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## August 10, 2018

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### I. State Issues

#### a. Report of NJ Economic & Fiscal Policy Workgroup Issued

On Thursday, the Legislative Economic and Fiscal Policy Workgroup issued its [report](#). When created by Senate President Sweeney the workgroup was charged with a “broad mission to identify ways to address soaring pension and benefit costs, hold down property taxes, make state and local government and school districts more efficient, assess the equity and efficiency of our state and local tax structure, leverage the value of state assets, and mitigate the negative impact of the federal tax law that targeted high-cost states.” The recommendations of the workgroup were divided into five categories: Pension and Benefit Reforms; Education Reform at the Administrative Level; County & Municipal Government Reform and Shared Services; State and Local Government Tax Structure; and Leveraging Assets to Stabilize the Pension System.

Despite earlier press reports to the contrary, the report does **NOT** recommend mandating the consolidation of any municipalities. For more on this, please see the League’s alert from early today at: <https://www.njslom.org/Archive.aspx?ADID=743>.

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

#### b. Court Issues Ruling Ensuring Local Concerns Are Addressed When State Develops its Own Property

On Monday, the NJ Supreme Court issued an opinion that limits the immunity from local zoning laws and regulations enjoyed by State agencies. The [Montclair State University v.](#)

[County of Passaic](#), decision helps to ensure that municipal concerns are better considered when a State agency seeks to develop its own property.

Historically, State agencies such as State colleges, were given qualified immunity from municipal land use regulations. To be entitled to this immunity, however, the Court has previously ruled that the agency must first demonstrate that a planned action is reasonable, and that the agency reasonably consulted with local authorities and took into consideration legitimate local concerns, but did not require that local concerns actually be addressed.

The Montclair decision now adds an additional requirement. The Court now requires that, “where a facially legitimate public safety concern is raised about an immune entity’s planned improvement to lands, which would have a direct impact on non-state-owned property,” the state entity must show that its planning has addressed the safety concern. The ruling does not require a State entity to get local planning board approval for development, but it does provide a mechanism to ensure local safety concerns are addressed.

You should review this ruling with your municipal attorney for more information on how the ruling will impact your municipality.

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

### **c. State Supreme Court Upholds Legislative Override of “Job Banding” Rules**

This week, the NJ Supreme Court upheld the state Legislature’s use of the Legislative Review Act to invalidate rules promulgated by the Civil Service Commission, under the Christie administration. In [Communications Workers of America, AFL-CIO v. NJ Civil Service Commission](#), the Court was tasked with determining whether or not the Legislature followed the procedures necessary to effectuate their authority to invalidate administrative rules.

The administrative rules in question would have changed how public employees are promoted, at both the State and local level. The Civil Service Commission’s proposed rules sought to group together similar job titles into, “job bands” and would allow employers to promote employees within the same job band without requiring competitive examinations. The Legislature saw the rule change as being contrary to the State’s Civil Service Law and sought to invalidate it using authority vested in them through the Constitution and outlined within the Legislative Review Act.

Questions were raised, however, concerning the accuracy of the procedures used by the Legislature to invalidate the Commission’s rules. In the end, the Court ruled that the Legislature followed necessary procedures and properly exercised their authority under the Review Act, thus invalidating the “job banding” rules.

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## II. Federal Issues

### a. USDA Seeking Comment on Broadband Pilot Program

Last week, the [U.S. Department of Agriculture announced](#) it would be seeking comment on rules and requirements for its planned \$600 million rural broadband pilot program. The program will include loans and/or grants for projects in areas with a population of 20,000 residents or less. County and municipal governments are eligible for funds. Specifically, the USDA is seeking feedback on the following:

- Ways of evaluating a rural household's "sufficient access" to broadband e-Connectivity at speeds of 10 Mbps downstream and 1 Mbps upstream, and how broadband service affordability should be factored in.
- Best options to verify speeds of broadband service provided to rural households.
- Best leading indicators of potential project benefits for rural industries such as agriculture, manufacturing, e-commerce, transportation, health care and education, using readily available public data.

Our national affiliate, The National League of Cities, plans to submit comments which we will review and possibly sign on to. If you have a comment you wish to be addressed please feel free to share this with us, or you can [submit your own comment](#) on behalf of your municipality.

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## III. League Conference

### a. Unauthorized Hotel Reservation Services

Every year there are unauthorized firms soliciting housing and hotel reservations from attendees at the 103<sup>rd</sup> Annual League Conference. We assure you that the only firm authorized to handle our conference housing reservations is AC Central Reservations. This information is on the top of the official conference housing form sent to all municipal clerks and posted on our [website](#).

Using unauthorized reservation services creates real problems for you and the conference as a whole. You cannot be assured your credit card information is secure and your room reservation may not actually be made. Using unauthorized services means your room will not be part of the official conference housing block so you won't get emergency housing information (which happened in both 2011 and 2012) nor will there be adequate shuttle bus services to your hotel.

As always, the League is available to answer your questions on any aspect of the annual conference and we strive to make your participation both enjoyable and highly productive.

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

## **b. Exhibits at the Annual Conference**

Do you know a vendor that would be a good fit for the Annual Conference? If so, ask them about being an exhibitor or have them contact Kristin Lawrence, Exhibit Manager at 609-695-3481 x125 or [klawrence@njslom.org](mailto:klawrence@njslom.org). Information is also available on [njslom.org/exhibit](http://njslom.org/exhibit).

## **IV. Also of Interest**

### **a. The League is Now Accepting Applications for the Innovation in Governance Program!**

The New Jersey Department of Community Affairs (DCA) 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.

Visit our awards page to see previous years of impressive ideas created by our winning municipalities as well as the full invitation and application to this year's program by clicking [here](#).

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

### **b. Attorney General 21/21 Community Policing Project**

The Attorney General has [asked the 21 County Prosecutors](#) to organize quarterly public events to discuss issues relevant to community policing in the 21st century (the "21/21 Community Policing Project"). The goal of the project is to strengthen relationships between law enforcement officers and the communities they serve – and to address areas of concern before conflicts arise. Starting in spring 2018, each of the County Prosecutors will be responsible for organizing one meeting each on the following topics:

- **Spring 2018** (Apr-Jun) – Investigations of Officer-Involved Shootings
- **Summer 2018** (Jun-Aug) – Opioids
- **Fall 2018** (Sep-Nov) – Immigration Enforcement
- **Winter 2018-19** (Dec-Feb) – Bias Crimes

The events will include presentations and/or discussions on the quarterly topic. For a listing of scheduled public events contact [your county prosecutor](#) or visit the [21/21 Community Policing Project site](#).

### **c. Application for 2018 Governor's Environmental Excellence Awards Available**

The New Jersey Department of Environmental Protection (DEP) is accepting applications

for the 2018 Governor's Environmental Excellence Awards (GEEA). The Governor's Environmental Excellence Awards Program is New Jersey's premier awards program for recognizing outstanding environmental performance, programs and projects throughout the state. These awards recognize individuals, businesses, institutions, communities, organizations, educators, youth and others who have made significant contributions to environmental protection in New Jersey. Since the awards program was established in 2000, 170 winners have been recognized. Nominations can be submitted for seven different categories. In addition, the category for "Environmental Education" has been divided into two awards: one for adult-led educational initiatives and one for projects that are student-led or have succeeded due to a high level of student involvement.

The GEEA 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. Award winners will be honored at a ceremony in December, to be held in Trenton. The 2018 application and other awards information is available at <https://www.nj.gov/dep/awards/> . Completed applications must be received at DEP by October 5.

**Questions – Contact** Tanya Oznovich at DEP, 609-984-9802 or [Tanya.Oznovich@dep.nj.gov](mailto:Tanya.Oznovich@dep.nj.gov)

#### **d. Brownfield Marketing Assistance**

The NJ State Office for Planning Advocacy (OPA) would like to assist municipalities and counties by marketing brownfields for redevelopment and to bring them back to the Tax Roll. OPA is responsible for the Brownfields Redevelopment Task Force that created SiteMart, [www.njbrownfieldsproperties.com](http://www.njbrownfieldsproperties.com), which is an online searchable database for brownfield properties in New Jersey. The [SiteMart](#) database can help market the inventory of brownfields to prospective developers.

By working with OPA you can help implement Smart Growth strategies by cleaning up and creating infill redevelopment which turns underutilized properties into viable assets for both the community and property owner. Infill also helps prevent sprawl by building upon land with existing infrastructure.

OPA is asking municipalities and property owners to access the [SiteMart](#) database and provide us with updated information on properties in your community so that it can be more useful to all parties. New brownfield properties should also be added to the [SiteMart](#) database.

Start by searching [SiteMart](#) so that you can better understand the resource available and then contact Barry Ableman at [Barry.Ableman@sos.nj.gov](mailto:Barry.Ableman@sos.nj.gov) or Colleen McGurk at [colleen.mcgurk@sos.nj.gov](mailto:colleen.mcgurk@sos.nj.gov) to discuss how we will update the information. Any questions please call Barry Ableman at 609-292-3228.





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