

August 12, 2016

Re: Weekly Policy Update

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Dear Mayor:

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

The Monday deadline to approve the proposed public employee pension funding constitutional amendment passed without action. Senate President Steven Sweeney refused to post the ballot question for final approval due to the impasse on the TTF reauthorization and the unknown impact on future state budgets. In an editorial board meeting with the Record of Hackensack, the Senate President is reported to have said that the TTF impasse could go well into the fall and after the Presidential election. Assembly Speaker Vincent Prieto released a copy of a letter he sent to the Governor, Senate President Sweeney, Senate Republican Leader Tom Kean and Assembly Republican Leader Jon Bramnick, which requested that they meet immediately to resolve the impasse.

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

**II. Important Notice on Sign Ordinances: Revising Sign Ordinances After Reed v. Town of Gilbert**

We would like to call your attention to [Reed v. Town of Gilbert](#), in which the United States Supreme Court ruled that Gilbert's sign code violates the First Amendment. Many, if not most, communities must now revise their sign codes. Most sign codes apply different rules to different categories of signs based on content, which the Supreme Court’s decision now generally prohibits.

[Please click here](#) to access a National League of Cities Webinar on the ruling and the implications of the ruling.

Please click here for an article from the February 2016 New Jersey Municipalities Magazine.

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

### III. **Governor Signs Bill on Cultural Diversity Training for Law Enforcement**

On August 9, Governor Christie signed into law [A-1663](#), which requires the Department of Law and Public Safety to establish and make available to state, county, and municipal law enforcement departments, cultural diversity training materials and an online tutorial for providing officer training, and information promoting community outreach efforts. P.L. 2016, c. 23, which will take effect on March 1, 2017, outlines the elements of the instruction. The law requires that the training courses be periodically assessed and updated as appropriate. Finally, the law permits municipalities to provide in-service training of its personnel, utilizing the training course materials or online tutorial developed by the Department of Law and Public Safety. The Governor conditionally vetoed the original legislation, citing it as an unfunded mandate. The Legislature accepted the Governor's recommendations, which are now reflected in the new law.

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

### IV. **New Jersey Supreme Court Will Hear Appeal on Dynamic Status Quo Doctrine**

The New Jersey Supreme Court has granted a petition for certification in the appeal of IMO County of Atlantic and PBA Local 243. Docket Nos. A-2477-13T4, A-0107-14T1 (N.J. App. Div. 2016). This Appellate Division decision reversed a 2014 PERC decision that overturned a long-standing policy known as the *dynamic status quo doctrine*. This doctrine required employers to pay employees increments for moving vertically along a salary guide, once a collective negotiation agreement had expired but before a successor agreement had been reached. The League, along with the New Jersey Association of Counties and the Association of County Colleges, has filed a joint *amicus* brief supporting the original PERC decision and urging the Court to overturn the Appellate Division.

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

### V. **NJLM Blog Posting: Municipalities Blind-sided by New 'Best Practices' Penalties**

The League is 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 launched last week. Yesterday we published a post on the potential for increased penalties as a result of the "best practices" survey. [Please click here](#) for the blog and please subscribe to the blog to get notification when new postings are made.

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## **VI. Municipal Right of Way and Advanced Telecommunications Equipment**

Over the last few months, a number of municipalities have contacted the League regarding overtures made by companies proposing to install advanced telecommunications equipment in their municipal right of way. This equipment consists of monopoles and/or small cell nodes attached to existing utility poles. We are reviewing the legal issues related to these proposals and will provide an overview shortly.

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

## **VII. 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.

## **VIII. 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) or, 609-695-3481, x116.

## **IX. 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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Johniffer Harris, [jharris@njslom.org](mailto:jharris@njslom.org), 609-695-3481, x119. **X. 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 visit <http://jerseynet.state.nj.us/slignp/> for more information on the project.

NPSBN requests that your officials respond to the survey within 30 days. Survey

URL: <https://www.surveymonkey.com/r/NJSLIGP>

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### **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://www.njslom.org/letters/2016-0225halloffame.html>.

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Very truly yours,

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Assistant Executive Director