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July 13, 2018

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I. State Issues

a. Bills of Interest on the Governor's Desk: Please TAKE ACTION

i. Bill Promotes Volunteerism. On June 25, the State Senate, by a 38-0 vote, and the General Assembly, by a 75-0 vote, gave final approval to [A-1627/S-1873](#). The League of Municipalities **strongly supports** A-1627, which would permit a person with a pre-existing volunteer relationship as a firefighter or emergency services worker with their employer to retire from service covered by PERS or PFRS and continue to serve that employer as a volunteer. This is an issue in many municipalities and the League has heard from local elected officials statewide about the difficulties in retaining qualified volunteers.

This bill previously passed both houses but was pocket vetoed by then-Governor Christie. We urge you to contact the Governor's office and ask that he sign this important initiative into law.

This legislation stems from a League Conference resolution in 2014, and we thank the sponsors, including Senators Sarlo and Kean, Assemblywoman Schepisi, and Assemblyman Bucco for their efforts.

The resolution was advanced because in 2014 the Division of Pension and Benefits issued guidance on post-retirement employment restrictions for public employees. The guidance noted that there must be a "bona fide severance of employment," a complete termination of the employee's employment relationship with the employer for a period of at least 180 days, in order not to jeopardize the employee's retirement benefits. The Division considers re-employment by a different unit of the same public entity, whether the position is covered by the same retirement system or a different retirement system, to be

employment by the same employer. If an employee holds more than one position with the employer, they must separate from all employment in order to retire, even if the positions are covered by different retirement systems, or the second position is not subject to pension contributions.

If an individual returns to public employment with the former employer, even as a volunteer, prior to satisfying the requirements of a bona fide severance from employment, the employee will be required to repay all retirement benefits received from the date of retirement and may be required to re-enroll in the same or different retirement system. As a result, volunteer firefighters and first aid members who are public employees have been required to resign from their volunteer position in order to receive their retirement benefits.

Volunteers are the backbone of communities, providing services to the residents at no cost to taxpayers while freely giving of their time and expertise. Employees affected by the Division of Pensions' ruling generally are at least 55 years of age. In their volunteer positions, they often serve as mentors to the new and younger members, typically providing guidance and direction.

While well intended, the Division of Pensions has created an unintended consequence which, if not changed, will impact every public employee who volunteers in the state and will not only drive up property taxes, but would also reduce the quality and level of essential public services.

Contacts:

- Michael F. Cerra, Assistant Executive Director, mcerra@njslom.org, 609-695-3481, Ext. 120.
- Lori Buckelew, Senior Legislative Analyst, lbuckelew@njslom.org, 609-695-3481, Ext. 112.

ii. League Opposes Municipal Pre-emption in “Bag Bill.” On June 25, the State Legislature sent the Governor legislation that would impose a statewide fee on single-use carryout bags provided to customers at retail check-out counters.

The League of Municipalities **opposes** the legislation ([A-3267/S-2600](#)), which would in part supersede and preempt local ordinances that are being readied for adoption, and that are meant to address problems caused by non-reusable carriers.

Already, a number of towns have taken positive action to encourage retailers and shoppers to better protect the environment by using more durable carriers. These ordinances are grandfathered by the proposal. But others are in the process of doing the same. We see no environmental benefit in preempting their actions.

Contacts:

- Michael F. Cerra, Assistant Executive Director, mcerra@njslom.org, 609-695-3481, Ext. 120.
- Jon Moran, Senior Legislative Analyst, jmoran@njslom.org, 609-695-3481, Ext. 121.

b. Comment on Community Solar Pilot

On July 6, 2018, the New Jersey Board of Public Utilities released a Public Notice and Request for Comments in the matter of the New Jersey Community Solar Energy Pilot Program (Docket No. QO18060646). The Request for Comments is available [here](#).

This Pilot Program will enable utility customers to participate in a solar energy project that may be remotely located from their properties and receive a credit on their utility bills for their participation in a community solar pilot project. A majority of the pilot may be municipalities or housing authorities in municipalities. Please address all inquiries pertaining to this matter to communitysolar@njcleanenergy.com.

Contact: Michael J. Darcy, Executive Director, mdarcy@njslom.org, 609-695-3481, Ext. 116.

c. Federal Court of Appeals Upholds NJ Bail Reform

Earlier this week, a Federal Appeals Court upheld the State's recently enacted Constitutional Amendment concerning bail and the related Criminal Justice Reform Act, which made sweeping changes to how and when defendants' are released pretrial.

In [Holland v. Rosen](#) a defendant released pretrial on the condition of electronic monitoring challenged the State's recent bail reform law on Constitutional grounds. The defendant argued that the State violated his Constitutional right to be free from excessive bail by failing to offer the option for cash bail, instead requiring electronic monitoring. The Court ruled that the State's newly enacted standards and requirements for pretrial release do not violate Constitutional rights and refused to grant an injunction that would have prevented the Criminal Justice Reform Act from being enforced until further legal action.

More information on this topic can be found in the League's recently posted blog [on the topic](#).

Contact: Frank Marshall, Esq., League Staff Attorney, FMarshall@njslom.org or 609-695-3481, Ext. 137.

II. Federal Issue

a. Call to Action: Senators Introduce Preemptive Small Cell Deployment Bill

On June 29, Senators John Thune of South Dakota and Brian Schatz of Hawaii introduced [S.3157](#), otherwise known as, the Streamlining the Rapid Evolution and Modernization of Leading-edge Infrastructure Necessary to Enhance (STREAMLINE) Small Cell Deployment Act. This bill would have a similar affect as the recent FCC rulemaking efforts we have written about over the past year (see, [here](#), and [here](#)) and severely limits the actions local governments can take on small cell wireless facility siting. The bill would,

amongst other things, limit local control of the municipal right-of-way and restrict the amount of fees that can be charged for use of the ROW.

The National League of Cities (NLC), the League's national affiliate, has been advocating against the preemptive measures found in this bill and under consideration by the FCC but the best way to thwart this attack on local control is for local leaders to contact their members of Congress. To do this, the NLC has set up a convenient tool to assist local leaders with contacting their members of Congress and opposing this bill or similar legislation. This tool can be accessed [here](#). While there is no House companion bill one is expected shortly and the Senate is poised to move in this bill quickly, because of this, we urge you to reach out to your Federal Representatives today and oppose this attack on local governments.

If you would like more information on S.3157 please see the NLC's recent post, [here](#)

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

III. League Conference

a. Unauthorized Hotel Reservation Services

Every year, there are unauthorized firms soliciting housing and hotel reservations from attendees at the 103rd Annual League Conference. We assure you that the only firm authorized to handle our conference housing reservations is AC Central Reservations. This information is on the top of the official conference housing form sent to all municipal clerks and posted on our [website](#).

Using unauthorized reservation services creates real problems for you and the conference as a whole. You cannot be assured your credit card information is secure and your room reservation may not actually be made. Using unauthorized services means your room will not be part of the official conference housing block so you won't get emergency housing information (which happened in both 2011 and 2012), nor will there be adequate shuttle bus services to your hotel.

As always, the League is available to answer your questions on any aspect of the annual conference and we strive to make your participation both enjoyable and highly productive.

Contact: Michael J. Darcy, CAE, Executive Director, mdarcy@njslom.org, 609-695-3481, Ext. 116.

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, Ext. 125 or klawrence@njslom.org. Information is also available on njslom.org/exhibit.

IV. Also of Interest

a. Statewide Special Events list

The New Jersey Office of Homeland Security and Preparedness and Office of the NJ Regional Operations Intelligence Center request your assistance to help compile the statewide Special Events list. Officials can submit a “Special Events Submission Form” via <http://www.njhomelandsecurity.gov/special-events-submission-form>. A comprehensive and current list of special events adds to the overall resilience of every community and helps police and NJOHSP better protect the people of New Jersey. For more information, email outreach@njohsp.gov.

b. Municipal Officials Free Registration at PILOT Forum

Many municipalities utilize “smart growth” principles through redevelopment studies and plans, in addition to leveraging PILOTs to ensure project viability. On Friday, July 27, the NJ Chapter of the American Planning Association and the New Jersey Builders Association will host a half-day forum that intends to empower attendees with the knowledge necessary to understand and negotiate the best deals for their communities and their taxpayers. Registration is required, but is free for municipal officials. Visit <http://njplanning.org/event/tax-abatements/> for more information.

c. Brownfield Marketing Assistance

The NJ State Office for Planning Advocacy (OPA) would like to assist municipalities and counties by marketing brownfields for redevelopment and to bring them back to the Tax Roll. OPA is responsible for the Brownfields Redevelopment Task Force that created SiteMart, www.njbrownfieldsproperties.com, which is an online searchable database for brownfield properties in New Jersey. The [SiteMart](#) database can help market the inventory of brownfields to prospective developers.

By working with OPA you can help implement Smart Growth strategies by cleaning up and creating infill redevelopment which turns underutilized properties into viable assets for both the community and property owner. Infill also helps prevent sprawl by building upon land with existing infrastructure.

OPA is asking municipalities and property owners to access the [SiteMart](#) database and provide us with updated information on properties in your community so that it can be more useful to all parties. New brownfield properties should also be added to the [SiteMart](#) database.

Start by searching [SiteMart](#) so that you can better understand the resource available and then contact Barry Ableman at Barry.Ableman@sos.nj.gov or Colleen McGurk at colleen.mcgurk@sos.nj.gov to discuss how we will update the information. Please call Barry Ableman at 609-292-3228 with any questions.

d. The League is Now Accepting Applications for the Innovation in Governance Program

The New Jersey Department of Community Affairs (DCA) and the New Jersey League of Municipalities will again acknowledge and promote Innovation in Governance through our annual recognition program. This is a great opportunity to showcase innovative solutions to any problems that have cropped up – either suddenly or over time – in your municipality. It can also be an opportunity to let your peers in on innovations that prevented problems from even arising.

Visit our awards page to see previous years of impressive ideas created by our winning municipalities as well as the full invitation and application to this year's program by clicking [here](#).

Contact: Ciara Bradley, Legislative Administrator, CBradley@njslom.org, 609-695-3481, Ext. 128.

e. Free Complete Streets Training For Municipalities – New Date Added

This full-day workshop covers a range of topics, including what complete streets are and why they are important; policy, implementation and design guidance; and funding sources. For more information, visit the [Sustainable Jersey website](#), or click on the link below to register.

Tuesday, August 21, 2018, 8:30 a.m. - 4:30 p.m. Edward J. Bloustein School of Planning and Public Policy 33 Livingston Avenue, New Brunswick, NJ 08901 [REGISTER](#)

Questions about the workshops should be directed to Maureen Jones at jonesm@tcnj.edu or 609-771-2855.



New Jersey State League of Municipalities

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