

February 24, 2017

**RE: WEEKLY UPDATE**

- I. State Policy Issues
- II. Federal Policy Issues
- III. 2017 League Salary Survey IV. Also of Interest Dear Mayor:

**I. State Policy Issues**

**a. Governor to Give Budget Address**

On Tuesday Governor Christie will present his 8th and final budget address to a joint session of the State Legislature. In his presenting his final proposed budget, the Governor is expected to address the issues of school funding, pension and health benefits funding and, possibly, changes to the Long Term Tax Exemption, also known as PILOT agreements that municipalities use to promote economic development.

**b. Legislative Preview for Week of February 27**

On Monday, several bills of interest to local governments are scheduled for discussion before various State Legislative Committees.

The Senate Community and Urban Affairs Committee will consider the following.

- [S-2212](#), which the League **SUPPORTS**. This legislation would prohibit third parties from filing property tax appeals with respect to the property of others. Current law allows any entity or individual that pays property taxes to challenge the assessment or exempt status of any other property in the county, in addition to their own. This bill intends to reduce the number of costly tax appeals and bring certainty to local government finances, as local government representatives are best suited to challenge assessments or the exempt status of a property. We support this common sense reform that will bring stability to municipalities, property taxpayers and property tax-exempt organizations. The Assembly companion, A-3888, was approved by the Assembly State and Local Government and is now 2nd referenced to the Assembly Appropriations Committee.
- [S-2788](#), which the League **OPPOSES**. This legislation will modify the requirements for preliminary site plans and subdivisions approval under the Municipal Land Use Law (MLUL). The bill will supersede the “municipal checklist” for preliminary approvals. It is anticipated that an amendment might secure the checklist for final approval, but the bill will still limit local discretion. This local flexibility is critical. For instance, under this proposal, revisions to approved plans of more than 10% would require amended preliminary approval. Thus, applicants could increase density up to 10% in residential applications, or to 10% between in floor area ratio for commercial applications, before

receiving preliminary approval and final approval. The bill would also extend many approvals from 3 to 5 years.

Please contact the members of the Committee on these bills.

Senator Jeff Van Drew  
[SenVanDrew@njleg.org](mailto:SenVanDrew@njleg.org)

Senator Ronald L. Rice [SenRice@njleg.org](mailto:SenRice@njleg.org)

Senator Jennifer Beck  
[SenBeck@njleg.org](mailto:SenBeck@njleg.org)

Senator Christopher J. Connors  
[SenConnors@njleg.org](mailto:SenConnors@njleg.org)

Senator Brian P. Stack [SenStack@njleg.org](mailto:SenStack@njleg.org)

The Senate Environment and Energy Committee will consider the following.

- [S-881](#), which the League **SUPPORTS**.  
This legislation directs the Board of Public Utilities (BPU) is to establish a voluntary, microgrids pilot program for municipalities. The BPU can choose up to 3 municipalities, which seek to participate in the pilot. The purpose of the microgrids pilot program is to equip public and private facilities, deemed critical by the State Office of Emergency Management in the Division of State Police, during a State or federally declared disaster or state of emergency with microgrids, in order to allow these facilities to continue to operate during a disaster or emergency. Click here to see the [League's Conference resolution 2015-02](#), which supports microgrids.
- [S-2834](#), which the League is currently **reviewing**.  
This legislation, which is meant to better protect the state's water supplies and boost infrastructure investments, will require field testing of valves and hydrants, implementation of a cybersecurity program, development of an asset management plan, and annual written certification from responsible corporate officer of the public water system or the mayor or chief executive officer of the municipality (if municipally owned) to confirm the adherence to the requirements of the law.

Please contact the members of the Committee on these bills.

Senator Bob Smith  
[SenSmith@njleg.org](mailto:SenSmith@njleg.org)

Senator Linda R. Greenstein [SenGreenstein@njleg.org](mailto:SenGreenstein@njleg.org)

Senator Christopher Bateman [SenBateman@njleg.org](mailto:SenBateman@njleg.org)

Senator Richard J. Codey [SenCodey@njleg.org](mailto:SenCodey@njleg.org)

Senator Samuel D. Thompson  
[SenThompson@njleg.org](mailto:SenThompson@njleg.org)

Additionally, the Senate Transportation Committee will consider [A-4114](#) and [S-2776](#), companion legislation that the League **supports**. Specifically, these bills will protect local governments from any increased costs resulting from the State's stop-work order on any transportation infrastructure projects funded by the Transportation Trust Fund (TTF). The bills require the Department of Transportation (DOT) to consider shutdown related delay damages on transportation projects, supported through the local aid program, to be compensable delays, which would be paid by the State DOT rather than by property taxes raised at the local level.

Please contact the members of the Committee on these bills.

Senator Nicholas J. Sacco [SenSacco@njleg.org](mailto:SenSacco@njleg.org)

Senator Robert M. Gordon [SenGordon@njleg.org](mailto:SenGordon@njleg.org)

Senator Nia H. Gill  
[SenGill@njleg.org](mailto:SenGill@njleg.org)

Senator James W. Holzapfel [SenHolzapfel@njleg.org](mailto:SenHolzapfel@njleg.org)

Senator Joseph Pennacchio  
[SenPennacchio@njleg.org](mailto:SenPennacchio@njleg.org)

The Assembly Regulatory Oversight and Reform and Federal Relations Committee will consider, for discussion only, [A-2452](#). This bill proposes a restricted restaurant license (R1) to permit the holder to sell any alcoholic beverages for consumption on the premises of certain restaurants. In addition, the bill creates a restricted beer and wine license (R2) to permit the holder to sell only beer and wine by the bottle or can. These licenses would only be available for use in connection with restaurants that occupy a minimum square footage of 1,500 and a maximum square footage of 6,000 and maintain a full-service kitchen with a minimum square footage of 500. The municipality may not limit the number of these licenses within the municipality. The League's Liquor License Task Force has reviewed and conceptually

supports this bill, which could be an important economic development tool for municipalities statewide. We have asked the sponsor for amendments, including allowing an "opt-in" for municipalities instead of the "opt-out." We believe our suggestions will be viewed favorably.

### **c. New Bail Reform Related Mandate on Municipal Public Defenders**

We have learned that a number of New Jersey municipalities are being asked, for the first time and in contravention of long established practice, to provide representation for certain defendants in Superior Court. This appears to be a collateral, unintended issue related to bail reform.

Last week, we reached out to Judge Glenn Grant, Acting Director of the State's Administrative Office of the Courts, asking for his help in addressing this issue. The problem directly affects municipal public defenders, but unless remedied, it could indirectly affect your budget and your property taxpayers.

See our [February 22 letter](#) for details.

#### **Contacts:**

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

Jon Moran, Senior Legislative Analyst, [jmoran@njslom.org](mailto:jmoran@njslom.org), 609-695-3481 x121;

Lori Buckelew, Senior Legislative Analyst, [lbuckelew@njslom.org](mailto:lbuckelew@njslom.org), 609-695-3481 x112

## **II. Federal Policy Issues**

### **a. FCC Seeks Comment on Wireless Facility Siting in the Right of Way**

On December 22, 2016, the Federal Communication Commission (FCC) released a notice seeking comment on “potential Commission action to help expedite the deployment [of] next generation wireless infrastructure by providing guidance on how federal law applies to local government review of wireless facility siting applications and local requirements for gaining access to the right of way.” A copy of this notice can be found [here](#).

We are pleased to let you know that the FCC granted the motion of our national affiliate, the National League of Cities (NLC), and the new initial commenting deadline is now **March 8, 2017**, with a reply comment deadline of **April 8, 2017**. This extension gives us valuable time to gather information from municipalities on what the situation is in their communities.

**This is a very important regulatory proceeding that will affect local government authority. Strong and factually based comments are necessary as a counterweight to proposals that would limit home rule.**

Additionally, the League and the National League of Cities need local governments to provide input on the Federal Communication Commission's (FCC) recent the December 22, 2016 notice.

[Please consider responding to this brief survey provided here.](#)

For background on this issue, please click [here](#), for a white paper written by the League's Bureau of Municipal information.

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

### III. 2017 League Salary Survey

The League is conducting its biannual compilation of wages and salaries paid to mayors, governing body members and other key administrative personnel, including police officials. We are writing to request your response to a survey to help us gather this data. In order to use the data that you so generously take the time to provide, we request your response no later than **April 12, 2017**.

**You may find and complete the survey in 9 minutes by clicking here.** If you would prefer to print a copy of the survey to complete by hand, you may do so by clicking here.

**Contact:** Taran B. Samhammer, Advertising Manager, [tsamhammer@njslom.org](mailto:tsamhammer@njslom.org), 609- 6953481 x124.

### IV. Also of Interest

#### a. New Jersey Future Redevelopment Forum

Don't miss New Jersey Future's annual **Redevelopment Forum** on Fri., March 10 at the Hyatt in New Brunswick. The day-long conference brings together nearly 600 leaders from the public and private sectors to learn about best practices for and share lessons learned about community-oriented redevelopment. A limited number of municipal scholarships are available for municipal employees and volunteer board members. To apply for this special \$55 rate (only one per municipality please), please **fill out this form** or contact Marianne Jann at [609-393-0008, ext 101](tel:609-393-0008) . Learn more about the **agenda** and **speakers**.

#### b. All-American Conversations

The National Civic League is challenging local communities to hold [All-America Conversations](#) – to explore local divides and tensions, and to identify specific actions to bridge those divides. Whether these rifts are racial, religious and ethnic, socioeconomic or of another type, the strongest local communities will be those that face these tensions, engage residents and take actions to work together.

To support communities, the National Civic League has created the All-America Conversations Toolkit. It includes everything necessary to hold a productive and meaningful conversation, from how to recruit participants and where to hold the conversations, to selecting and preparing facilitators, what questions to ask (and more).

For more information, visit: [www.nationalcivicleague.org/all-america-conversations](http://www.nationalcivicleague.org/all-america-conversations) or email Aaron Leavy at [aaronl@ncl.org](mailto:aaronl@ncl.org)

#### c. New Jersey State Forest Fire Seasonal Prescribed Burning Program is Under Way

Prescribed burns will take place through the end of March, conditions permitting. The New Jersey Division of Parks and Forestry will provide as much notice as possible of prescribed burns

through its Facebook page at: [www.facebook.com/newjerseyforests](http://www.facebook.com/newjerseyforests). The public may also contact the State Forest Fire Service at 609-292-2977.

Sincerely,

Michael J. Darcy, CAE  
Executive Director