

September 9, 2016

Re: Weekly Policy Update

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Dear Mayor:

### **I. NJ Supreme Court to Hear Appeal of “GAP” Affordable Housing Ruling**

Yesterday, we learned that the New Jersey Supreme Court will hear the appeal sought by the Fair Share Housing Center of the July 11 Appellate Division “gap” decision. [Please click here for more on that ruling.](#)

Although the League opposed the request to appeal the Appellate Division’s ruling on the GAP period, the Court’s decision to hear the appeal is not surprising. We welcome the opportunity to defend the Appellate Division ruling, which correctly followed the Fair Housing Act and resisted efforts to persuade the Court to rewrite the Fair Housing Act.

It bears emphasis that the Court decided to hear the appeal for practical reasons, not because it had made any determination of the merits of the challenge to the Appellate Division’s decision. Consequently, in its order, the Court states that it will hear the appeal and stay the ruling:

*“...in the interest of judicial economy and efficiency based on the large number of actions involved. The Court makes no findings as to the reasonable probability of success on the merits, irreparable harm, or the relative hardship to the parties...”*

[Please click here](#) for a copy of the order; the Court will hear the appeal either on November 29 or 30.

**Contacts:** Ed Purcell, Esq., Staff Attorney, [epurcell@njslom.org](mailto:epurcell@njslom.org), 609 695-3481 x137; or Mike Cerra, Assistant Executive Director, [mcerra@njslom.org](mailto:mcerra@njslom.org), 609-695-3481 x120.

## **II. Assembly Telecommunications Committee Approves Bill that Removes Municipal Control over the Right Of Way**

Bill [A-641](#) was approved by the Assembly Telecommunications and Utilities Committee on Thursday, September 8. A-641 would allow broadband telecommunications service providers to use poles belonging to public utilities and CATV companies in certain instances. Essentially, this legislation would allow telecommunications infrastructure to be placed in the right of way without municipal consent.

The League respects the great strides that telecommunications companies have made in broadband infrastructure. To promote these new technologies the federal Telecommunications Act places restrictions on municipalities' ability to regulate telecommunications infrastructure. Thus, there are tools available to broadband developers if they feel they are being unfairly treated. We believe A-641 goes too far by denying public input, compensation for the use of its rights of way and by totally limiting local discretion. Please contact your Assembly representatives and ask them to oppose A-641.

**Please contact your Assembly Representatives and urge them to vote no on A-641.**

**Contact:** Ed Purcell, Esq., Staff Attorney, [epurcell@njslom.org](mailto:epurcell@njslom.org), 609 695-3481 x137

## **III. Bill Requiring Registered Apprenticeship Programs for Prevailing Wage Projects**

Yesterday the Senate Labor Committee released [S-2173](#), which requires that, for every contract subject to prevailing wage, the contractor and subcontractor must have a Registered Apprenticeship Program or certify that their workers are not paid less than the journey worker rate. A Registered Apprenticeship Program is an apprenticeship program which is registered with and approved by the United States Department of Labor and which provides each trainee with combined classroom and on-the-job training under the direct and close supervision of a highly skilled worker in an occupation recognized as an apprenticeable trade and meets the program performance standards of enrollment and graduation under 29 C.F.R. Part 29, section 29.6.

While the League values apprenticeships as a mechanism to provide skill training and prepare workers for their trade, we **oppose** S-2173. Currently, any public works project over \$15,444 for municipalities and \$2,000 for all other government entities is subject to the Prevailing Wage laws. The difference in wages can be significant and add up quickly. For example the prevailing wage for a carpenter, based out of Mercer County, as Journeyman is \$45.94 (wage only) while an apprentice wage is 40% of the Journeyman's wage.

We are extremely concerned that mandating a registered apprenticeship program or higher salary wage for contractors and subcontracts subject to the prevailing wage will limit the number of potential bidders for prevailing wage projects and increase the cost for public works projects.

S-2173 now awaits consideration by the full Senate and the Assembly companion, A-2863, awaits consideration by the full Assembly. Please contact your legislative representatives and urge them to vote no on S-2173/A-2863.

**Contact:** Lori Buckelew, Sr. Legislative Analyst, [lbuckelew@njslom.org](mailto:lbuckelew@njslom.org), 609-695-3481 x. 112.

#### **IV. Governor Ends Tax Agreement with Pennsylvania**

The Governor recently announced that he is ending the tax reciprocity agreement between New Jersey and Pennsylvania. This agreement, in place since 1977, allowed workers to pay income to their state of residence. Estimates are that this will generate \$180 million in revenues for the State. The Governor did state, however, that may reconsider if action is taken to realize anticipated savings of \$250 million in public workers' health benefits, per the State Budget FY 2017.

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

#### **V. 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. We anticipate launching our first legislative campaign shortly.

And please [click here](#) to read the League's new legislative blog, "The Town Crier."

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

#### **VI. Apply for the 2016 Governor's Environmental Excellence Awards**

Applications are being accepted for 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 Oznovich by calling (609) 984-9802 or emailing [Tanya.Oznovich@dep.nj.gov](mailto:Tanya.Oznovich@dep.nj.gov).

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

## **VII. 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 links are located on our website, [www.njslom.org](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 in Atlantic City.**

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## **VIII. New for 2016 – The League is going mobile!**

**Starting October 5th** 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! Download day is October 5 at [www.njslom.org/2016conf/app](http://www.njslom.org/2016conf/app)

## **IX. September Grant Page Posted**

A new featured article has been posted in the League's Grant Resource Center. This month's article is titled: *Changes to New Jersey's Energy Resilience Bank in 2016 and its Impact on NJ Municipalities*. New featured grant opportunities have also been listed. To read this month's featured article, visit the League's [Grant Resource Center](#).

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

## **X. Innovation in Government Award Nominations Sought**

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. It gives you the chance to congratulate your public professionals and employees for a job well done. And it can help to demonstrate to your constituents the appreciation that other local officials, throughout New Jersey, have for your creativity and leadership. See how to nominate your program [by clicking here](#).

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

## **XI. 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 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>

## **XII. Visit Sustainable Jersey at the New Jersey League of Municipalities Conference**

**November 15-17, 2016.** The Sustainable Jersey Awards Luncheon is on November 15, 2016. Sustainable Jersey has 9 sessions at the NJLM Conference. For more information, click [here](#):

## **XIII. Social Security and the American Retirement Plan**

For retirement planning purposes, public employees can read about the government pension offset (GPO) and the windfall elimination provision (WEP) at [Information for Government Employees](#) at [www.ssa.gov/planners/retire/gpo-wep.html](http://www.ssa.gov/planners/retire/gpo-wep.html).

For the nation's 86,000 public employers and 23 million public employees, Social Security and Medicare coverage for State and local government employees is unique because there are special coverage provisions for public employees under the Social Security Act. They also have a webpage dedicated to State and Local Government Employers at [www.ssa.gov/slge/](http://www.ssa.gov/slge/).

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

Sincerely,

Michael J. Darcy, CAE Executive  
Director