

October 28, 2016

**RE: WEEKLY UPDATE I. Policy Issues: Legislation and Regulations II.
101st Annual Conference Reminders III. Also of Interest**

Dear Mayor:

I. Policy Issues: Legislation and Regulations

a. Meeting with Board of Public Utility Staff to Discuss Mobilitie, LLC

On October 25th, at the request of East Brunswick Township, the New Jersey Board of Public Utilities (BPU) conducted a meeting with Township representatives, the League of Municipalities and representatives of Mobilitie, LLC (Mobilitie). Mobilitie is a company which wishes to place wireless facilities in many municipal rights of way (ROW). The Township requested that the BPU help clarify Mobilitie's status as a Competitive Local Exchange Carrier. The meeting was productive.

We are aware that a number of other municipalities have received correspondence from Mobilitie and similar companies. We are hopeful that the follow up to this meeting will clarify this issue for local governments. The League will continue to update its members on this issue.

In the meantime, we invite you to review the Bureau of Municipal Information's white paper [Wireless Systems in the Right of Way: What You Need to Know](#).

Contact: Edward Purcell, Esq, Staff Attorney, epurcell@njslom.org. 609-695-3481 x137.

b. State Seeks to Participate as Amicus in affordable housing “gap” case before State Supreme Court

On Monday, the State Attorney General's office filed a motion seeking to participate as amicus curiae in the pending appeal of the unanimous Appellate Division July 11 ruling that there is no basis for the imposition of a new “gap” obligation on municipalities. In Re the Declaratory Judgment Actions filed By Various Municipalities, County of Ocean, Pursuant to the Supreme Court's Decision in In Re Adoption Of N.J.A.C. 5:96, 221 N.J. 1 (2015), Docket No. 077565 (N.J. App. Div. 2016).

This “gap issue” arises out of COAH's inability to promulgate third round regulations from 1999 to the present or make any final determination as to state and regional housing need, as well as constant litigation by certain groups. The effect of this new obligation on municipalities would have likely resulted in arbitrary determinations and inflated local, regional and statewide need to numbers that municipalities could not realistically meet.

In its brief, the State concurs with the July 11 ruling and that of the position of the involved municipalities and the League. [Please click here to read the State's brief.](#)

For more on this important Appellate Division ruling, [please see the League's July 11 letter.](#)

In the meanwhile we again call your attention to Senate bill [S-2254](#) and Assembly Bill [A-3821](#).

This legislation would affirm the above referenced 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. If you have not done so already, we would urge you consider adoption of the sample resolution in support of this important legislation. [Please click here for a revised and updated version of the draft resolution.](#)

Contact: Michael Cerra, Assistant Executive Director, 609-695-3481 x120, mcerra@njslom.org,
Edward Purcell, Esq, Staff Attorney, 609-695-3481 x137, epurcell@njslom.org.

c. CY 2017 Municipal Budget Cap Information

The Division of Local Government Services has issued [Local Finance Notice 2016-18](#) regarding the CY 2017 Municipal and County Budget and Cap Information.

The 1977 budget cap law (which caps APPROPRIATIONS increases) requires the Director of Division of Local Government Services to promulgate the Cost of Living Adjustment (COLA). The COLA for CY 2017 budgets is calculated at 0.5%. The governing body may pass a COLA ordinance, increasing the appropriation cap limit to 3.5%. Cap bank balances from 2015 and 2016 are available for use in 2017.

If a governing body wants to increase its allowable appropriations increase to 3.5%, the following steps must be taken:

1. After January 1st, and prior to introduction and approval of the budget, an ordinance must be introduced that details the following:
 - a. The new rate (increase percent) to be adopted; and,
 - b. The additional amount of appropriations to be added by the increase.
2. The ordinance must be approved by a majority of the full membership of the governing body, published, and a public hearing held at least 10 days after the publication date. A certified copy of the introduced action must be filed with the Director of the Division of Local Government Services within 5 days of its introduction.

3. The governing body may take a final vote on the action any time after the public hearing and prior to adoption of the budget. Depending on the form of government, the chief executive may veto the action in accordance with local procedures.
4. The ordinance takes effect immediately upon passage, and a certified copy of the adopted action must be filed with the Director within 5 days.
5. Cap increase referendums are not permitted if this option is chosen.

In addition, the 1977 cap law includes a cap exception for Group Health Insurance. This exemption is limited to the amount appropriated that is over 4% of the previous expenditures but not exceeding the State Health Benefits percentage increase. Since the State Health Benefits increase for CY 2017 is 2.4%, there will be no 1977 cap exception for Group Health Insurance for CY 2017. The 2010 levy cap exception for Group Health Insurance will be the increase over 2% up to 2.4%.

Pension appropriation increases are no longer a 1977 cap law exception. The 2010 levy cap exception for pensions will be for any increases over 2%. The 2017 pension obligation amounts have not yet been determined.

The Division will issue the Levy Cap Workbook at a later date.

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

d. New Law Permits 'Local Law Enforcement-Assisted' Programs for Addicts

On Wednesday, Governor Christie signed legislation to enhance and expand addiction treatment opportunities and improve relationships between law enforcement officers and those suffering from addiction.

[A3744 / S2330](#) (sponsored by Assembly Members McKeon, Vainieri Huttler, Caputo, Jasey and Downey and Senators Codey and Vitale), with the governor's recommendations from an August conditional veto, permits the establishment of law enforcement-assisted addiction and recovery programs in law enforcement departments throughout the State.

Under this new law, the Director of Mental Health and Addiction Services, in consultation with the Attorney General, will: prescribe requirements for county and municipal law enforcement departments to establish a program within their departments; develop and implement guidelines for the recruitment and training of law enforcement officers, volunteers, and treatment providers to participate in the program; support and facilitate the linkage of law enforcement assisted addiction and recovery programs to facilities and programs that provide appropriate substance abuse recovery services and health care services; coordinate with law enforcement officials and program volunteers to ensure that individuals seeking to participate in the program are treated with respect, care, and compassion, and are reassured that assistance will be provided; establish

requirements for an individual to be eligible for participation in the program; and develop and implement procedures for determining eligibility requirements for the program.

Respecting local differences, these programs will only be established, “Upon approval by the governing body of the county or municipality, as the case may be ...” Neither local governments nor their employees will be subject to criminal or civil liability under the bill.

The law will take effect on February 1, 2017.

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

e. Atlantic City 5-year Program

On Wednesday, before the Assembly Judiciary Committee, Atlantic City Mayor Don Guardian and Council President Marty Small presented the City’s 5-year recovery plan to avoid further State intervention. The presentation included a detailed briefing by the City’s respected consultants on economics, structural challenges, revenues, legacy liabilities and much more.

At the conclusion of the hearing the Committee members gave positive remarks on the work done by the City in a short window of time. Of particular importance about the City’s plan was its ability to balance the budget through reduction of expenses, leverage local government assets while retaining control locally, and balancing the budget while planning for steady reduction in State assistance through transitional aid.

The same plan was presented to the Department of Community Affairs (DCA) on Tuesday. The DCA has until next Tuesday to accept or reject the plan. Failure to accept the plan could result in a State takeover. For an informational update- [Click Here!](#)

f. 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. And please [click here](#) to read the League’s new legislative blog, “The Town Crier.”

Contact: Mike Cerra, Assistant Executive Director, mcerra@njslom.org, 609-695-3481 x120.

II. 101st Annual Conference Reminders, November 15-17

a. We’ve Got an App for that: Smartphone app available for 101st Conference

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! See: www.njslom.org/2016conf/app.

b. Order your meal function tickets now, for the Annual League Conference.

For order forms go to: <http://nj-njslom.civicplus.com/336/2016-Conference>

Mayor's Box Luncheon

Wednesday, November 16 at Noon

Including the presentation of Mayors Hall of Fame and Innovation in Governance Awards

Guest Speakers include:

Honorable Charles A. Richman, Commissioner, State Department of Community Affairs; and, Honorable Bob Martin (Invited), Commissioner, State Department of Environmental Protection.

Women in Municipal Government Breakfast

Thursday, November 17 at 8 a.m.

Presentation of the Thirteenth Annual Women in Government Award

Honorees include:

Barbara George Johnson, Executive Director for the John S. Watson Institute for Public Policy; and, Thomas Edison State University; and the Mayors Wellness Campaign.

League Delegates Luncheon

Thursday, November 17 at Noon

Keynote: Lt. Governor Kim Guadagno

Public Sector Career Recognition Award Recipient

Chuck Richman, Commissioner
Department of Community Affairs

Distinguished Public Service Award Recipient

Arthur Ondish, Mayor, Mt. Arlington
Past President, New Jersey League of Municipalities
Past President, NJLM Educational Foundation

c. NJLM 2016 Conference CEU List Has Been Updated

The Annual Conference CEU list has been updated. You can view this list by clicking the following link: <http://nj-njslom.civicplus.com/339/Continuing-Education-Unit-CEU-Tracking-S> . The list is not yet final so continue to check the page for updates.

For a complete list of Conference CEU's that includes sessions offered by our Affiliate groups and is searchable by CEU type, download our new conference mobile app. For more information on the app and how to download it click here: <http://www.njslom.org/2016conf/app/> **Contact:** Danielle Holland, Seminar Manager, dholland@njslom.org, or 609-695-3481 x118.

d. 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 the 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>.

III. Also of Interest

a. Free Planning Lecture at Rutgers Bloustein School

On Wednesday November 2 at 4:00 PM, there will be a lecture to discuss the five-year process by which a four-acre surface parking lot in the center of Metuchen is being turned into apartments, including affordable housing, and a multi-story parking garage for commuters. The project furthers Metuchen's goal of developing a true transit village.

To RSVP, please visit

https://docs.google.com/forms/d/e/1FAIpQLSfvMm24J_aiIPqsmP7bfY4JbFE-xQndj05rOgIIKl-4OZwkBA/closedform

b. Open Enrollment for ACA Plans

Open enrollment under the Affordable Care Act begins November 1 and lasts until January 31, 2017. For coverage to begin on the first of the year, enrollment must be done by December 15. Now is the time to compare healthcare plans. You and your residents can learn more about the Health Insurance Marketplace and how to apply for benefits at www.healthcare.gov.

Sincerely,

Michael J. Darcy, CAE Executive
Director