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April 6, 2018

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I. State Issues

a. Bill to Transfer of PFRS to a Labor-Management Board on Governor's Desk

As we previously reported [S-5/A-3671](#), which transfers the management of Police and Fire Retirement System (PFRS) to a Board of Trustees of PFRS, has passed both houses and now awaits consideration by Governor Murphy.

Please contact Governor Murphy at (609)-292-6000 expressing opposition to this bill until it is amended to add the necessary safeguards advocated by the League, the Conference of Mayors (NJCM), and the Association of Counties (NJAC).

For more information please see our [March 29 alert](#).

Contacts:

- Michael F. Cerra, Assistant Executive Director, mcerra@njslom.org, 609-695-3481 x120.
- Lori Buckelew, Senior Legislative Analyst, lbuckelew@njslom.org, 609-695-3481 x112.

b. Governor Conditional Vetoes Bill on Prepayment of Property Taxes

Yesterday, Governor Murphy [conditionally vetoed A-3382/S-1971](#), which permits taxpayers to make dedicated prepayments toward anticipated property taxes. The Governor's amendments would address technical concerns with the bill. They include:

- Clarifying language, that prepayments are made to the municipality, rather than

- the tax collector;
- Adding language, to ensure that taxpayers first satisfy any delinquent property taxes or other municipal charges before they are permitted to prepay property taxes;
 - Changing the timeframe to refund duplicate prepayments from 30 days to 60 days. Including a provision that, if the governing body does not meet within those 60 days, then the refund can be considered at the next regularly scheduled governing body meeting; and
 - Refund for duplicate payments has been changed from “owner of the mortgaged premise” to “second in-time payor”.

The amended bill has been returned to the full Assembly for consideration, which could occur at their next voting session on April 12.

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

c. 2018 Financial Disclosure Statements Guidance Issued

The Division of Local Government Services has issued guidance on the filing of the 2018 Financial Disclosure Statements. [Local Finance Notice 2018-12](#) outlines the online filing procedures for filing the statutorily required annual Financial Disclosure Statements. **The deadline to file the Financial Disclosure Statements (FDS) is on or before April 30th.**

Please note that the Local Finance Board may periodically conduct audits for compliance and initiate investigations. Local Government Officers can be assessed an appropriate fine that is not less than \$100 nor more than \$500 pursuant to N.J.S.A. 40A:9-22.10. In addition, for elected officials, the failure to file a FDS can subject the municipality to a loss of State Aid, as it is a question on the “Best Practices” Questionnaire.

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

d. Executive Order 19 Issued

On March 29 Governor Murphy signed [Executive Order 19](#), lifting restrictions and permitting 14 to 17-year-olds to volunteer for nonprofit organizations engaged in housing repair and construction. This is a reinstatement of a previous executive order which was implemented during the Sandy Recovery efforts to permitted youth volunteers to assist in rebuilding homes damaged by Superstorm Sandy.

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

e. Soil Erosion Performance Guarantees under the Recent Changes to the MLUL

As you may be aware, the Municipal Land Use Law (“MLUL”) was recently amended to place limitations on the circumstances in which municipalities can require performance and maintenance guarantees from a developer. Many municipalities are now working to amend their land use ordinances to conform to the recent changes. As your municipality works on this, one slight nuance to be aware of is the application of the Soil Erosion and Sedimentary Control Act (the “Act”) in regards to performance guarantees.

As provided for under the Act, some “exempt municipalities” have opted to have themselves perform the enforcement and control duties, which would otherwise be left to regional Soil Conservation Districts. When acting in this role, it is possible for municipalities to still require performance and maintenance guarantees from developers.

For more on this issue, we encourage you to read our recent blog post by clicking, [here](#). You should review this issue carefully with your municipal attorney for further guidance and to ensure your municipality accounts for the recent changes in the MLUL while maintaining its possible authority under the Soil Erosion and Sedimentary Control Act.

Contact: Frank Marshall, Esq., League Staff Attorney, FMarshall@njslom.org, 609-695-3481 x137.

f. Legislation Introduced to Usurp Local Land Use Control

On Monday, Assemblyman Reed Gusciora introduced [A-3725](#). This bill would create a new state entity known as the New Jersey Coastal Commission. That Commission would be empowered to usurp local control over land use, zoning, and planning in coastal municipalities, by granting exclusive authority over such matters to the Commission. The League has opposed similar legislation introduced in previous legislative sessions and likewise adamantly opposes A-3725.

To read more about this proposed legislation please see our recent blog post, [here](#).

Contact: Frank Marshall, Esq., League Staff Attorney, FMarshall@njslom.org, 609-695-3481, x137.

g. Bill Allowing Recovery for Non-pecuniary Losses in Wrongful Death Suits Advances out of Committee

Yesterday, without public testimony, the Senate Judiciary Committee voted to advance [S-1766](#), a bill sponsored by Senator Scutari. S-1766 would expand the wrongful death act to allow recovery for mental anguish, emotional pain, and suffering, loss of society and loss of companionship. Under current law, damages in a wrongful death lawsuit are limited to pecuniary losses such as hospital, medical, and funeral expenses incurred for the deceased.

The League opposes this bill as it will lead to increased municipal costs through increases in liability insurance premiums and attorney costs, in addition to subjecting municipalities to unlimited and unpredictable awards in wrongful death cases.

The bill now awaits consideration by the full Senate. Currently, there is no Assembly companion. We will keep you informed on this bill and any related bills should updates occur.

Contact: Frank Marshall, Esq., League Staff Attorney, FMarshall@njslom.org, 609-695-3481, x137.

h. Division Adopts New Regulations on Electronic Funds Transfers & Claimant Certification

The Division of Local Government Services has issued [Local Finance Notice 2018-13](#) providing guidance on the recently adopted amendments to N.J.A.C. 5:30-9A, Electronic Disbursements & Claimant Certification. The amendments implement the

provisions of [P.L. 2016, c. 29](#), effective on April 1, 2017, which authorized local government entities to adopt policies for the payment of certain claims through the use of standard electronic funds transfer technologies. For more information please see our [blog post](#).

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

II. Federal Issues

a. Water Infrastructure Loan Availability

The Federal Environmental Protection Agency (EPA) has announced the availability of the second round of funding for water infrastructure projects under the EPA's Water Infrastructure Finance and Innovation Act (WIFIA) program. EPA is seeking Letters of Interest from prospective borrowers by July 6, 2018. More information will be available at www.epa.gov/wifia.

Through the years, Senator Cory Booker has advocated for increased funding for the program and is hopeful that New Jersey stakeholders can take advantage. The details of the availability are below, but if you have any questions, or intend to apply, we encourage you to contact Zach McCue, Projects Director, in the Office of U.S. Senator Cory A. Booker. You can reach Mr. McCue at 973-639-8712 or Zach_McCue@booker.senate.gov.

Established in 2014, the WIFIA program is a federal loan and guarantee program that aims to accelerate investment in the nations water infrastructure by providing long-term, low-cost supplemental loans for regionally and nationally significant projects. WIFIA credit assistance can be used for a wide range of projects, including:

- Drinking water treatment and distribution projects
- Wastewater conveyance and treatment projects
- Enhanced energy efficiency projects at drinking water and wastewater facilities
- Desalination, aquifer recharge, alternative water supply, and water recycling projects
- Drought prevention, reduction, or mitigation projects

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

III. League Conference Follow- Up

a. Claim Your CEUs from the Annual Conference

Attention Municipal Officials! Do Not Forget to Claim Your CEUs from the 2017 NJLM Annual Conference! Please click on the following link to claim your credits: <http://www.njslom.org/339/Continuing-Education-Unit-CEU-Tracking-S>

b. Exhibits at the Annual Conference

Do you know a vendor that would be a good fit for the Annual Conference? If so, ask them about being an exhibitor or have them contact Kristin Lawrence, Exhibit Manager at 609-695-3481 x125 or klawrence@njslom.org. Information is also available on njslom.org/exhibit

IV. Also of Interest

a. League New Website Announcement

The League has launched a completely redesigned website; a project NJLM staff has been working on for nine months. Our web address remains the same, www.njslom.org, but the site has a completely different look and interface, which will improve user convenience. Some of the many new features of the site include:

- Subscription options for tailored alerts (for instance, users can subscribe to receive alerts when the job/RFP page is updated, or to receive emails each time a seminar is added to the seminar calendar). [Click here](#) to subscribe to alerts.
- Improved and responsive search function.
- A rotating photo banner atop each webpage: with photos highlighting the state's many great features and locations, and currently featuring our recent Show Off Your City contest winner Verona Township!
- A site map and quick links to aid site navigation.

We hope that the new site improves your experience navigating the League's website!

b. Show Off Your City Winner

Congratulations to the Township of Verona, winner of the League's first Show Off Your City contest! The town's patriotic center was featured on the cover of NJ Municipalities' April issue and in the header of the newly redesigned website, njslom.org. Due to an editorial error, the Show Off Your City Winner, Verona, was incorrectly published as Vernon in the April issue. The article has been corrected in the April digital edition and will run in the May print edition of *NJ Municipalities*. We apologize to both municipalities.

Go to: <http://www.njslom.org/documentcenter/view/6175>

c. Vegetative Waste Management

Spring cleanup and the damaging March storms may present challenges for managing municipal vegetative waste. DEP advises vegetative debris can be stored in temporary debris management areas or TDMA's. TDMA's can be used for winter storms and/or tropical storm/hurricane events. Information and applications on DEP approval for a TDMA can be found here: TDMA's (www.nj.gov/dep/dshw/debris/tdmaforminstruct.html). In addition, DEP provides a toolkit about overall debris planning and management. The toolkits include further TDMA explanation: www.state.nj.us/dep/dshw/toolkit.pdf.

Specific questions regarding disposal of emerald ash borer trees should be directed to Department of Agriculture website www.emeraldashborer.nj.gov or Joseph

Zoltowski, Director Division of Plant Industry, New Jersey Department of Agriculture 609-406-6939.

d. Ciclovía Municipal Study Tour

The New Brunswick Ciclovía Study Tour is a 2-day event April 21-22 that will provide in-depth presentations including information, technical assistance, and hands-on experiences for developing an Open Streets initiative within a community. The New Brunswick Study Tour is intended for NJ municipalities, community advocates, nonprofit organizations, and others who are interested in developing an Open Streets initiative in their community. New Brunswick Ciclovía is a free, citywide initiative that closes the streets to cars and opens them to people, promoting healthy active living through experiencing New Brunswick's vitality, livability, and diversity in a safe place for people to exercise and play.

Register for the free event via Eventbrite at www.eventbrite.com/e/new-brunswick-ciclovía-study-tour-tickets-44184525104?aff=es2

h. Public Hearings on Classification of Marijuana as a Controlled Substance

The Division of Consumer Affairs will be holding "informal conferences" to solicit public comments on how marijuana is classified under state law and whether any change in its classification status is warranted. Rescheduling a drug can affect how strictly it is regulated; any action by the Division will not result in its legalization or decriminalization. The conferences will be held:

Date/Time: Thursday, April 19
9:30 a.m. to 12:30 p.m. and 1:30 p.m. to 4:00 p.m.

Place: Division of Consumer Affairs
124 Halsey Street
6th Floor Morris Room
Newark, NJ

Date/Time: Tuesday, April 24
9:30 a.m. to 12:30 p.m. and 1:30 p.m. to 4:00 p.m.

Place: The Richard J Hughes Justice Complex
25 Market Street
Attorney General's Library - Sixth Floor
Trenton, NJ 08611

If you wish to speak, it is strongly suggested that you pre-register by contacting Maryann Sheehan, Director of Legislative and Regulatory Affairs, Division of Consumer Affairs, PO Box 45027, Newark, NJ 07101 or electronically at www.njconsumeraffairs.gov/Proposals/Pages/default.aspx no later than April 12, 2018. Written comments can also be submitted to the above, no later than April 12, 2018.

For more information click [here](#).

i. BPU Public Hearings on Storm Power Outages

As a reminder, the Board of Public Utilities (BPU) second of five public hearings on the electric companies' response to the most recent storms is scheduled for:

- April 12, 4:00 p.m. to 7:00 p.m. at Parsippany Town Hall, 1001 Parsippany Blvd, Parsippany

Additional hearings will be scheduled in Hunterdon County, Bergen County, and southern New Jersey areas.

Written comments may also be submitted via email to board.secretary@bpu.nj.gov or in writing to Aida Camacho-Welch, Secretary of the Board, Board of Public Utilities, 44 South Clinton, Avenue, 3rd. Floor, Suite 314, PO Box 350, Trenton, New Jersey, 08625-0350.



New Jersey State League of Municipalities

222 West State Street, Trenton, NJ 08608
Phone: 609-695-3481 Web: njslom.org

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