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August 17, 2018

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Municipal Clerks: Please forward to Mayor, Governing Body, and Department Heads.

I. State Issues

a. Governor Takes Action

i. Governor Signs Legislation Requiring Audit of State Health Benefits Program

On August 10, Governor Murphy signed into law [A-4228](#) which requires the State Health Benefits Program (SHBP) and School Employee Health Benefits Program (SEHBP) to establish and contract for Medicare Primary Assignment and Audit Program. **The League supports this Legislation.** The continuous review is to ensure that all participating employees and their dependents, who are eligible for Medicare, are properly enrolled in Medicare. Medicare must be the primary health care provider, with SHBP or SEHBP as the secondary health care provider. P.L. 2018, c. 88 took effect immediately.

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

ii. NJ Infrastructure Bank Changes

On August 10, Governor Murphy signed into law [S-2645](#), which makes various changes to New Jersey Infrastructure Bank's enabling act. **The League supports this Legislation.** Specifically, the law provides that each bond, note, or other obligation issued by the New Jersey Infrastructure Bank (NJIB) for a combined sewer overflow project would mature not later than 45 years, as opposed to 30 years for other environmental infrastructure projects. In addition, a line of credit loan for an environmental infrastructure

project or transportation infrastructure project would mature the sooner of: either the last day of the fifth succeeding fiscal year following the closing date of the line of credit loan, or the last day of the third succeeding fiscal year following the date of construction certification following the closing date of the line of credit loan. The law also permits the DEP Commissioner to add drinking water projects to the priority list for funding under the “Water Supply Bond Act of 1981.” The law also clarifies that the longterm loan repayment schedule for each transportation infrastructure project, and requires a final maturity date of not more than 31 years following completion of the project. P.L. 2018, c. 75, which the League supported, took effect immediately.

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

iii. Governor Signs Legislation Permitting Additional Connection Fees

Governor Murphy signed into law [S-1247](#), which authorizes certain local government utilities to impose additional connection fees, and requires certain new credits and reductions for these fees. Specifically, the law authorizes sewer authorities, municipal authorities, and counties or municipalities operating sewerage facilities or water facilities to impose new connection fees for an addition, alteration, or change in use to certain connected properties that materially increases the level of use or imposes a greater demand on the system, but does not involve a new physical connection to the system. The law also provides that the existing connection fee reductions for certain types of affordable housing be extended to all affordable housing, including affordable housing units in inclusionary projects. P.L.2018, c.74, which **the League supported**, took effect August 10, 2018.

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

iv. Governor Signs Legislation Permitting Automatic Mail-In Ballots

Governor Murphy signed [S-647](#), which permits registered voters to receive mail-in ballots automatically for all elections under certain conditions. Specifically, the law would allow a qualified voter to vote using a mail-in ballot not only for a single election but all future elections. The County Clerk would provide the voter who chooses to use a mail-in ballot for all future election a ballot application until the voter requests in writing that they no longer wish to be sent a mail-in ballot. Any mail-in ballot that is returned to the county clerk is to be forwarded to the Commissioner of Registration.

The law also amends the voter registration application to include a check box for voters to indicate that they wish to receive a mail-in ballot for all future elections, until they request otherwise in writing.

All mail-in ballots that are postmarked the election day and are received by the County board of elections within 48 hours after the close of the polls are to be considered valid and must be canvassed. As a result certain statutory deadlines, such as the meeting date of the board of county canvassers and the recount deadline, have changed to reflect this new deadline.

P.L. 2018, c. 72 is effective and operative immediately.

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

v. Governor Signs Public-Private Partnership Legislation

On August 14 Governor Murphy signed into law [S-865](#), which will permit public-private partnership agreements with municipalities, counties, school districts, county colleges, state colleges, New Jersey Institute of Technology, and the State for roads, infrastructure and buildings. Effective February 10, 2019, municipalities will be permitted to enter into public-private partnership agreements with a private entity to assume full financial and administrative responsibility for a project of or for the benefit of the local unit. Any public-private partnership project, while not subject to the Local Public Contracts Law, will require a Project Labor Agreement and be subject to prevailing wages. P.L. 2018, c. 90 will also permit lease agreements. All projects are subject to public hearings and a state review approval process. The League supported S-865 as it provides a unique option for municipalities looking to develop, construct, repair, alter, improve, or maintain any public building, road or other municipal facility, while providing appropriate oversight.

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

b. Court Exempts Certain Police Dash Camera Footage from OPRA

Earlier this week the NJ Supreme Court released its decision in [Paff v. Ocean County Prosecutor's Office](#). This case deals with whether or not police dash camera footage is required to be disclosed under an OPRA request. In a 4-3 decision the Court ruled that despite a municipal police chief's general order to use dash cameras, this order did not carry the force of law and therefore was not a public record subject to disclosure under OPRA.

The Court remanded this case to the trial court to determine whether the same footage should be made available under the common law. In addition, the Court also addresses other issues pertaining to OPRA exemptions. To read a full analysis of the case, please see the League recent [blog post](#).

You should review this ruling with your municipal attorney for more information on how it may impact your municipality.

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

c. Report of NJ Economic & Fiscal Policy Workgroup Issued

In case you missed it, on Thursday August 9 the [Legislative Economic and Fiscal Policy Workgroup's report \(PDF\)](#) was issued. When created by Senate President Sweeney, the workgroup was charged with a "broad mission to identify ways to address soaring pension and benefit costs, hold down property taxes, make state and local government and school districts more efficient, assess the equity and efficiency of our state and local tax structure, leverage the value of state assets, and mitigate the negative impact of the federal tax law that targeted high-cost states." The recommendations of the workgroup were divided into five categories: Pension and Benefit Reforms; Education Reform at the Administrative Level; County & Municipal Government Reform and Shared Services; State and Local

Government Tax Structure; and Leveraging Assets to Stabilize the Pension System.

Despite earlier press reports to the contrary, the report does **NOT** recommend mandating the consolidation of any municipalities. [For more on this, please see the League's alert from last Friday.](#)

Additional information can be found [on the Workgroup's website.](#)

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

d. Division Issues Guidance on Storm Response & Recovery

In issuing [Executive Order 33](#), Governor Murphy declared a state of emergency in Bergen, Essex, Monmouth, Ocean, and Passaic Counties as a result of this past weekend's torrential rains. The Division of Local Government Services has issued [Local Finance Notice 2018-20](#) to provide guidance on post-storm financing and procurement related matters for municipalities impacted by the recent rain storms. For more please see our [August 15 alert](#). For municipalities impacted, we suggest you review this Local Finance Notice with your administrator, chief financial officer, and purchasing official.

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

II. Federal Issues

a. US Interagency Force Looks to Tackle Medicare Fraud and Opioid Abuse in NJ and Eastern PA

On Monday, in Washington, United States Assistant Attorney General Brian A. Benczkowski of the Justice Department's Criminal Division announced the formation of the Newark/Philadelphia Regional Medicare Fraud Strike Force (Regional Strike Force). This joint law enforcement effort will meld the resources and expertise of the Health Care Fraud Unit in the Criminal Division's Fraud Section (HCF Unit), the U.S. Attorney's Offices for the District of New Jersey and the Eastern District of Pennsylvania, as well as law enforcement partners at the FBI, U.S. Department of Health and Human Services Office of the Inspector General (HHS-OIG) and U.S. Drug Enforcement Administration (DEA).

The Strike Force's mission will be to investigate and prosecute health care fraud and illegal opioid prescriptions in New Jersey and eastern Pennsylvania. According to data released by New Jersey Attorney General Gurbir Grewal in July, the Garden State was on-track to suffer 3,000 overdose deaths this year, the majority of which will be attributable to opioids. "The data indicates there is no shortage of medical professionals who are willing to prescribe opioids for no reason at all, which is to say, illegally," said Assistant Attorney General Benczkowski.

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

b. FCC Seeking Nominations for New Disaster Response and Recovery Working Group of BDAC

Last week, the Federal Communications Commission (FCC) issued a [public notice](#) seeking nominations for membership on a new Disaster Response and Recovery Working Group of the Broadband Deployment Advisory Committee (BDAC). The goal of the new working group is to assist the BDAC in providing advice and recommendations to the FCC on steps that can be taken to improve disaster preparation, response, and recovery of broadband infrastructure.

The FCC is looking for applicants from an array of categories, including local governments, particularly first responders, emergency managers and planners, and risk management staff. As you may recall, the BDAC's previous working groups, as well as the BDAC in general, consisted of very few representatives from local governments, even though any recommendation coming from the BDAC will have a direct impact on municipalities. This is an opportunity for local voices to be included on discussions at the federal level.

If you or someone you know has the knowledge and willingness to serve in this important role, please contact us at the League so that we may coordinate with our national affiliates at the National League of Cities regarding letters of support for a nomination.

Nominations must be submitted no later than Thursday, September 7, 2018.

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 x116.

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. 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 x128.

b. Attorney General 21/21 Community Policing Project

The Attorney General has [asked the 21 County Prosecutors](#) to organize quarterly public events to discuss issues relevant to community policing in the 21st century (the "21/21 Community Policing Project"). The goal of the project is to strengthen relationships between law enforcement officers and the communities they serve – and to address areas of concern before conflicts arise. Starting in spring 2018, each of the County Prosecutors will be responsible for organizing one meeting each on the following topics:

- **Spring 2018** (Apr-Jun) – Investigations of Officer-Involved Shootings
- **Summer 2018** (Jun-Aug) – Opioids
- **Fall 2018** (Sep-Nov) – Immigration Enforcement
- **Winter 2018-19** (Dec-Feb) – Bias Crimes

The events will include presentations and/or discussions on the quarterly topic. For a listing of scheduled public events contact [your county prosecutor](#) or visit the [21/21 Community Policing Project site](#).

c. Application for 2018 Governor's Environmental Excellence Awards Available

The New Jersey Department of Environmental Protection (DEP) is accepting applications for the 2018 Governor's Environmental Excellence Awards (GEEA). The Governor's Environmental Excellence Awards Program is New Jersey's premier awards program for

recognizing outstanding environmental performance, programs and projects throughout the state. These awards recognize individuals, businesses, institutions, communities, organizations, educators, youth and others who have made significant contributions to environmental protection in New Jersey. Since the awards program was established in 2000, 170 winners have been recognized. Nominations can be submitted for seven different categories. In addition, the category for “Environmental Education” has been divided into two awards: one for adult-led educational initiatives and one for projects that are student-led or have succeeded due to a high level of student involvement.

The GEEA Program is sponsored by the New Jersey Department of Environmental Protection, the New Jersey Environmental Infrastructure Trust and the New Jersey Corporation for Advanced Technology, in partnership with the New Jersey State League of Municipalities. Award winners will be honored at a ceremony in December, to be held in Trenton. The 2018 application and other awards information is available at <https://www.nj.gov/dep/awards/>. Completed applications must be received at DEP by October 5.

Questions – Contact Tanya Oznowich at DEP 609-984-9802 or Tanya.Oznowich@dep.nj.gov

d. 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. Any questions please call Barry Ableman at 609-292-3228.



New Jersey State League of Municipalities

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