



**Masser, Michelle**

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**From:** Lashway, Lisa  
**Sent:** Thursday, January 19, 2012 4:10 PM  
**To:** Masser, Michelle; Canning, Sean; Perkins, Ray  
**Subject:** FW: Summary of Recently Enacted Legislation

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**From:** NJLM to Municipal Officials [mailto:njlm-clerks@cityconnections.com]  
**Sent:** Thursday, January 19, 2012 4:08 PM  
**To:** Lashway, Lisa  
**Subject:** Summary of Recently Enacted Legislation

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**Municipal Clerks  
for Mayors, Elected Officials  
and Staff**



January 19, 2012

**RE: Summary of recently enacted legislation**

Dear Mayor:

As you know, the Governor acted, or chose not to act, on dozens of bills on Monday, which were summarized in our January 18 “Governor Signs Bills” alert and our January 18 “Governor Pocket Veto Bills” alert.

We have received questions on a number of bills of interest to municipalities, and this letter summarizes bills on land use, environmental and energy issues.

**S-2989/A-3949, *Collocation of certain wireless equipment***

The Governor signed into law PL 2011, c. 199 after the Legislature had accepted his recommendations made via a conditional veto. If you recall, the League opposed this legislation as it originally passed the Legislature, and asked that the Governor to either not sign the bill or correct its deficiencies. Based on the concerns raised by the League and local governments, the Governor conditionally vetoed the bill and returned it to the Legislature, as summarized in our January 10 Dear Mayor alert. The sponsors of the bill accepted the Governor’s recommendations, approved in both Houses and returned it to the Governor for his signature. The central thrusts of the Governor’s recommendations assure that the site plan process is retained for any application for collocation that would require a variance.

Now, under this bill, an application to collocate wireless communication equipment on a wireless communications support structure or in an existing equipment compound is not subject to site plan review if the application meets all of the following requirements:

- 1) the support structure has already been granted all necessary approvals;
- 2) the proposed collocation does not increase the overall height of the structure by 10% of the original height; does not increase the width of the structure; and does not increase the area by more than 2,500 square feet;
- 3) the proposed collocation complies with the final approval and all its conditions and does not create a need for a variance.

**S-1406/A-2502**, *“New Jersey Property Assessment Clean Energy” (NJ PACE) Municipal Financing Program*

The Governor signed to law PL 2011, c. 187, which authorizes municipalities to establish a program to finance the purchase of renewable energy systems and energy efficiency improvements by property owners, including the imposition of a clean energy special assessment on the participating property owners. The League supported this legislation, which was conditionally vetoed by the Governor, as summarized in our [January 10 Dear Mayor alert](#).

The Governor’s recommendations removed the requirement for the Economic Development Authority (EDA) to establish a source of financing for municipalities, citing his belief that such a program would be redundant with current programs administered by the Board of Public Utilities (BPU), Office of Clean Energy. The remaining program is permissive for municipalities and counties.

**S-2422**, *Modifies provisions of municipal ordinance requiring bond or other security from landlord.*

The Governor signed into law PL 2011, c. 193, which makes amendments to existing law which allows municipalities to require certain landlords post bond against the future conduct of tenants. The legislation, sponsored by Senators Turner and Sacco and was supported by the League, was conditionally vetoed by the Governor, as summarized in our [January 10 Dear Mayor alert](#), to modify the bill so that it applies to premises where there are two or more convictions for disorderly conduct or other criminal offenses within a two-year period. Additionally, the hearing officer may consider past complaints against the residents of rental premises when determining whether to impose a bond requirement.

**A-3991/S-2978**, *Requires BPU to review safety implications of installation and maintenance at certain solar and photovoltaic electric generation equipment.*

Legislation requiring the Board of Public Utilities to conduct a review of the safety issues associated with the installation of solar panels in the “neutral zone” of utility poles, was signed into law as PL 2011, c. 226. The Governor’s conditional veto of the bill deleted a provision that would have provided exception to the current BPU regulations regarding such installation.

**S-3156/A-4335**, *Extends validity of wastewater service area and sewer service area designations, and revises certain aspects of wastewater management planning process.*

The Governor also signed into law PL 2001, c. 203, which amends the Water Quality Planning Act regarding the designation of sewer service areas. Under 2008 regulations passed by the Department of Environmental Protection, “wastewater management planning agencies” (either county or municipal) are required to adopt new or updated wastewater management plans. This deadline was subsequently extended until April 7, 2010 by an Administrative Order. If these deadlines are not met, the rules provide that sewer service area designations would be withdrawn in areas where sewers are not already in the ground, except in limited situations. The legislation extends the existing designations for up to two years following the effective date of act.

Questions on these bills can be directed to Mike Cerra at [mcerra@njslom.com](mailto:mcerra@njslom.com) or 609-695-3481 x120.

Very Truly Yours,

William G. Dressel, Jr.  
Executive Director

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