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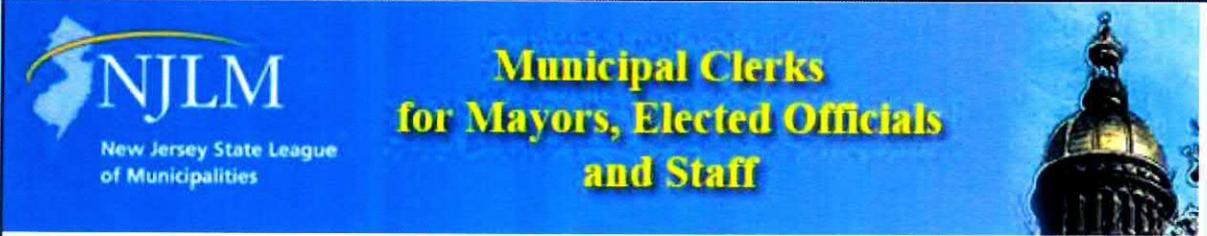
Masser, Michelle

From: Lashway, Lisa
Sent: Wednesday, December 28, 2011 11:57 AM
To: Sohl, Bill; Masser, Michelle; Tobey, Phil; Perkins, Ray
Subject: FW: I. Update on Recent Council on Local Mandates Case II. Educaional Foundation-Land Use Controls III. Recreational Trails Program

Lisa Lashway
Township Clerk
Township of Mount Olive
P.O. Box 450
Budd Lake, NJ 07828
973-691-0900 Ext. 7290

From: NJLM to Municipal Officials [mailto:njlm-clerks@cityconnections.com]
Sent: Tuesday, December 27, 2011 1:59 PM
To: Lashway, Lisa
Subject: I. Update on Recent Council on Local Mandates Case II. Educaional Foundation-Land Use Controls III. Recreational Trails Program

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



December 27, 2011

Re: I.Update on recent Council on Local Mandates case

Dear Mayor:

As you may remember, the League is involved as amicus curiae in IMO Township of Roxbury, a case before the Council on Local Mandates. The Council has announced its decision in this case.

Essentially, Roxbury filed a complaint with the Council on Local Mandates seeking a declaration that DEP regulations found at N.J.A.C. 7:14A-15.15 constituted an unfunded mandate. Those regulations required the municipality to act as the enforcement agent ensuring that (1) outside dumpsters and other refuse containers exposed to stormwater are covered at all times (the “cover the trash” requirement) and (2) existing private catch basins are retrofitted in conjunction with any repair or reconstruction of private property.

The Council held that the retrofitting requirement was not an unfunded mandate, since it only requires action when there is “repaving, repairing . . ., reconstruction, resurfacing . . ., or alterations on [private] property.”

The Council held that projects of this sort are “ordinarily the subjects of local permits, inspections and approvals of the municipal engineer, building inspector or other local official” and that “there is no reason to conclude that additional direct municipal expenditures will be required to do that limited task.”

However, the Council did find that the “cover the trash” requirement was an unfunded mandate, and as such, is unenforceable.

As argued by Roxbury with the support of the League, the cover the trash requirement forced the “municipality to act as the enforcement agent to ensure compliance with DEP requirements that outside dumpsters and other refuse containers exposed to stormwater are covered at all times.” The Council rejected all DEP arguments to the contrary and agreed with Roxbury and the League that this requirement will increase costs to municipalities without any compensation. As such, they found it to be an unfunded mandate.

A copy of the decision should be posted soon at
<http://www.state.nj.us/localmandates/recent/>

We strongly encourage you to discuss this impact of this decision with your

municipal attorney and/or environmental attorney to see how it affects your situation.

In addition, the League reminds you that legislation signed last year permits the League to bring complaints on behalf of two or more towns before the Council on Local Mandates. If you have any questions, or would like the League to bring a case to the Council, contact League Staff Attorney Matthew Weng at 609-695-3481 ext 137 or at mweng@njslom.com

Very truly yours,

William G. Dressel, Jr.
Executive Director

Re: II. Educational Foundation, Inc. - Save the Date:

"Land Use Controls: New Threats, New Challenges"

**Wednesday, March 14, 2012
Mercer County Community College
Hamilton, NJ
9 am—1 pm**

The NJLM Education Foundation will hold a half-day program entitled, **"Land Use Controls: New Threats, New Challenges"** scheduled for March 14, 2012, at the Mercer County Community College in Hamilton.

The seminar will provide municipal and county leaders with training and resource materials, exploring in greater detail the relationship between existing land use controls and the authority exercised at the local level, as well as the prioritization of alternate energy sources, including solar and wind, and the controls in place for local governments to regulate these sources.

In addition to the controls in place for local governments to regulate these uses, topics will include: the changes that will be coming from the Christie

Administration and the Legislature to promote/support renewable energy investment; the new Energy Master Plan; and, more.

The format of the conference will provide participants with the opportunity to discuss, with State regulators, legislators and fellow municipal officials, best practices and solutions. Additionally, the schedule will provide ample time for networking to supplement participants' exposure to a variety of energy issues and the tools immediately available to address them in their community, upon return.

For further information, please contact Michael Cerra at (609) 695-3481 x120
mcerra@njslom.com

Hon. Arthur Ondish

Mayor, Mount Arlington
President, NJLM Educational Foundation

William G. Dressel, Jr.
Treasurer, NJLM Educational Foundation

RE: III. Recreational Trails Program

On October 26th the NJDEP sent out a Recreational Trails Program grant invitation letter and application package for the 2012 funding round. State, County and local governments are eligible for these grants as well as non-profit agencies. The deadline for the grant program is February 15th, 2012. For more information or to get a grant application for 2012 please visit www.trails.nj.gov.

[Click here for a PDF with more information.](#)

*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
222 West State Street, Trenton, NJ 08608
609-695-3481

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