

July 14, 2017

RE: WEEKLY UPDATE

- I. State Policy Issues
- II. Federal Policy Issues
- III. Annual League Conference IV. Also of Interest Dear Mayor:

I. State Policy Issues

a. Scope of OPRA Exemption Limited by NJ Supreme Court

On July 11, 2017, the NJ Supreme Court issued its ruling in [North Jersey Media Group, Inc., v. Township of Lyndhurst, et al.](#) and determined that police dash camera footage of a deadly police involved shooting must be disclosed in accordance with the common law right to access, and that unredacted Use of Force Reports containing the names of the officers involved with the shooting must be disclosed under OPRA.

To read more about this decision please [click here](#) to see our recent post in our Town Crier Blog.

b. Bills on the Governor's Desk

We call your attention to two bills supported by the League, which have passed both Houses and now await the Governor's action.

[A-222/S-2171](#), the "New Jersey Library Construction Bond Act." This legislation would authorize, upon voter approval, the issuance of \$125,000,000 in general obligation bonds to finance capital projects at public libraries and appropriates \$5,000. If approved by the voters, this will provide funding for the much needed construction, reconstruction, development, extension, improvement and furnishing of New Jersey's public libraries. Specifically, for any approved project financed by bond proceeds, the grant award will support 50% of the cost of the project, and the appropriate local governing entity in the area served by the public library will support 50% of the cost of the project. [Please click here for the League's Town Crier Legislative Blog and more on A-222/S-2171.](#)

Contact: Michael F Cerra, Asst. Executive Director, mcerra@njslom.org or 609-695-3481 x120.

[A-4587/S-2574](#) imposes State sales and use tax and hotel and motel occupancy fee on transient accommodations; and, authorizes various municipal taxes and fees on transient accommodations. When the current relevant statutes were adopted, the concept of a "sharing economy" was certainly not contemplated. In this new era of sharing economies, transient accommodations are becoming more common place, but are not subject to the same various sales and use taxes as hotels and motels. As a result transient accommodations are potentially receiving an unfair competitive advantage over traditional hotels and motels. It is the League's contention that this is not a new tax, but rather the logical extension of the existing statutes. A-4587 provides tax

parity in the accommodation market place by taking into account the sharing economies and appropriately provides additional revenues for municipalities. Further, we note that the major player in the industry, AirBnB, also supports this legislation. [Please click here for the League's Town Crier Legislative blog and more on A-4587/S2574.](#)

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

Lastly, in a rare summer voting session the State Senate also approved [S-1731](#), which the League also supports. This bill permits a municipality to adopt an ordinance that provides a civil penalty of up to \$200 for smoking in a public place. Specifically, this bill, if signed into law, permits a municipality to adopt an ordinance that penalizes smoking in a public place without subjecting an offender to possible incarceration, while still permitting the municipality to instead make such activity a disorderly persons offense as it is authorized to do under current law. The bill previously passed the General Assembly, so it now heads to the Governor for his consideration.

Please contact the Governor's office (609-292-6000 or by [clicking here](#)) and ask him to sign these bills into law.

c. Bill Signed into Law

Recently, the Governor signed into law [A-2202/S-956](#), which the League supported. This bill, now law (P.L.2017, c.101), authorizes municipalities to adopt an ordinance authorizing special emergency appropriations for the payment of non-recurring expenses incurred when implementing a consolidation. This law allows for the municipality to spread the cost of consolidation over a five-year period. In addition, this law exempts the non-recurring expenses of consolidation from the 2% property tax levy cap.

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

d. TAKE ACTION: 2% Interest Arbitration Cap to Expire At End of Year

In June 2014, the Legislature unanimously approved and the Governor enacted an extension on the 2% cap on Interest Arbitration awards. That extension is set to expire on December 31, 2017. While the 2% property tax levy cap will continue, the cap on Interest Arbitration awards will expire on the same day that the final report and recommendations of the Police and Fire Public Interest Arbitration Impact Task Force is due, unless the Legislature and Governor act.

The temporary 2% cap on police and fire arbitration contract awards has been an effective tool to control increasing salary costs and provide a solution to assist local governments in keeping property taxes down and cost under control. However, we recognize that this change in arbitration reform needs a longer time to mature in order to see the benefits of the legislation and its actual impact on the cost of local government budgets and the impact on taxpayers.

We urge you to pass a resolution ([pdf](#)) urging the State Legislature and Governor to extend the 2% cap on Police and Fire Arbitration Contract Awards for an additional five years, at

which time the Legislature will have hard data to examine and then make a final decision as to whether this law should be made permanent.

If the cap on interest arbitration expires, while the 2% property tax levy cap remains in effect, municipalities will be forced to reduce or eliminate municipal services in order to fund interest arbitration awards.

Contacts: Michael Cerra, Assistant Executive Director, mcerra@njslom.org, 609-695-3481 x120;

Lori Buckelew, Senior Legislative Analyst, lbuckelew@njslom.org, 609-695-3481 x112.

II. Federal Policy Issues

a. House Bill Allocates \$900 million

Last week we wrote you with our concerns about the federal commitment to essential transportation funding for our region, including the Gateway Project. We are pleased to report now that legislation advancing in the US House of Representatives will allocate up to \$900 million for the 2018 fiscal year for the tunnel and other proposed Northeast Corridor infrastructure upgrades.

Our thanks to Congressman Frelinghuysen, who serves as chair of the Appropriations Committee. The League is in the process of reaching out to Senators Menendez and Booker, who have both championed the Gateway Project, to reiterate our continued support.

Contacts: Michael Cerra, Assistant Executive Director, mcerra@njslom.org, 609-695-3481 x120;

III. Annual League Conference

a. Don't Use Unauthorized Hotel Reservation Services

Every year there are unauthorized firms soliciting housing and hotel reservations from attendees at the Annual League Conference. We assure you that the only firm authorized to handle our conference housing reservations is A.C. Central Reservations. This information is on the top of the official conference housing form sent to all municipal clerks and posted on our web site: <http://nj-njslom.civicplus.com/302/2017-Conference>

IV. Also of Interest

a. Free Training to Keep Municipalities in Compliance with the National Flood Insurance Program

In order to remain in good standing with the FEMA National Flood Insurance Program (NFIP) your community needs to continue to enforce your Local Flood Damage Prevention

Ordinance. Information on the free training program and scheduling can be obtained at <http://www.njafm.org/cfm> and <http://www.njafm.org/resources/Documents/FPMTraining/Schedule%20-%20Floodplain%20Training.pdf>. The free training program will be available in all 21 counties.

For additional information on the training, contact James Watt Division of Dam Safety and Flood control at 609-292-2296 or James.Watt@dep.nj.gov

Sincerely,

Michael F. Cerra
Assistant Executive Director