

Conference Resolution No. 2006 – 01
APPROVED AT LEAGUE BUSINESS MEETING, November 17, 2006
APPROVED BY THE RESOLUTIONS COMMITTEE, November 14, 2006

**Resolution Concerning the Application of the Sales
Tax to Certain Municipal Services**

WHEREAS, in an effort to meet legitimate citizen needs, and most often at no cost to our property taxpayers, but rather to their benefit, municipalities throughout the State have provided commuter parking opportunities, on a ‘fee for service’ basis; and

WHEREAS, prior to this year, those services had not been subject to the States Sales and Use Tax; and

WHEREAS, providing commuter parking is an essential element of Redevelopment, Urban Renewal and Smart Growth infrastructure; and

WHEREAS, in order to close its deficit and enact a balanced budget, the State of New Jersey has imposed that levy on all such facilities, except “Municipal Metered Parking”; and

WHEREAS, that exception seemed to us to indicate the intent of the Legislature to exclude from the tax, local commuter parking facilities; and

WHEREAS, in interpreting that language, the State’s Division of Taxation has applied an excessively narrow definition of the term “Municipal Metered Parking”; and

WHEREAS, the State Parking Sales Tax affects municipal parking rate structure, parking revenues collected which accrue to the municipal general fund or parking authority/utility operating expense, and existing parking facility bonded indebtedness; now therefore be it

RESOLVED, by the New Jersey State League of Municipalities, in Conference Assembled, that the State Parking Sales Tax Statute, N.J.S.A. 54:32B-3(i), be amended in either one of the following two manners:

Amendment 1: Proposes to remove the word “metered” from the Sales Tax Statute, which would have the effect of exempting all municipal (which includes parking authorities/utilities) on-street and off-street (lot & decks) from imposing and collecting the 7% parking sales tax; or

Amendment 2: Proposes a statutory definition of “municipal metered parking” in place of Taxation’s regulatory interpretation of the term “metered parking”, which would read, “Municipal metered parking takes place in municipally owned public right of way; or on property or at a facility owned or operated by a municipal government and/or municipal parking entity or its agent, and meets the following conditions: (1) is unattended, (2) cash payment is

required at the time the right to park for a specific period of time is purchased/granted, and (3) the payment receiving device is not configured to make change for the parking transaction,”;

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the members of the New Jersey State Legislature and the Governor of the State of New Jersey.

Conference Resolution No. 2006 - 02
APPROVED AT LEAGUE BUSINESS MEETING, November 17, 2006
APPROVED BY THE RESOLUTIONS COMMITTEE, November 14, 2006

Resolution Re-Endorsing Enactment of Impact Fee and Timed Growth Legislation

WHEREAS, the League of Municipalities has previously endorsed the enactment of legislation to authorize municipalities to collect impact fees from developers to offset the costs resulting from new residential development in order to protect existing property taxpayers from having to subsidize the cost of new and/or additional programs, services and/or infrastructural capabilities required by said development; and

WHEREAS, the League of Municipalities has also previously endorsed the enactment of legislation authorizing municipalities to enact timed growth ordinances that would control the suburban sprawl caused by new residential development so as to enable municipalities to manage growth in a manner consistent with local programmatic and infrastructural capabilities; and

WHEREAS, the Legislature has failed to protect local property taxpayers by enacting impact fee and timed growth ordinance legislation, despite the fact that such land use tools are needed now, more than ever;

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey State League of Municipalities, in Conference Assembled, hereby re-endorses the enactment of impact fee and timed growth ordinance legislation to protect the interests of local property taxpayers against the compulsory subsidization of the cost of new and/or additional programs, services and/or infrastructural capabilities resulting from new, residential development, whether such development is market rate or income-restricted in nature; and

BE IT FURTHER RESOLVED, that a copy of this ordinance be forwarded to the members of the New Jersey State Legislature and the Governor of the State of New Jersey.

Conference Resolution No. 2006 – 03
APPROVED AT LEAGUE BUSINESS MEETING, November 17, 2006
APPROVED BY THE RESOLUTIONS COMMITTEE, November 14, 2006

Resolution to Establish a Permanent PILOT Program and Establish a Formula to Increase PILOT Payments as Property Values Increase

WHEREAS, in order to further broad State policy goals, the Legislature has granted property tax exemptions, based on the use to which the property is put; and

WHEREAS, such exemptions, absent other funding, shift the burden of supporting local government services and programs from the owners of such properties and to all other property owners in a municipality; and

WHEREAS, in recognition of this, and based on the principle of State Pay for State Mandate, the Legislature has enacted programs that provide some relief to those who must bear the burden shifted from tax exempt properties, in the form of Payments In Lieu Of Taxes, or PILOT, funding; and

WHEREAS, many municipalities rely on PILOT funding to offset the loss of tax ratables that results from such State mandated tax exemptions; and

WHEREAS, in regards to the PILOT funding for preserved lands, the Commissioner of DEP determines PILOT levels for each affected municipality; and

WHEREAS, there has been no adjustment in PILOT funding levels since the program began, despite the increased costs associated with municipal programs and services and despite increasing property values;

NOW, THEREFORE, BE IT RESOLVED that a permanent PILOT program be established with additional percentage increments of compensation and that a formula be created to keep PILOT payments on par with increasing property values;

BE IT FURTHER RESOLVED, that properties that are granted tax exempt status will remain preserved in perpetuity and any property currently in conservation/preservation status and granted tax exemption, if sold to any non tax exempt entity, will pay back to the municipality the actual taxes lost from the time the exemption was granted for a period of 20 years;

BE IT FURTHER RESOLVED, that a committee be appointed to hear appeals if a municipality opposes the granting of tax exemption and the Commissioner of DEP overrides that opposition.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded the Commissioner of the Department of Environmental Protection and the Governor of the State of New Jersey.

Conference Resolution No. 2006 – 04
APPROVED AT LEAGUE BUSINESS MEETING, November 17, 2006
APPROVED BY THE RESOLUTIONS COMMITTEE, November 14, 2006

**Resolution Calling Upon State Legislators to Introduce and Support legislation Requiring
Public Notification of Property Owners Within 200 Feet of a Site Proposed for Inclusion on
the National Priorities List**

WHEREAS, the mere nomination of Site for the National Priorities List (NPL) also known as the SUPERFUND list can have a devastating impact on property; and

WHEREAS, such Sites are often poorly defined; and

WHEREAS, New Jersey has the opportunity to concur on an NPL listing for a Site within its jurisdiction; and

WHEREAS, there is no requirement for public notification or opportunity for the public to provide comment on such matters until the Site is formally nominated for inclusion on the NPL.

NOW, THEREFORE, BE IT RESOLVED by the New Jersey State League of Municipalities, in conference Assembled that the State Legislature pass Legislation that:

1. Require, to the greatest extent possible, the exact identification of any Site, for which the Governor or NJ DEP (hereinafter referred to as “the State”) has taken a position regarding listing the Site on the NPL, by metes and bounds description and block and lot designator on the municipality’s tax record.
2. Require the disclosure of the exact known and perceived threats to human health and the basis for such determination.
3. Require public notification of any position taken by the State, regarding listing a Site on the NPL, to all property owners within 200 feet of a Site, prior to the transmission of that position to US EPA so that the public may comment.
4. Require that the proposed position of the state shall be the subject of a public hearing held within the municipality in which the Site is located prior to the position being finalized. The State shall consider all public comment before taking any final position on a proposed nomination to the NPL and shall transmit a final decision to the County Freeholder Board, the State Senator and Members of the General Assembly representing the municipality in which the Site is located, the Clerk of the local governing body, and the Mayor of the municipality in which the Site is located at least seven (7) days prior to the transmission of its final position to the US EPA. In formulating its final position, the state shall consider the mitigating and aggravating factors associated with listing the Site on the NPL including, but not limited to, public health threats, the existence of a potentially responsible party and its willingness to cooperate with testing and remediation, delays that listing might

impose on a potential removal or remediation, security of the Site, and the impact the listing may have on local property values and the fiscal soundness of the municipality.

5. Making this act retroactive to January 1, 2006 and requiring that all endorsements of NPL nominations shall be withdrawn pending compliance with the requirements of this legislation.

BE IT FURTHER RESOLVED, that a copy of this ordinance be forwarded to the members of the New Jersey State Legislature and the Governor of the State of New Jersey.

Conference Resolution No. 2006 – 05
APPROVED AT LEAGUE BUSINESS MEETING, November 17, 2006
APPROVED BY THE RESOLUTIONS COMMITTEE, November 14, 2006
Removing Impediments to Municipalities and School Districts Sharing Staff/Services

WHEREAS, the sharing of personnel and services by municipal governments and local school districts can generate cost savings; and

WHEREAS, such cost savings would contribute to property tax relief; and

WHEREAS, state laws, rules and regulations create impediments to the sharing of staff and services by local municipalities and school districts; and

WHEREAS, for example non-teaching professionals must meet different state licensing/certification requirements depending upon whether they are employed by the municipality or the school district, and

WHEREAS, for example the state requires school boards and municipalities use different accounting systems; and

WHEREAS, for example there are state laws which restrict the rights of school boards to use non-school employees to provide non-teaching services;

NOW, THEREFORE BE IT RESOLVED that the New Jersey State League of Municipalities; in Conference Assembled, hereby calls upon the Governor to identify and eliminate those state department and agency rules and regulations that are impediments to the sharing of staff and services by municipal governments and local school districts, and

BE IT FURTHER RESOLVED that the New Jersey State League of Municipalities hereby calls upon the Governor and the Legislature to repeal statutory impediments to the sharing of staff and services by municipal governments and local school districts; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the members of the New Jersey State Legislature and the Governor of the State of New Jersey.

Conference Resolution No. 2006 – 06
APPROVED AT LEAGUE BUSINESS MEETING, November 17, 2006
APPROVED BY THE RESOLUTIONS COMMITTEE, November 14, 2006

Permitting Limited Inter-Municipality Transfers of Retail Liquor Licenses

WHEREAS, over the past 69 years there have been numerous changes in the character of individual municipalities; and

WHEREAS, the number of retail liquor licenses available in a community is either the greater of the number of such licenses in effect in 1937 or one license for each 3,000 residents; and

WHEREAS, this has resulted in some municipalities having more retail liquor licenses available than they wish to issue while other municipalities have fewer licenses available than they wish to issue; and

WHEREAS, permitting municipalities to sell their unused retail liquor licenses to other communities could generate income for both communities, and

WHEREAS, the holders of retail liquor licenses in communities where they are in short supply have typically paid a substantial price to purchase them from the previous owner; and

WHEREAS, to protect their investment there should be a limit on the number of new retail liquor licenses in a municipality which could be added by means of such inter-municipality transfers;

NOW, THEREFORE BE IT RESOLVED that the New Jersey State League of Municipalities supports state legislation to permit municipalities to sell their unused retail liquor licenses to other municipalities; and

BE IT FURTHER RESOLVED that such legislation permit municipalities to purchase such licenses subject to reasonable limitations (for example that such transfers not increase the total number of retail liquor licenses in the municipality to more than one license for each 2,500 residents); and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the members of the New Jersey State Legislature and the Governor of the State of New Jersey.

Conference Resolution No. 2006 –07
APPROVED AT LEAGUE BUSINESS MEETING, November 17, 2006
APPROVED BY THE RESOLUTIONS COMMITTEE, November 14, 2006

Reducing Increases in the Cost of Medical Care

WHEREAS, municipalities provide their employees with health insurance; and

WHEREAS, the rapidly rising cost of medical care has significantly increased the cost of employee medical insurance premiums paid for by New Jersey municipalities; and

WHEREAS, this is one of the major factors contributing to increased municipal property taxes; and

WHEREAS, lowering medical cost inflation would benefit municipalities by reducing increases in employee medical insurance premiums; and

WHEREAS, federal and state legislation has been proposed to reduce future increases in the cost of medical care; and

WHEREAS, examples of such legislative initiatives include;

- Programs to reduce medical insurance fraud
- Placing limits on jury awards for medical malpractice
- Reducing delays in approving generic versions of prescription drugs
- Eliminating the ban on purchasing imported prescription drugs
- Expanding the functions that may be performed by NJ nurse practitioners.

NOW, THEREFORE BE IT RESOLVED that the New Jersey League of Municipalities, In Conference Assembled, support state legislative initiatives to control/reduce increases in medical care costs; and

BE IT FURTHER RESOLVED that the New Jersey State League of Municipalities encourage the National League of Cities to support federal legislative initiatives to control/reduce increases in medical care costs; and

BE IT FURTHER RESOLVED that the New Jersey State League of Municipalities encourage the New Jersey Congressional Delegation to support federal legislative initiatives to control/reduce increases in medical care costs; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the members of the State Legislature, the New Jersey Congressional Delegation and the Governor of the State of New Jersey.

Conference Resolution No. 2006 – 08
APPROVED AT LEAGUE BUSINESS MEETING, November 17, 2006
APPROVED BY THE RESOLUTIONS COMMITTEE, November 14, 2006

Resolution Supporting Budget Relief for Subsurface Sewage Disposal Systems

WHEREAS, N.J.A.C. 7:9 et. Seq., the regulations governing subsurface sewage disposal systems, requires the witnessing of soil test relied upon in the design or location of subsurface sewage disposal; and

WHEREAS, Boards of Health are unable to establish accounts in anticipation of costs associated with soil test witnessing, making it necessary for a budget appropriation to be made every year for soil test witnessing; and

WHEREAS, problems exist in budgeting for costs associated with soil testing since it is impossible to estimate the number of properties being tested each year;

NOW, THEREFORE, BE IT RESOLVED by the New Jersey State League of Municipalities, in Conference Assembled, that a petition be made to the Director of Local Government Services to approve the establishment of a dedicated by rider trust account for soil test witnessing fees, which would be outside the budget;

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to the Director of Local Government Services, to the Commissioner of the New Jersey Department of Environmental Protection, the New Jersey State Legislature and the Governor of the State of New Jersey.

Conference Resolution No. 2006 – 09
APPROVED AT LEAGUE BUSINESS MEETING, November 17, 2006
AMENDED AND APPROVED BY THE RESOLUTIONS COMMITTEE,
November 14, 2006

**Resolution in Support of State Legislation Authorizing Municipal Ordinance Forbidding
the Practice of Loitering and to promote gang control.**

WHEREAS, the Superior Court of the State of New Jersey in the case of State vs. Crowley ruled that then existing municipal loitering ordinances were preempted by the enactment of Title 2C of the New Jersey Statutes and the New Jersey municipalities;

WHEREAS, since that decision, legislative authorization for municipal ordinances have been restricted and difficult to enforce;

WHEREAS, persistent presence on public or private property located in the various municipalities present an ongoing threat to the health, welfare and safety of individuals residing in the municipalities represented by this organization;

WHEREAS, the continuing presence or congregation of these individuals is part of or promotes criminal activity, particularly drug trafficking, is a source of unacceptable levels of noise, and impedes law abiding citizens from pursuing normal activities and creates an atmosphere of fear in many residential areas;

WHEREAS, the experience of law enforcement is that the aforementioned measures do not permit our law enforcement officers to effectively deal with the problems posed by persons whose continuing presence of congregation is without a legitimate purpose;

WHEREAS, the New Jersey State League of Municipalities is aware of the constitutional rights of individuals to assemble and to associate, but is confident that the legislature is able to produce legislation that can pass constitutional muster;

NOW, THEREFORE, BE IT RESOLVED that the New Jersey State League of Municipalities, in Conference Assembled, hereby petitions the legislature of the State of New Jersey to enact legislation authorizing municipalities to enact loitering ordinances and prevent gang activity_ that will allow law enforcement personnel to effectively deal with the problems presented by persons loitering on public or private property; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the members of the New Jersey State Legislature and the Governor of the State of New Jersey.

Conference Resolution No. 2006 – 10
APPROVED AT LEAGUE BUSINESS MEETING, November 17, 2006
AMENDED AND APPROVED BY THE RESOLUTIONS COMMITTEE,
November 14, 2006

**Resolution Endorsing an Extension for Local Governing Body to Consider Failed
School Budget**

WHEREAS, N.J.S.A. 19:60-1 provides for the annual School Election for Type II School Districts to be held on the third Tuesday in April; and

WHEREAS, it is at this election that members of a school board are elected and voters are asked to approve or disapprove proposed school budgets; and

WHEREAS, if budget is defeated, within two days of the certification of the election results the board(s) of education must deliver to the governing body(s) the proposed budget that the voters defeated; and

WHEREAS, N.J.S.A. 18A:22-37 and N.J.S.A. 28A:13-19 mandate that by May 19th municipal governing body(s), after examination of the defeated budget, meetings and consultation with the board of education, must determine and certify to the county board of taxation, the amount of money necessary for school purposes to be raised by taxation for the ensuing school year; and

WHEREAS, this mandate for governing body to determine and certify a school budget by May 19th is extremely onerous. The time constraint to examine budgets for millions of dollars, especially where there are regional school systems with municipal governing bodies and in some cases multiple boards of education, who must meet and make just and encompassing determinations by this date is unrealistic; and

WHEREAS, this mandated requirement prohibits a governing body from adequately representing the voters and the taxpayers who have determined that the budget put forth in the school election is unacceptable and deserves closer scrutiny;

NOW, THEREFORE, BE IT RESOLVED by the New Jersey State League of Municipalities, in Conference Assembled, that careful consideration to an extension of the period mandated by N.J.S.A. 18A:22-37 and N.J.S.A. 28A:13-19, at the request of the local governing body, by New Jersey Legislators is encouraged. Additional time would enable municipal governing bodies analyzing budgets involving millions of taxpayer dollars and at the same time trying to maintain a standard of education for the youth of New Jersey, to give the time and consideration an issue of this magnitude deserves; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Members of the New Jersey State Legislature and the Governor of the State of New Jersey.

Conference Resolution No. 2006 –11
APPROVED AT LEAGUE BUSINESS MEETING, November 17, 2006
APPROVED BY THE RESOLUTIONS COMMITTEE, November 14, 2006

**Resolution Opposing the New Jersey Department of Environmental Protection’s Proposal
to Lower the Total Phosphorus Limitations to 0.1MG/L**

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) has proposed a total phosphorus limitation of 0.1 mg/l; and

WHEREAS, the NJDEP has unilaterally proposed these new limits without consulting with the representatives of existing treatment facilities and without documented scientific evidence supporting the need for such a reduction; and

WHEREAS, the limits do not consider the economic implications on municipalities and regional systems which are estimated in the millions of dollars to upgrade existing treatment facilities which are otherwise in compliance with NJDEP regulations; and

WHEREAS, based on approved technologies, compliance could add 30% to the cost of sludge treatment in order to reduce the high levels of metals created by the treatment process necessary to reduce the arbitrary phosphorus limits; and

WHEREAS, the NJDEP’s implementation of the proposed limits constitutes an unconstitutional, unfunded State mandate.

NOW, THEREFORE, BE IT RESOLVED by the New Jersey State League of Municipalities, in Conference Assembled, that it calls upon the Department of Environmental Protection to implement changes to the arbitrary phosphorus discharge limitation.

BE IT FURTHER RESOLVED, that copies of the resolution be sent to the Commissioner of the Department of Environmental Protection and the Governor of the State of New Jersey.

Conference Resolution No. 2006 – 12
APPROVED AT LEAGUE BUSINESS MEETING, November 17, 2006
APPROVED BY THE RESOLUTIONS COMMITTEE, November 14, 2006

**Resolution Urging Changes in the New Jersey Mediation and Arbitration processes with
Respect to Public Sector Employees**

WHEREAS, property and income tax increases levied in the State of New Jersey have placed a dangerously increasing burden on our residents, resulting in an exodus of the State's net population and business community; and

WHEREAS, the majority of property and state income tax expense consists of salaries and benefits for municipal, county, state and school employees; and

WHEREAS, said salaries and benefits have been rising, and continue to rise, at rates significantly greater than the general rate of inflation in the State of New Jersey; and

WHEREAS, efforts to negotiate more reasonable salary increases, benefits changes and health care contributions with said employees have largely failed; and

WHEREAS, the failure of said negotiations is due in no small part to New Jersey's system of mediation and arbitration with said employees, a system which has consistently favored employee interests over taxpayers interests; and

WHEREAS, changes in New Jersey's system of mediation and arbitration could be made that would bring balance back into the negotiating process; and

WHEREAS, such balance would create conditions more amenable to reasonable salary and benefit increases for said employees; and

WHEREAS, more reasonable employee salary and benefit increases would result in a lower growth rate of property and income taxes, and fewer people and businesses leaving the State of New Jersey.

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey State League of Municipalities, in Conference Assembled, that we call upon the New Jersey State Legislature and the Governor to open discussions aimed at revising the mediation and arbitration process for the good of the taxpaying public in the State of New Jersey.

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to members of the State Legislature and the Governor of the State of New Jersey.

Conference Resolution No. 2006 – 13
APPROVED AT LEAGUE BUSINESS MEETING, November 17, 2006
APPROVED BY THE RESOLUTIONS COMMITTEE, November 14, 2006

Resolution Calling for an Amendment to Title 59 Requiring the State to Provide a Defense and Indemnification of Municipal and County Employees Performing State or County Law Enforcement Activities

WHEREAS, multiple municipal police departments and police officers throughout New Jersey voluntarily serve on State and County Law Enforcement Task Forces for investigative and prosecutorial purposes; and

WHEREAS, such voluntary service on Law Enforcement Task Forces provide the State with necessary personnel and manpower for major investigations and criminal prosecutions; and

WHEREAS, municipal police departments and police officers voluntarily serving on such Task Forces are not only serving their municipal employers indirectly, but are also directly benefiting the State of New Jersey; and

WHEREAS, the State of New Jersey is generally required to provide defense and indemnification for County Detectives who serve on Prosecutors' Task Forces and should also provide the same defense and indemnification to municipal police officers voluntarily serving on such Task Forces; and

WHEREAS, the New Jersey State Attorney General's Office has taken the position in pending litigation involving municipal police officers voluntarily serving on a Prosecutor's Law Enforcement Task Force that the State of New Jersey will not provide a defense or indemnification for the municipal police officers and police departments that had voluntarily served on the Task Force; and

WHEREAS, the State of New Jersey's denial of defense and indemnification for municipal police departments and officers serving on such Task Forces is contrary to the public interest of the State of New Jersey and is unfair to the municipalities and municipal police officers that voluntarily serve on such Law Enforcement Task Forces; and

NOW, THEREFORE, BE IT RESOLVED by the New Jersey State League of Municipalities, in Conference Assembled, that we support an amendment to N.J.S.A. 59:10A-1 so that the statute, which requires the State to provide a defense and indemnification of State employees, include municipal and county employees involved in State or County law enforcement activities.

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the members of the State Legislature and the Governor of the State of New Jersey.

Conference Resolution No. 2006 – 14
APPROVED AT LEAGUE BUSINESS MEETING, November 17, 2006
AMENDED AND APPROVED BY THE RESOLUTIONS COMMITTEE,
November 14, 2006

Resolution Requesting the Establishment of Municipal Service Fees to be Paid by Students Attending Colleges and Universities within the Municipality

WHEREAS, municipalities are having difficulty coping with the fact that a large percentage of the property within their boundaries is tax-exempt; and

WHEREAS, municipalities are realizing the erosion of their tax bases when colleges, universities and other nonprofits purchase additional property within the municipality; and

WHEREAS, because of New Jersey's allowance for tax-exempt property, the average municipality loses approximately 13% of the taxes it could collect if all property within its borders were taxed; and

WHEREAS, the unequal distribution of tax-exempt properties within the State of New Jersey exacerbates the problems posed by tax-exempt properties since exempt property is concentrated in relatively few municipalities; and

WHEREAS, in addition to the loss of revenue from tax-exempt property, municipalities are facing budget shortfalls due to decreasing grant awards and State aid; and

WHEREAS, the cost of providing municipal services such as police, fire, emergency medical services, street lighting and road maintenance are continually increasing; and

WHEREAS, residents are unfairly shouldering the burden of higher taxes for municipal services, than they would pay if everyone using the services shared the burden of paying for said services; and

WHEREAS, it is well-known that college and university students frequently utilize municipal services, especially those of public safety (police, fire and emergency medical services); and

WHEREAS, the New Jersey State League of Municipalities deems it vital and crucial to alleviate the tax burden of the residents and businesses of said municipalities, communities replete with tax-exempt entities and small commercial tax bases; and

WHEREAS, the New Jersey State League of Municipalities asserts that all persons and non-profit entities utilizing municipal services should pay for them as well as do all the residents and businesses n said municipalities; now, therefore

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey State League of Municipalities, in Conference Assembled, that it hereby requests the establishment of municipal services fees to be paid by students attending colleges and universities within said municipalities; and

BE IT FURTHER RESOLVED, that full-time students should be assessed a fee of \$100/year, part-time students should be assessed a fee of \$50/year, and the aforementioned fees should be adjusted annually by the municipal tax rate: and

BE IT FURTHER RESOLVED, considerations should also be given to offsetting the costs of the children of students, usually graduate students, in the local school system;

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the members of State Legislature and the Governor of the State of New Jersey.

Conference Resolution No. 2006 – 15
APPROVED AT LEAGUE BUSINESS MEETING, November 17, 2006
APPROVED BY THE RESOLUTIONS COMMITTEE, November 14, 2006

Resolution Opposing Regulations by the State Library Board Prohibiting Municipal Libraries from Paying rent to the Municipality

WHEREAS, municipalities who have elected to have a municipal library and are required by State Statute to appropriate one-third of a mill for the support of their library; and

WHEREAS, as a result of the substantial increase in ratables in many municipalities, the increase in the minimum mandatory library appropriation has been substantial; and

WHEREAS, the mandatory minimum appropriation requirement is forcing increases in municipal taxes, in some cases raising funds which are not necessary, for the current operation of the library, and

WHEREAS, the funds raised for a municipal library must be spent for library purposes. It is difficult at times for a Library Board of Trustees to spend all of the funds in a responsible way resulting in excessive fund balances; and

WHEREAS, Municipal Libraries act is an adjunct to the municipality for the education, information and intellectual recreation needs of its citizens; and

WHEREAS, many municipalities and library boards have worked together to provide these services as cost effectively as possible; and

WHEREAS, the New Jersey State Librarian is proposing changes to the N.J.A.C. that if enacted in their present form will negatively impact municipal budgets, and the proposed changes will further restrict independent Municipal Library Boards.

NOW, THEREFORE, BE IT RESOLVED by the New Jersey State League of Municipalities as follows:

1. The New Jersey League of Municipalities opposes N.J.A.C. 15:21-12.4(d) proposed by the New Jersey State Librarian in its present form, and proposes the addition of language that would allow municipalities and Library Boards to mutually agree on a payment schedule for payment of funds each year.
2. The New Jersey State League of Municipalities opposes N.J.A.C. 15:21-12.6, proposed by the New Jersey State Librarian, which would prohibit municipal libraries which use municipal buildings, paid for by the municipal funds and not from the mandatory appropriation, for use by the library from paying rent;

3. The New Jersey State League of Municipalities opposes N.J.A.C. 15:21-12,8 proposed by the New Jersey State Librarian, which would require the Department of Community Affairs not to approve a municipal budget if the library was not in compliance with these rules.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the New Jersey State Librarian, members of State Legislature and the Governor of the State of New Jersey.

Conference Resolution 2006-16
APPROVED AT LEAGUE BUSINESS MEETING, November 17, 2006
APPROVED BY THE RESOLUTIONS COMMITTEE, November 14, 2006

Resolution Concerning the Application of the Sales Tax to Certain Municipal Services

WHEREAS, in an effort to meet legitimate citizen needs, and most often at no cost to our property taxpayers, but rather to their benefit, municipalities throughout the State have provided recreational facilities and opportunities, on a 'fee for service' basis; and

WHEREAS, prior to this year, those services had not been subject to the States Sales and Use Tax; and

WHEREAS, in order to close its deficit and enact a balanced budget, the State of New Jersey has imposed that levy on all such programs; and

WHEREAS, that action imposes an administrative burden on local government and diverts local resources from the public's service to compliance with the new requirements involved in Division of Taxation procedures;

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey State League of Municipalities, in Conference Assembled, that the application of the State Sales and Use Tax to municipal recreation programs be repealed;

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the members of the State Legislature and the Governor of the State of New Jersey.

Conference Resolution 2006-17

TABLED BY THE RESOLUTIONS COMMITTEE;

Conference Resolution 2006-18
APPROVED AT LEAGUE BUSINESS MEETING, November 17, 2006
APPROVED BY THE RESOLUTIONS COMMITTEE, November 14, 2006

**Resolution Calling for State Funding for any Mandated Security Measures Associated with
the Statewide Municipal Court Security Policy**

WHEREAS, the New Jersey Supreme Court adopted a Statewide Municipal Court Security Policy on July 6, 2006; and

WHEREAS, the Policy requires every New Jersey municipal court to create a local municipal court security committee and to develop a local municipal court security plan; and

WHEREAS, each municipal court is required to submit its plan to the Assignment Judge for review by February 5, 2007; and

WHEREAS, each plan must address a series of *security measures* enumerated in the New Jersey Municipal Court Schedule of Protection as drafted by the New Jersey Administrative Office of the Courts; and

WHEREAS, the *implementation* of the mandated measures as set forth in the plan will clearly result in additional expenditures by municipalities in the form of capital purchases and overtime expenditures for additional police/security personnel; and

WHEREAS, any directive to implement the security measures by the New Jersey Administrative Office of the Courts and/or the Assignment Judge will constitute an “unfunded mandate”; and

WHEREAS, although municipal governments generally support the initiative from the State court system to enhance security measures for local municipal courts, the burden of paying for these additional security measures should not fall on the backs of local taxpayers;

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey State League of Municipalities, in Conference Assembled, as follows:

1. Any directive issued by the New Jersey Administrative Office of the Courts and/or the Assignment Judge to implement the enhanced security measures should be deemed to be an “unfunded mandate” subject to review by the Council on Local Mandates; and
2. Local municipalities should be relieved of having to comply with any directives involving the expenditure of local funds for the enhanced security measures for local municipal courts until such time as state funding is made available.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the New Jersey Administrative Office of the Courts, the members of the New Jersey State Legislature and the Governor of the State of New Jersey.

Conference Resolution No. 2006-19
APPROVED AT LEAGUE BUSINESS MEETING, November 17, 2006
APPROVED BY THE RESOLUTIONS COMMITTEE, November 14, 2006

In Appreciation of League President Herbert D. Stiles, Jr.

WHEREAS, Mayor Herbert D. Stiles, Jr. is completing his term as the President of the New Jersey State League of Municipalities; and

WHEREAS, President Stiles rendered the highest caliber of service consistent with the principles fundamental to good government and objectives of the New Jersey State League of Municipalities; and

WHEREAS, President Stiles was instrumental in articulating the concerns of rural towns which would have lost the services of the State Police in last year's efforts by the Attorney General to force over 80 communities to assume local policing services without any prior notice or realistic funding schedule which is reflective of their unique needs; and

WHEREAS, he testified at numerous public hearings before the legislature on the need for property tax reform, appeared before the Joint Appropriations committee this past Spring on the need for additional funding relief and presided at several statewide educational sessions and tax policy summits, including the Annual Mayors Legislative Day this past January;

WHEREAS, President Stiles has worked tirelessly on behalf of the League of Municipalities and all local officials to host the League's 91st Annual Conference;

WHEREAS, the League and the municipal community at large have been well guided and inspired by the leadership of President Stiles;

WHEREAS, President Stiles has consistently demonstrated the most important quality of every good League President, every good municipal official, every good leader and every good citizen in our democratic republic, which is to strive every day in every way to be a good neighbor;

NOW THEREFORE, BE IT RESOLVED, by the New Jersey State League of Municipalities, in Conference Assembled, on the 17th day of November 2006, do extend to President Stiles sincere appreciation for years of dedicated administration, good counsel and untiring efforts to improve local government in New Jersey; and

BE IT FURTHER RESOLVED, that sincere wishes for continued success in all future endeavors be extended to President Stiles and that a copy of this resolution be transmitted herewith to him.