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April 12, 2019

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Municipal Clerks: Please forward to Mayor, Governing Body and Department Heads.

I. State Issues

a. Cannabis Legalization Update

We cannot tell you if or when the legislation to legalize recreational, adult use of marijuana may be scheduled again. On March 25, the State Legislature did not act on [A4497/S2703](#), which would legalize adult use of recreational cannabis. The measure did not have the needed 21 votes to pass in the State Senate. There are continued lobbying efforts to get to a majority in the State Senate, but the outcome remains uncertain. We can tell you that this legislation must originate in the Assembly (i.e., the Assembly must vote on it first) and that New Jersey General Assembly is next scheduled to convene a voting session on May 23. The State Senate is scheduled to reconvene for a voting session on May 30.

What we can also tell you is our analysis and commentary on the legislation as it currently stands. Through this long process, the League, while not taking a position on the issue of legalization itself, has championed measures to facilitate municipal implementation of legalization, if it were to become a reality. The League pointed out the inadequacy of the initial local tax structure, advocated for strong home rule and planning protections in the Legislation, and worked closely with the New Jersey Urban Mayors Association and Conference of Mayors to assure that the bill adequately addressed expungement and restorative justice.

This delay does offer local officials a fresh chance to review the current proposal to assess what their local course of action will be, if legalization becomes a reality.

Thus, we call your attention to our blog postings, which break down areas of the

legislation of particular interest to municipalities.

For a breakdown of the local option tax for the various proposed licenses, please see the [League's March 20 post, Breaking Down the Cannabis Legislations—Local Cannabis Tax](#).

For information on local zoning controls and regulatory controls, please see the [League's post, Breaking Down the Cannabis Legislation, Part 2—Local Regulation](#).

And for information on the expungements provision in the legislation, please see, [Breaking Down the Cannabis Legislation, Part 3—Expungement](#).

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

b. Action Needed to Prevent Bill Limiting Local Control from Becoming Law

On March 25, State legislators voted to approve [S-1074/A-4221](#), which would provide protections for the public's right to access waterways under the public trust doctrine. While the League is supportive of public beach access, we opposed S-1074/A-4221 because it would give the Department of Environmental Protection (DEP) a tremendous amount of authority over local planning. If signed by the Governor, the bill would allow the DEP to determine, based on statewide criteria rather than local factors, how much and what kind of beach access is necessary.

Requiring beach access would not simply mean a walkway from a road. It could mean the installation of public restrooms or the building of parking facilities. Under the bill, the DEP would be required to withhold certain permits, including among others, those required before municipalities can undertake beach replenishment projects and condition their issuance on the permit seeker providing at their own cost public beach access.

The League believes that this is a heavy-handed approach to beach access that fails to take into consideration unique local characteristics and, instead, replaces it with an unworkable, one size fits all approach. In addition, the bill does not consider the potential increased expense and liability that would be forced upon municipalities who are responsible for the maintenance and safety of local beaches and waterways.

Last week we asked our members to reach out to the [Governor's office](#) and urge him not to sign the bill until municipal concerns are addressed. Many of you have responded by passing resolutions opposing this heavy-handed legislation, but the voice of those municipalities are still needed. If your municipality has not done so already, we ask that you please review S-1074/A-4221 to assess the impact it could have on your community and take action to oppose this legislation.

Contact: Frank Marshall, Esq., League Staff Attorney, fmarshall@njlm.org, 609-695-3481 x 137.

c. State Treasury Releases Figures Showing Increase in Tax Collection

[Figures](#) released yesterday by the State Treasury show that gross income tax revenues rose nearly 21% in March, year over year. These figures also show that the corporate business tax ("CBT") is up 101% so far this fiscal year, well above the revised growth rate

of 60%. And, according to a statement by Treasury, CBT revenues are expected to continue to grow significantly in Fiscal Year 2019.

CBT revenue is particularly important for municipalities as a portion of the collections are dedicated to open space and historic preservation. Local governments receive this funding through programs such as Green Acres and Farmland Preservation.

Contact: Jon Moran, Senior Legislative Analyst, jmoran@njlm.org, 609-695-3481, x121.

d. Recap of the April PFRS Board Meeting

As the [newly created](#) Police and Fire Retirement System (PFRS) Board continues to establish itself, the League attends its public meetings to keep you informed about the Board's progress and decisions. At the April 8 [meeting](#), the board received training on the Open Public Meetings Act and Open Public Records Act provided by the Department of Treasury.

Initially the agenda listed "presentation and selection of independent legal counsel." The item was pulled from the agenda due to some concerns about process and the role of the Attorney General. Instead Chairman Donnelly read prepared remarks and noted that the next couple of months the board will be forming the governance of the PFRS system.

Chairman Donnelley proceeded to discuss the interaction between the board and the Department of Treasury and Attorney General's Office and the "roadblocks" he has encountered. As a result, Chairman Donnelly gave the Attorney General's Office one week to provide in writing the requested information to the board, including a review of the state procurement law required for professional services; complete review of the job hiring and posting requirements; an opinion on why the Attorney General believes that they will no longer be able to provide legal counsel to the board if it hires outside special counsel; and an opinion on why the Attorney General believes that the board does not have the authority to adopt rules.

The next meeting of the board is scheduled for May 13.

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

II. League Conference Follow Up

a. Do Not Forget to Claim Your CEUs from the 2018 NJLM Annual Conference!

Attention Municipal Officials! Do Not Forget to Claim Your CEUs from the 2018 NJLM Annual Conference! Please go to [our website](#) to claim your credits by May 1.

III. Also of Interest

a. Mayors Roundtable Events on Cannabis and Affordable Housing –

Elected and Professionals Too!

The League is proud to present a Mayors' Roundtable discussion on the topics of Affordable Housing and Cannabis. These topics will be the focus of moderated discussions involving your questions, presentations by helpful experts, and status review of legislation. The topics will be the same at each of the three dates and locations. The moderated discussions and presentations will focus on your concerns. The moderated discussions and presentations will focus on your concerns so send us your specific questions in advance to Danielle Holland-Htut, Continuing Education/ Special Programs Manager, dholland@njlm.org with the subject line "Mayors' Roundtable Question"

- **Cannabis:** The League has not taken a position on legalization but has done significant research on municipal experiences in other states. See what other states' facilities look like and learn how other communities have been impacted by this new industry. Get your questions answered and take important information back to your residents and governing body. Gain an understanding of how other municipalities are planning to address this new industry and how the State plans to regulate it.
- **Affordable Housing:** No two communities' solutions to housing needs are the same. Learn from the variety of approaches that have been implemented. Understand the current situation in various parts of the state and learn where legislative efforts may be focused.

The events will run 9:00 a.m.-12:00 noon.

For information on these events and to register, click on each of the dates below:

[Saturday, April 13, 2019, Hilton Hotel, 2 Meadowlands Plaza, East Rutherford, NJ 07073](#)

[Tuesday, April 16, 2019, Hotel ML, 915 Route 73, Mount Laurel, NJ 08054](#)

[Monday, April 29, 2019, Princeton Marriott at Forrestal, 100 College Road East, Princeton, NJ 08540](#)

b. Let your Vendors know about *NJ Municipalities Magazine!*

Do you work with vendors that you would recommend to other municipalities? Let these vendors know about the League's magazine, *NJ Municipalities*; placing advertisements in the magazine helps to increase the reach of their marketing message and supports the League as an organization in the process.

Contact: Taran Samhammer at tsamhammer@njlm.org with your vendor's mailing address and we will send them a sample issue!

c. League Publications: Read All About It

The League offers a wide variety of publications to provide extra insights on the hot topics in local government, from Newly Elected guidebooks to the latest editions on OPMA, License Fees, Salaries, and Local Public Contracts. For more information on the full publication list or to order volumes for your reference, see the [Publication Order Form](#).



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