

May 13, 2016

**RE: Weekly Policy Update**

**I. Atlantic City Resolution May Be Near II. Transportation Funding Op-Ed III. Lead Poisoning Protection Bill Advances, Absent Adequate Funding IV. Five Percent Down V. US Supreme Court Issues Important Decision Regarding First Amendment Liability for Public Employers VI. Notices of Funding Programs and Awards VII. Upcoming Programs and Events**

Dear Mayor:

Here is summary of some issues of interest to local governments.

**I. Atlantic City Resolution May Be Near**

According to various news reports, legislative leaders are nearing a compromise on Atlantic City. While it appears that the Senate President and Assembly Speaker are close to a compromise, the Governor has yet to comment on the apparent compromise and no bill, or amended bill, is public. For more, [please click here for news coverage on the apparent deal.](#)

**Contact:** Mike Cerra at [mcerra@njslom.org](mailto:mcerra@njslom.org) or 609-695-3481, ext. 120.

**II. Transportation Funding Op-Ed**

We would like to call your attention to a recent op-ed penned by State Senator Steve Oroho, advancing arguments for renewal of the State Transportation Trust Fund (TTF). The Senator lends support to many of the points the League has consistently made on this matter. [Click here for the op-ed.](#)

In part, Senator Oroho notes, “As the days tick away to the moment when the state doesn’t have a single dollar to fill a pothole or inspect a bridge, some in state government seem content to allow the responsibility for doing these things to roll onto the backs of property taxpayers.” The Senator indicates his strong support for:

- Stringent cost controls to find ways to do more with less;
- An end to State raids on the TTF, so that funds collected for transportation purposes are used for transportation purposes; and
- “... a revenue neutral way to find the money necessary to maintain our roads and bridges, while we cut taxes that generate revenue to the state’s general fund in order to shrink government and generate investment and jobs.”

The renewal of the Transportation Trust Fund is a major legislative priority for the League and local governments. Please urge your Legislators to support a timely renewal of the TTF, with increased aid for local roads and bridges.

**Contact:** Jon Moran at [jmoran@njslom.org](mailto:jmoran@njslom.org) or 609-695-3481, ext. 121

### **III. Lead Poisoning Protection Bill Advances, Absent Adequate Funding**

On Thursday, the Assembly Health and Senior Services Committee released companion bills [A3411](#) and S-1830. Responding to the recent focus on the dangers of lead exposure, this initiative would revise the current law pertaining to childhood lead poisoning, in order to reflect the current position of the National Centers for Disease Control (CDC) on elevated blood lead levels. It would also require the New Jersey Department of Health (DOH) to make its regulations consistent with that position.

This change is essential. However, it would require local boards of health to significantly increase their capacity to provide case management for families with lead-affected children and provide environmental assessments for lead hazards. This increase in caseload would require the hiring of more public health nurses to provide case management services, hiring more certified lead inspectors/risk assessors to conduct environmental assessments and work with contractors to abate the lead hazards, and acquisition of more equipment used in conducting environmental assessments.

This legislation is important, laudable public policy, and we commend the sponsors for advancing this vital public health initiative. However, the fiscal estimate, dated March 28, 2018, prepared by the Office of Legislative Services (OLS) states:

...the Statewide increase would likely be at least \$3 million annually (doubling the current amount currently provided by the DOH to local governments), and may be as great as \$10 million or more.

According to the OLS estimate, the statewide case load could increase by six times. Operating within the 2% levy cap, local governments should not be asked to bear this responsibility, without assurances of adequate financial support from the State.

The bills have been referred to the Assembly Appropriations Committee, where we will seek amendments to provide sufficient funding, so that the Local Boards of Health have the resources needed to implement this important public policy.

Please contact your Legislators and urge them to recognize the need for the State to commit adequate funding to this initiative.

**Contact:** Jon Moran at [jmoran@njslom.org](mailto:jmoran@njslom.org) or 609-695-3481, ext. 121

### **IV. Eliminate Five Percent Down Payment**

Yesterday, Assembly Housing and Community Development Committee advanced [A-1640](#), which permits a municipality to forego the 5% down payment required for bond ordinances.

This permissive bill, sponsored by Assemblyman Schaer, Assemblywoman Sumter, and Assemblyman Holley, provides municipalities with greater flexibility in addressing their capital needs. Currently, a municipality must receive approval from the Local Finance Board to waive the down payment requirement. A-1640 would eliminate this process, thereby reducing administrative cost and time for municipalities.

A-1640 currently awaits consideration by the full Assembly. Please contact your Legislators and ask for their support of A-1640.

**Contact:** Lori Buckelew at [lbuckelew@njslom.org](mailto:lbuckelew@njslom.org) or 609-695-3481 ext. 112.

## **V. US Supreme Court Issues Important Decision Regarding First Amendment Liability for Public Employers**

On April 26, 2016 the United State Supreme Court issued an important decision regarding first amendment liability for public employers. In *Heffernan v. City of Paterson*, the Court held that whether an employee actually engages in protected speech is irrelevant to a first amendment retaliation claim. What matters, the Court held, is the employer's perception.

The League participated in this case as *amicus curiae* and was represented by Donald Scarinci, Esq. We would like to thank Mr. Scarinci for the knowledge and expertise that he brought to bear in this matter.

Mr. Scarinci has prepared an overview of this decision which can be found [here](#). **We would recommend that this overview be brought to the attention of your local governing body and to your municipal attorney.**

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

## **VI. Notices of Funding Programs and Awards**

### **A. Call for Submissions for Inaugural Public Private Partnership Awards – P3**

This is a CALL FOR SUBMISSIONS for the inaugural public private partnership awards. P3's are all around us and should be recognized as a vital method for municipalities to achieve public goals. Click for more details <http://www.njbiz.com/section/Public-Private-Awards-Nom>

### **B. 2016 COPS Community Policing Development Program (CPD) Deadline Approaching**

The Office of Community Oriented Policing Services (COPS Office) recently announced the availability of funding opportunities under the Fiscal Year (FY) 2016 COPS Community Policing Development Program (CPD).

**Application Deadline: 7:59 PM EDT, Wednesday, June 1, 2016**

Applications must be submitted in two parts: online via [www.grants.gov](http://www.grants.gov) (to complete the SF424, a government-wide standard form required for competitive grant application packages). Once submitted, applicants will receive an e-mail with instructions on completing the second part through the COPS Office Online Application System.

For important program materials and other information on how to apply, please visit the [CPD Program Page](#).

**Contact:** COPS Office Response Center, (800) 421-6770, [askCopsRC@usdoj.gov](mailto:askCopsRC@usdoj.gov)

**C. Cops in Shops College Summer Shore Initiative Program Division of Alcoholic Beverage Control (ABC)** is seeking applications from municipal police departments New Jersey serving shore communities, or in towns that serve as gateways to shore communities, and which undergo a large influx of vacationers during the summer months. For more information please visit <http://www.nj.gov/oag/abc/grant-apply-CIS.html>. **Application Deadline: 4:30 PM, Monday, May 23, 2016**

**D. Healthiest Cities & Counties Challenge** [The Aetna Foundation](#), in partnership with the [American Public Health Association](#), the [National Association of Counties](#), and CEOs for Cities, is accepting applications from small to mid-sized municipalities, and from counties working to improve the health of their residents.

The goal of the Healthiest Cities & Counties Challenge is to develop practical, evidence-based strategies that improve measurable health outcomes and promote health and wellness, equity, and social interaction. Through the challenge, the foundation will award more than \$1.5 million in grants.

**Phase 1 applications must be received no later than May 31, 2016.** Upon review, selected applicants will move on to Phase 2 of the challenge.

For complete program guidelines and application instructions, see the [Healthiest Cities & Counties Challenge website](#).

[Click here to link to the complete RFP](#). Or click here to read the full announcement on the League's Grant News and Information page, part of the League's Grant Resource Center.

## **VII. Upcoming Programs and Events**

### **A. Transit Supportive – Community Development**

North Jersey Transportation Planning Authority's (NJTPA) Transit Supportive Development Forum. Topics covered will include Transit Oriented and Transit Supportive Development planning and implementation, available resources, financial mechanisms and more. The free

event will be held on Tuesday, May 24th, from 8:30 a.m. to 1 p.m., at New Jersey Institute of Technology's Campus Center Ballroom.

**Register:** <https://www.eventbrite.com/e/transit-supportive-development-forum-tickets24688307392>

Please contact Amy Magnuson at 973-639-8433 or by email [amagnuson@njtpa.org](mailto:amagnuson@njtpa.org) for additional information. Space is limited; register by May 12th

### **B. Converting Contaminated Properties in your Municipality Into Assets**

This program is produced by the New Jersey Licensed Site Remediation Professionals Association and will be held at Islin, NJ on June 28. The Program will discuss issues relating to the redevelopment of municipally owned contaminated sites, and related issues regarding the Site Remediation and Reform Act (SRRA) and municipality owned contaminated sites. Full details are available at <http://www.lsrpa.org/events>

### **C. NJ P3 Retail Program**

NJLM, Downtown NJ, and the International Council of Shopping Centers invite you to "Strategies & Finance Opportunities to Help Re-Purpose New Jersey Real Estate" June 16 at William Paterson University, Wayne, NJ. Two expert panels share public-private partnerships and other opportunities that can help transition your obsolete real estate into flourishing mixed-use development.

This ICSC P3 Retail program is a forum for the public and private sector to network, share ideas and discuss development issues and mutually desired retail projects. Register online at [www.icsc.org/2016A08](http://www.icsc.org/2016A08) use code NJP308

**D. Sustainability Summit** Sustainable Jersey is holding the "2016 Sustainability Summit" June 15 in Lawrenceville. Issues ranging from energy, waste, economic development and education to the arts and creative culture. 300 participants attending 15 sessions. See full details at <http://www.sustainablejersey.com/events-trainings/2016-new-jersey-sustainabilitysummit/registration/>

### **E. NLC Building Broadband Opportunities Webinars**

As part of their Infrastructure week, the National League of Cities (NLC) will be holding a two part webinar on broadband opportunities. This two-part webinar series will give participants a better understanding of the role local leaders can play in expanding access to and adoption of broadband in their communities. The first webinar will provide an overview of the community broadband landscape, offer examples of successful local broadband initiatives and discuss resources available to help cities and counties get connected and get citizens online. The second webinar will focus on how to bring your broadband goals to life by planning a successful broadband project.

**Monday, May 16**

**Webinar:** [1:00 – 2:00 p.m. ET: Building Broadband Opportunities: How Local Leaders Can Make a Difference - Part 1](#)

**Webinar:** [2:00 – 3:00 p.m. ET: Building Broadband Opportunities: How Local Leaders Can Make a Difference - Part 2](#)

Sincerely,

Michael J. Darcy, CAE  
Executive Director