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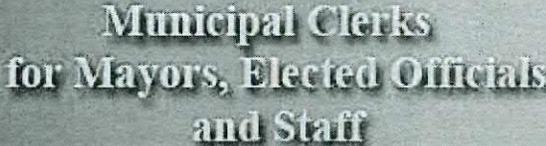
Masser, Michelle

From: Lashway, Lisa
Sent: Wednesday, January 11, 2012 9:18 AM
To: Masser, Michelle; Canning, Sean; Perkins, Ray
Subject: FW: A. Governor Conditionally Vetoed (CV) Legislation B. I. State of State Address Postponed II. Governor Signs Legislation C. Bills on the Governor's Desk

Lisa Lashway
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From: NJLM to Municipal Officials [mailto:njlm-clerks@cityconnections.com]
Sent: Tuesday, January 10, 2012 3:56 PM
To: Lashway, Lisa
Subject: A. Governor Conditionally Vetoed (CV) Legislation B. I. State of State Address Postponed II. Governor Signs Legislation C. Bills on the Governor's Desk

To view an online version of this email, click [here](#).



January 10, 2012

Re: A.Governor Conditionally Vetoed (CV) Legislation

Dear Mayor:

Yesterday, Governor Christie conditionally vetoed 15 bills, a number of which impact municipalities. In some cases, the legislative sponsors accepted the Governor's recommendations, amended the bills and returned them to the Governor. In these cases, it is safe to assume that the bills returned to the Governor with his recommendations will be signed into law.

In other cases, the sponsors did not accept the Governor's recommendations, which mean that these bills will not proceed, will not become law and will likely be reintroduced for consideration in the new Legislative Session, which convened today.

The following bills were conditionally vetoed by the Governor:

- S-2989/A-3949, which exempts certain collocations of wireless equipment from site plan approval and was **opposed** by the League, proposed to exempt the collocation from any site plan review, even if it proposed increasing the height of the tower by 10% and increased the footprint of the mechanical equipment compound by up to 2,500 sq. feet. We are pleased to report that the Governor's conditional veto will "*...retain the site plan review process when a proposed collocation creates the need for a variance...*" The legislative sponsors accepted the Governor's recommendations, amended the bill and returned it to the Governor his for consideration. For more on this bill, please see our December 19 Legislative Alert. Questions can be directed to Mike Cerra at mcerra@njslom.com or (609) 695-3481 x120.
- S-441/A-3625, which provided that a shared services agreement must include a provision limiting any annual fee increase to no more than two percent of the total amount paid pursuant to the agreement. The bill also allowed an increase in a shared services agreement to exceed the two percent cap only if the increase had been approved by the voters of each local unit that is a party to the agreement. The Governor's Conditional Veto would delete these requirements. Instead, the Governor recommends new language that would require the Division of Local Government Services in the Department of Community Affairs to issue guidance on the adoption of shared

service agreements, which guidance would recommend appropriate considerations regarding future cost increases. The Governor also recommends the inclusion of an unrelated provision that aims to limit the issuance of bonds to cover the costs of tax appeals. The bill was returned to the Legislature but not acted upon, which means it will not become law and will likely be reintroduced in one form or another in the new legislature. For more on this bill, please contact Jon Moran at jmoran@njslom.com or (609) -695-3481 x121.

- S-1406/A-2502, which the League **supports**, establishes the “New Jersey Property Assessment Clean Energy (NJ PACE) Municipal Financing Program.” The Governor recommendations eliminate the new subsidy mechanism from the Economic Development Authority (EDA) but continues to authorize a municipality, subject to the approval of the Division of Local Government Services, “...to establish a program to finance and purchase renewable energy systems and energy efficiency improvements by property owners, including the authority to impose a clean energy special assessment on participating property owners.” The legislative sponsors accepted the Governor’s recommendations, amended the bill and returned it to the Governor his for consideration. For more on this bill, please see our [December 19 Legislative Alert](#). Questions can be directed to Mike Cerra at mcerra@njslom.com or (609) 695-3481 x120.
- S-2422, which the League **supports**, modifies the provisions of municipal ordinances required bond or security from landlords. The Governor’s recommendations provides, “...that it will apply to any premises where are two or more convictions for disorderly conduct or any other criminal offense, within a twenty-four month period.” Further, the CV recommends, “...that the hearing officer may, but is not required to, consider past complaints against the residents of rental premises, when determining whether to impose a bond requirement.” The legislative sponsor accepted the Governor’s recommendations, amended the bill and returned it to the Governor for his consideration. For more on this bill, please contact Mike Cerra at mcerra@njslom.com or (609) 695-3481 x120.

- A-2095/S-818, which proposed to revise requirements for emergency medical services delivery. Due to the costs of these new requirements the Governor deleted them, in their entirety. Instead, the Governor recommended that any new requirements await six months so that a study be conducted by the Commissioner of the Department of Health and Senior Services. The bill was returned to the Legislature but not acted upon, which means it will not become law and will likely be reintroduced in one form or another in the new legislature. For more on this bill, please contact Jon Moran at jmoran@njslom.com or (609) -695-3481 x121.
- A-3992/S-2887, which proposed streamlined review of wind turbines on farmlands. The League **opposed** this legislation, so we welcomed the Governor's recommendation to remove preserved farmland from the bill entirely and to maintain local review and control of applications for non-preserved farmland. The bill was returned to the Legislature but not acted upon, which means it will not become law and will likely be reintroduced in one form or another in the new legislature. For more on this bill, please see our [November 22 Legislative Alert](#) or contact Mike Cerra at mcerra@njslom.com or 609-695-3481 x120.

Very truly yours,

William G. Dressel, Jr.
Executive Director

**Re: B. I. State of State Address Postponed
II. Governor Signs Legislation**

Dear Mayor:

I. State of the State Address Postponed

Due to the sudden passing of Assembly Republican Leader Alex DeCroce,

today's scheduled State of the State Address has been postponed. Mayor Art Ondish, Mt. Arlington Mayor and League President, along with the League Officers, Members of the Executive Board and staff extend our deepest condolences to Assemblyman DeCroce's wife, Department of Community Affairs Deputy Commissioner BettyLou DeCroce and his entire family.

II. Governor Signs Legislation

Yesterday Governor Christie took action on pending legislation, signing twenty-five bills of which seven bills impact municipalities. The following bills were signed by the Governor:

S-211/A-4383 – Requires guidance offered by Local Finance Board to members of local governing body employed by casino, or regarding casino employment of immediate family member thereof, be in form of public advisory opinion. In addition, the law mandates that any advisory opinion issued by the Local Finance Board is a government record that is accessible to the public and shall not be confidential. This law takes effect immediately.

S-1141/A-898 – Permits board of fire commissioners to amend fire district budget after adoption to insert special items of revenue. The laws governing Fire Districts has not been substantially revised since 1940. This bill is the first step to bring the Fire District budget process in line with existing laws for municipalities and counties. Currently, if a fire district receives a grant after their budget adoption they must hold the grant funds until the next budget year. As a result, fire districts have lost opportunity to receive grant funding. This law takes effect immediately.

S-2731/A-3876 – Establishes that certification for police training course lasts five years. Under the terms of this bill; a police officer who is terminated from an agency for reasons of economy or efficiency would be granted an exemption or waiver from retaking the basic training course if, within five years from the date of termination, the police officer is appointed to a similar law enforcement position in another agency or is reemployed by the agency from which they were terminated. This law takes effect immediately.

A-3908/S-2765 (ACS) – Requires State, regional, and local authorities, boards, and commissions to establish an Internet website and post information related to each entity’s mission, finances, meetings, and employees. The bill allows the affected public entities to create a webpage on another governmental entity's Internet website, instead of creating a whole new website. It allows the policy makers of an affected public entity to use their discretion in determining which rules, regulations, and policies to post on their website or webpage, in order to avoid the posting of purely technical materials that do not further the goals of transparency and of sensitive materials dealing with ongoing litigation and facility security. This law takes effect on February 1, 2013.

A-4114/S-2956 – Allows all municipalities to sell and lease unneeded public property for “urban” farming and gardening purposes. This law will permit all municipalities to lease a tract of land of less than five (5) acres to a non-profit corporation or association to cultivate and sell fresh fruits and vegetables. This law takes effect immediately.

A-4267/S-3078 – Allows counties and municipalities to use open space trusts funds for purchase of flood-prone properties. This law expands the “Municipal Open Space, Recreation and Farmland and Historic Preservation Trust Funds” to include “Blue Acres” projects. A “Blue Acres” project is defined to mean any project to acquire for recreation and conservation purposes, lands that have been damaged by, or may be prone to incurring damage caused by, storms or storm-related flooding, or that may buffer or protect other lands from such damage, and includes the demolition of structures on, the removal of debris from, and the restoration of those lands to a natural state or to a state useful for recreation and conservation purposes. This law takes effect immediately.

A-4297 (ACS)/S-3010 (SCS) – “Caylee’s Law”. This law upgrades penalties for failing to report a death from a disorderly person to a crime of the 4th degree. In addition it criminalizes the failure to report disappearance of child, a person under the age of 13 years, within 24 hours. This law takes effect immediately.

If you have any questions of the newly enacted laws please contact Jon

Moran at jmoran@njslom.com, Mike Cerra at mcerra@njslom.com, Lori Buckelew at lbuckelew@njslom.com or Matt Weng at mweng@njslom.com.

Very truly yours,

William G. Dressel, Jr.
Executive Director

Re: C. Bills on the Governor's Desk

Dear Mayor:

Yesterday was the last voting session for the 214th Legislative Session. The following are bills that have passed both houses and now await action by Governor Christie. The Governor will have until 12:00 noon January 17 to act upon these bills. If the Governor fails to act on the bill it will precede no further and will not become law.

A-1463/S-1080 – Requires designated fire command structure in municipal emergency operations plans involving mutual aid responses to fires. This bill passed the Senate and Assembly unanimously. The League **opposes** A-1463/S-1080 as we believe that a sufficient structure already exists in these situations and this new mandate could disrupt effective procedures.

A-2769/S-2552 – Provides that subcontractors who furnish non-specialty trade work shall not be named in local public bid documents. This bill passed the Senate and Assembly unanimously. While we **support** the bill we requested an amendment to remove the 35% threshold and permit the contracting unit, regardless of any percentage threshold, to require the naming of additional subcontractors at their discretion.

A-3142/S-2196 – Directs BPU to establish standards concerning local government renewable energy generation demonstration projects utilizing renewable energy technologies. The League **supports** this effort and supports the legislation. We would prefer that this pilot program be

expanded as quickly as possible so that more local governments may participate and more ratepayers can benefit.

A-3167/S-2278 – Authorizes zero-interest loans to local governments for certain brownfield remediations; changes priorities for financial assistance from Hazardous Discharge Site Remediation Fund. This bill passed the Assembly unanimously and by a vote of 38-1 in the Senate.

A-3537/S-244 – Requires certain owners of foreclosed property to file contact information with municipality and common interest community. The League **supports** A-3537/S-244, which was unanimously passed by the Senate and by a vote of 68-2 in the Assembly.

A-3633/S-3007 – Requires plans, specifications, and bid proposal documents for certain local public contracts to address soil contamination. This bill passed the Assembly by a vote of 67-3 and the Senate by a vote of 37-2. We **oppose** the bill due to our concern with the unintended consequences. The bill would require all plans, specifications and bid proposal documents for the erection, alteration, or repair of a building, structure, facility or other improvement to real property that includes the removal of soil from the site to meet the provisions of A-3633. In addition we are concern that municipalities will be force to conduct soil testing, unnecessarily at times, thereby increasing the cost of the project.

A-3971/S-3110 – Prohibits municipal library trustees from transferring donated funds to municipality. This bill was approved, unanimously by the Senate and by a vote of 68-5 in the Assembly.

A-4366/S-3190 – -Authorizes annulments of marriage and civil unions without cause within 30 days of the ceremony; eliminates waiting period for marriage and civil union licenses; and increases fees for such licenses. The bill passed with a vote of 47-21-7 in the Assembly and 21-13 in the Senate. We **oppose** the bill due implementation concerns. We question the creation of a new fee for the State's General Fund especially when the State's involvement in the issuing of the license is very limited. We are also concern with the requirement of the immediate release of the license given the time

needed to process the necessary paperwork.

A-4389/S-3139 – Permits registered voters to receive mail-in ballots automatically for all elections under certain conditions; limits number of sample ballots transmitted to each residence. The bill passed with a vote of 25-14 in the Senate and 60-11-12 in the Assembly.

S-299/A-4170 – Authorizes marriage and entry into a civil union by proxy for certain persons serving overseas in the Armed Forces or National Guard. The bill unanimously passed the Senate and Assembly.

S-317/A-3990 – Requires contracting units and boards of education to credit contractors with interest earned on certain funds withheld from payment to contractors. The bill passed with a vote of 62-12-2 in the Assembly and 28-9 in the Senate. We **oppose** the bill as we are concerned that there may be IRS implications. Failure to meet spend down requirements would trigger arbitrage rebate.

S-463/A-915 – Authorizes creation of local renewable energy collaboratives and central renewable energy generation systems, and provides for sale of renewable power generation. This bill passed with a vote of 46-33 in the Assembly and 24-12 in the Senate. The League **supports** this bill, but we asked that the bill be expanded so that all municipalities are permitted to take advantage of the law.

S-2100/A-4160 – Prohibits new employees of certain organizations, including the League, from enrolling in State-administered retirement system or health care plan of public employer unanimously passed by both the Senate and Assembly. We have gone on record **supporting** this legislation. However, we are disappointed that certain union officials were not included in the bill.

S-2232/A-3527 – Permits chief financial officer to recommend reduced appropriation for reserve for uncollected taxes in certain circumstances. It passed with a vote of 58-18 in the Assembly and 34-2 in the Senate. We **oppose** the bill as it would be harmful to the integrity of the municipal budget to allow the Chief Financial Officer to estimate a greater tax

collection rate, thereby lowering the reserve appropriation, when there is no history to support it.

S-2411/A-3484 – Permits appointment of certain EMT's laid off for reasons of economy to vacant paid positions. It was unanimously passed by both the Assembly and the Senate.

S-2434/A-3507 – Requires Governor notify local government to fly United States and State flags at half-staff upon death of member of Armed Forces of United States or National Guard who was State resident. We **support** this bill, which unanimously passed the Assembly and Senate.

S-2771/A-3895 – Requires periodic inspection of exterior walls of certain buildings. The bill passed with a vote of 50-19-2 in the Assembly and 27-12 in the Senate.

S-2850/A-4442 – Exempts beach bars, amusement parks and carnival amusement rides from noise restrictions of "Noise Control Act of 1971" during certain time periods and subject to certain conditions. The bill unanimously passed the Assembly and the Senate.

S-2888/A-3898 – Establishes uniform real property taxation for commercial renewable energy systems and limits municipal construction permit fees for non-commercial renewable energy systems. This bill passed with a vote of 50-23-3 in the Assembly and 31-4 in the Senate. This bill originally proposed to prohibit municipalities from assessing an inspection fee, but was amended to limit the fees to the cost of review and issuance.

S-3148/A-4394 – Establishes procedures for districts, municipalities, or voters to opt to move the annual school election to November and eliminates vote on school budgets for such districts, except for separate proposals to spend above cap. We **support** this bill, which passed with a vote of 62-11-2 in the Assembly and 33-2 in the Senate.

S-3156/A-4335 – Extends validity of wastewater service area and sewer service area designations, and revises certain aspects of wastewater management planning process. This bill passed with a vote of 56-14-3 in the

Assembly and 27-5 in the Senate.

S-3166/A-4432 – Prohibits soliciting of campaign contributions on any public property by elective public office candidates; prohibits persons from making contributions to such candidates on any public property. It unanimously passed the Assembly and Senate.

S-3173/A-4426 -"Urban Hope Act"; provides a process to permit authorized entities to build, operate, and manage "renaissance school projects" as public schools in no more than three identified failing districts. The bill passed with a vote of 56-17-1 in the Assembly and 35-3 in the Senate.

If you have any questions on the legislation above please contact Jon Moran at jmoran@njslom.com, Mike Cerra at mcerra@njslom.com or Lori Buckelew at lbuckelew@njslom.com.

Very truly yours,

William G. Dressel, Jr.
Executive Director

*If you would like to be removed from receiving faxed advisories please contact Shirley Cade at scade@njslom.com or 609-695-3481 ext. 114 with the name of your municipality and fax number. Thank you.

New Jersey League of Municipalities
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