara George Johnson, Executive Director for the John S. Watson Institute for Public Policy, Thomas Edison State University; and the Mayors Wellness Campaign.

League Delegates Luncheon

Thursday, November 17 at Noon

Keynote: Lt. Governor Kim Guadagno

Public Sector Career Recognition Award Recipient

Chuck Richman, Commissioner
Department of Community Affairs

Distinguished Public Service Award Recipient

Arthur Ondish, Mayor, Mt. Arlington

Past President, New Jersey League of Municipalities Past
President, NJLM Educational Foundation

c. NJLM 2016 Conference CEU List Has Been Updated

The Annual Conference CEU list has been updated. You can view this list by clicking the following link: <http://nj-njslom.civicplus.com/339/Continuing-Education-Unit-CEU-Tracking-S> . The list is not yet final so continue to check the page for updates.

For a complete list of Conference CEU's that includes sessions offered by our Affiliate groups and is searchable by CEU type, download our new conference mobile app. For more information on the app and how to download it click here: <http://www.njslom.org/2016conf/app/> **Contact:** Danielle Holland, Seminar Manager, dholland@njslom.org, or 609-695-3481 x118.

d. Rethinking Pension Governance: PFRS' Labor Management Model" Conference Session

On Tuesday at the Atlantic City Convention Center, November 15 at 3:45 pm in Room 417 there will be a panel discussion on "Rethinking Pension Governance: PFRS' Labor Management Model". Recognizing that pension reform concepts are never going away, the State's PBA and FMBA have analyzed the best practices in funding and managing police and fire pension systems across the country. They are now prepared to developed legislation that will fundamentally change how PFRS fund is managed. State PBA President Patrick Colligan and State FMBA President Ed Donnelly, along with PBA Government Affairs Director Rob Nixon, will discuss their joint proposal.

Contact: Lori Buckelew, Sr. Legislative Analyst, lbuckelew@njslom.org , 609-695-3481 x112.

e. Mayors Hall of Fame Reminder

Once again, the New Jersey State League of Municipalities Executive Board wants to pay tribute to mayors who have served at least 10 years as mayor. During the Mayors Box Luncheon at the Annual League Conference in November, we will induct nominees to the Mayors Hall of Fame. See details on the nomination process here <http://nj-njslom.civicplus.com/246/Mayors-Elected-Officials-Hall-of-Fame>.

f. Innovation of Government Awards Update

The New Jersey Department of Community Affairs and the New Jersey League of Municipalities continue to recognize Innovation in Governance through their annual awards program. The awards are presented as part of the Mayors Lunch and Executive Briefing Wednesday November 16th during the League of Municipalities Annual Conference in Atlantic City.

This award program was established to highlight exemplary local government programs that provide innovative and practical approaches to solving municipal problems and concerns. At the

same time, we share these innovative approaches with municipal leaders throughout the state at the Annual New Jersey League of Municipalities Conference, and through the National League of Cities “Best Practices” database.

The 2016 judges were: League Past Presidents Paul Maticera and Plainsboro Mayor Peter Cantu; Division of Local Government Services Director Timothy Cunningham; and League of Municipalities Executive Director Michael Darcy.

The program invited applications describing any type of innovation undertaken by municipalities in the past 18 months. And the participants responded with a range of submissions that underscore the variety of challenges municipalities solve.

The 2016 Honorees are:

From the City of East Orange: [9-Step Approach to VAP](#) From the Borough of Highland Park: [HP Gives a Hoot Initiative](#)

The 2016 Honorable Mentions are:

From the City of Somers Point – Live in Somers Point Marketing Campaign to Attract Homeowners

From the City of Summit: Summit re: Vision–Master Plan Re-Examination Program AND Shark Diddy TV and Lifejacket Awareness Campaign to Promote Pool Safety Awareness

From Williamstown/Monroe Township (Gloucester): Brand and Logo Development and Website to Promote Williamstown

See the full details by [clicking here](#).

III. Also of Interest

a. Open Enrollment for ACA Plans

Open enrollment under the Affordable Care Act begins November 1 and lasts until January 31, 2017. For coverage to begin on the first of the year, enrollment must be done by December 15. Now is the time to compare healthcare plans. You and your residents can learn more about the Health Insurance Marketplace and how to apply for benefits at www.healthcare.gov.

Very truly yours,

Michael F. Cerra
Assistant Executive Director