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April 26, 2019

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

I. State Issues

a. 2019 Transitional Aid Application Process for Calendar Year Municipalities

The Division of Local Government Services has issued [Local Finance Notice 2019-8](#), which details the application process for calendar year municipalities applying for 2019 Transitional Aid (TA). The application deadline is May 24, 2019; however, municipalities that intend to apply for TA must notify the Division by emailing the “Notice of Intent to Apply” no later than May 3, 2019. In addition for applicants not currently receiving TA, the Mayor and Chief Administrative Officer must attend a mandatory orientation meeting on May 10, 2019, at 2:00 p.m. at the Department of Community Affairs office in Trenton.

We would also highlight that:

- Municipalities not currently receiving TA must agree to State oversight that begins on the date the application is submitted and not on the date of the award, if any, of TA. The State oversight will terminate if the municipality does not receive TA or the application is withdrawn.
- Municipalities should not assume the receipt of any aid. Municipalities applying should take action and plan accordingly, including advancing a levy referendum, if appropriate, to prepare for the possibility of not receiving TA.
- Award decisions are expected to be made soon after May 24. The application for Fiscal Year municipalities will be available in late summer.

We suggest, if your municipality is interested in applying for TA, you review Local Finance Notice 2019-8 with your Administrator and Chief Financial Officer.

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

b. Legislative Hearings on Governor's FY 2020 Budget Proposal

To date, the Senate Budget and Appropriations Committee and the Assembly Budget Committee have held seven hearings, each, on the Governor's proposed FY 2020 Budget. To date, in none of those fourteen hearings has the topic of municipal property tax relief underfunding been discussed.

The Department of Community Affairs is scheduled to testify before the Senate Budget and Appropriations Committee on Thursday, May 2, and before the Assembly Budget Committee on Monday, May 6. We hope to hear the matter mentioned at one or both of those hearings.

Please contact your State Legislators on this serious and chronic issue to indicate your concerns.

The League has sent a formal letter, spelling out our position on Governor Murphy's proposed budget, to the Chairs of the Senate and Assembly budget committees. Copies of the letter were also sent to all Committee members. While noting areas of agreement, the letter highlights our continued opposition to the underfunding of general municipal property tax relief funding, which has yet to approach pre-2008 recession levels. You can read the full letter on our [Town Crier blog](#).

In our letter, we requested meetings with the respective Committee Chairs, and with any interested Committee members. We are awaiting their responses.

Again, to date, there has been no discussion about the continued underfunding of general municipal property tax relief funding. For the tenth consecutive year, each municipality (excepting the eight municipalities that now receive, through CMPTRA, some of the same property tax relief that they formerly received through Transitional Aid) can expect the State to distribute the same Energy Tax and CMPTRA funding that was distributed in 2010, which was less than each municipality received in 2009, which was less than each received in 2008, which was, likewise, less general property tax relief than was distributed 2007.

After over a decade of this failure to honor their statutory promise to local taxpayers, the time has come for policymakers in Trenton to recognize the fact that there is a connection between property tax relief funding and property tax relief.

Contacts:

- Jon Moran, Senior Legislative Analyst, jmoran@njlm.org, 609-695-3481 x121.
- Michael F. Cerra, Assistant Executive Director, mcerra@njlm.org, 609-695-3481 x120.

II. Federal Issues

a. Counsel's Report Confirms Russian Attacks on Election Infrastructure

The recently released report of Special Counsel Robert Mueller's Office has confirmed that the Russian military intelligence unit, known by its initials – GRU, targeted U.S. state election offices, as well as makers of voting machines.

The report states that the Russian hacking operation targeted "... U.S. state and local entities, such as state boards of elections (SBOEs), secretaries of state, and county governments, as well as individuals who worked for those entities." The Mueller team concluded, "The GRU also targeted private technology firms responsible for manufacturing and administering election-related software and hardware, such as voter registration software and electronic polling stations."

Named victims included the Illinois State Board of Elections, the e-mail accounts of Florida County Election Officials, and executives of companies that produce voting machines. Also, in August 2016, GRU targeted employees of a company that develops software to manage voter rolls and installed malware on the company's network, the report said without naming the company. The report states, "FBI believes that this operation enabled the GRU to gain access to the network of at least one Florida county government."

In July 2018, the Special Counsel indicted 12 Russian military intelligence officers from the GRU for breaking into the Democratic National Committee's email servers, stealing information and leaking it through special online sites as well as through WikiLeaks. The Justice Department said the Russian military officers also hacked the website of a state election board and stole information on 500,000 voters.

Governor Murphy's proposed budget includes an appropriation of \$10.8 million, which would supplement Federal funding of \$9.8 million, to strengthen election access and security.

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

b. Federal Appeals Court Rules "Chalking" to be Unconstitutional

You should be aware of a federal appeals court decision issued earlier this week from the Sixth Circuit that could impact how New Jersey municipalities enforce parking regulations. [Taylor v. City of Saginaw](#) found that the common parking enforcement technique known as "chalking" violated the U.S. Constitution's Fourth Amendment prohibition against unreasonable search.

"Chalking" is when a parking enforcement officer marks the tires of vehicles parked in time-limited spots with chalk. The parking enforcement officer then notes the time that the tires were marked and returns to the vehicle after the permitted parking time has expired. If an examination of the tire's chalk marks shows that the vehicle has not been moved then the officer issues a violation.

Under the Appeals Court ruling chalking would be a prohibited practice unless a warrant has been issued. Because this decision comes from the Sixth Circuit it is not necessarily binding on NJ cases. However, it is important for municipal officials and municipal attorneys to be aware of this developing area of law.

You should review this ruling with your municipal attorney for further information on how this decision could impact your municipality.

Contact: Frank Marshall, Esq., League Staff Attorney, fmarshall@njlm.org, 609-695-3481 x 137.

c. Census Bureau Invites Municipalities to ‘New Construction Program’

The U.S. Census Bureau has opened a website for its [New Construction Program](#) and invites local leaders to participate in this opportunity to update the U.S. Census Bureau’s residential address list, by adding living quarters for which construction is in progress during or after March 1, 2018 and completion is expected by Census Day, April 1, 2020. The New Construction Program helps ensure that the Census Bureau’s address list is as complete and accurate as possible by Census Day, April 1, 2020, to produce a complete and accurate population count.

Participation in the New Construction Program helps to ensure an accurate population count in every municipality; helps the federal government distribute more than \$675 billion in funds annually for infrastructure, programs, and services; and helps your community plan for future needs.

Jurisdictions that qualify for the Program include 563 New Jersey municipalities, as well as all 21 Counties and the State.

Participating governments will designate a New Construction Program liaison. The Census Bureau will provide materials to the New Construction Program liaison in September 2019.

The New Construction Program liaison uses the pre-formatted materials provided by the Census Bureau to submit a list of city-style addresses. Maps or spatial data are provided as a reference for assigning census tract or block codes for each submitted address. They will be asked to ensure that all addresses contain the required geocode information to successfully update our Master Address File, resulting in an accurate population count for your community.

Additional information regarding program participation and response guidelines will be available in Summer 2019.

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

III. League Conference Follow Up

a. Do Not Forget to Claim Your CEUs from the 2018 NJLM Annual Conference!

Attention Municipal Officials! Do Not Forget to Claim Your CEUs from the 2018 NJLM Annual Conference! Please go to [our website](#) to claim your credits.

IV. Also of Interest

a. Mayors Roundtable Events on Cannabis and Affordable Housing – Elected and Professionals Too!

The League is proud to present Mayors' Roundtable discussions on the topics of Affordable Housing and Cannabis. These topics will be the focus of moderated discussions involving your questions, presentations by helpful experts, and status review of legislation. The final date and location is noted below. The moderated discussions and presentations will focus on your concerns so send us your specific questions in advance to Danielle Holland-Htut, Continuing Education/ Special Programs Manager, dholland@njlm.org with the subject line "Mayors' Roundtable Question"

- **Cannabis:** The League has not taken a position on legalization but has done significant research on municipal experiences in other states. See what other states' facilities look like and learn how other communities have been impacted by this new industry. Get your questions answered and take important information back to your residents and governing body. Gain an understanding of how other municipalities are planning to address this new industry and how the State plans to regulate it.

- **Affordable Housing:** No two communities' solutions to housing needs are the same. Learn from the variety of approaches that have been implemented. Understand the current situation in various parts of the state and learn where legislative efforts may be focused.

The third and final event will run 9:00 a.m. - 12:00 noon, Monday, April 29.

For information on this event and to register, click on the date below:

[Monday, April 29, 2019, Princeton Marriott at Forrestal, 100 College Road East, Princeton, NJ 08540](#)

b. Register Now for the One Day Mini Conference

Friday, June 14, 2019

7:30 a.m. - 5:00 p.m.

Conference Center at Mercer

1200 Old Trenton Road

West Windsor, NJ 08550

For more information on the Mini Conference including Registration and Credit Details please visit the [Mini Conference Website](#).

c. League Publications: Read All About It

The League offers a wide variety of publications to provide extra insights on the hot topics in local government, from Newly Elected guidebooks to the latest editions on OPMA, License Fees, Salaries, and Local Public Contracts. For more information on the full publication list or to order volumes for your reference, see the [Publication Order Form](#).



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