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New Jersey State League of Municipalities Conference Resolution No. 2022-01

**CALLING ON STATE LAWMAKERS TO TAKE MEASURES TO ENACT
COMPREHENSIVE REFORM TO THE STATE'S AFFORDABLE HOUSING POLICY**

WHEREAS, in 1975, the New Jersey Supreme Court determined that municipalities may not validly employ their zoning powers to prevent the creation of a variety and choice of housing opportunities available to low and moderate-income households; and

WHEREAS, in response to the Supreme Court decision, the Legislature established the "Fair Housing Act," P.L.1985, c.222, which empowered the Council on Affordable Housing (COAH) to assign municipalities affordable housing obligations; and

WHEREAS, as a result of COAH's failure to carry out its statutory functions, on March 10, 2015, the New Jersey Supreme Court directed that municipalities file Declaratory Judgment Actions in the Superior Court, placing the determination of municipal housing obligations and approval of compliance plans in the hands of judges in each of the 21 counties in New Jersey; and

WHEREAS, the Supreme Court also invited the Legislature and the Governor, to devise a new legislative-based approach to affordable housing in our State and promised to show enormous deference to any new legislative pronouncement; and

WHEREAS, in its March 2015 ruling, the Supreme Court made clear that its decision did not, *"prevent either COAH or the Legislature from taking steps to restore a viable administrative remedy that towns can use in satisfaction of their constitutional obligation. In enacting the [Fair Housing Act], the Legislature clearly signaled, and we [the Court] recognized, that an administrative remedy that culminates in voluntary municipal compliance with constitutional affordable housing obligations is preferred to litigation that results in compelled rezoning. It is our [the Court's] hope that an administrative remedy will again become an option for those proactive municipalities that wish to use such means to obtain a determination of their housing obligations and the manner in which those obligations can be satisfied"*; and

WHEREAS, in the years that have passed since the Supreme Court's decision, both COAH and the Legislature have failed to act, leaving the complicated issues involved in affordable housing entirely to the courts to resolve on a case-by-case, piecemeal fashion, at exorbitant cost to the taxpayers, affordable housing advocates, and development community; and

WHEREAS, many municipalities across the State have entered into settlement agreements to avoid prolonged and costly litigation, demonstrating their willingness to voluntarily comply with their affordable housing obligations; however, that desire has been frustrated by the lack of action by COAH and the Legislature, as well as the painfully slow progress and inconsistent rulings in the courts to resolve the issues surrounding affordable housing; and

WHEREAS, the lack of administrative and legislative action over the years, and the prospect of many more years of litigation, overwhelmingly and convincingly demonstrates the urgent need for the New Jersey State Legislature to take immediate measures to enact comprehensive reforms to

the Fair Housing Act so as to achieve the goal of providing clear and realistic standards to establish reasonable and achievable municipal affordable housing obligations as well as to guide municipal action to satisfy those obligations; and

WHEREAS, the prospect for additional costly and protracted litigation increases as the July 2025 deadline for the “fourth round” of regulations, which will include additional municipal obligations, draws near; and

WHEREAS, the New Jersey State League of Municipalities and municipalities statewide have long called for comprehensive reforms to the Fair Housing Act to implement a reasonable and grounded state affordable housing policy which promotes rational planning, seeks to achieve results with available housing funding and incentives, encourages partnerships, and protects the interests of taxpayers; and

WHEREAS, the Legislature and Governor should seize the opportunity to reform the State’s housing laws and implement a statewide housing plan predicated on good planning, providing incentives, directing funding to assist municipalities and protect the interests of taxpayers.

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, urges the New Jersey State Legislature and the Governor to accept the continued calls from both the New Jersey Supreme Court and municipalities statewide to adopt and sign into law comprehensive reforms to the Fair Housing Act in order to provide clear and realistic standards to establish reasonable and achievable municipal affordable housing obligations, provide additional tools to satisfy those obligations, and provide effective administrative alternatives to the courts; and

BE IT FURTHER RESOLVED, that a copy of this resolution is forwarded to the members of the New Jersey General Assembly, the New Jersey State Senate, the Lieutenant Governor and Commissioner of the Department of Community Affairs, the Council on Affordable Housing, and the Governor of State of New Jersey.

Sponsor(s)

Hon. Paul Medany
Mayor, Township of Deptford

New Jersey State League of Municipalities Conference Resolution No. 2022-02

**CELEBRATING THE BIPARTISAN INFRASTRUCTURE LAW AND URGING
CONTINUED FLEXIBILITY IN LOCAL USE OF FUNDS**

WHEREAS, quality, reliable infrastructure plays a vital role in the economy and quality of life in our cities by making our communities safer, helping supply chains work efficiently, and increasing access to employment, healthcare and education; and

WHEREAS, infrastructure investments are particularly important in supporting our recovery from the Covid-19 pandemic and associated economic impacts; and

WHEREAS, the American Society of Civil Engineers estimates the nation's backlog of deferred infrastructure maintenance could cost as much as \$2.6 million over 10 years to address; and

WHEREAS, the \$1.2 trillion Bipartisan Infrastructure Law will make possible once-in-a-generation investments that will boost our economy, help us address long-overdue infrastructure needs, reduce climate impacts, and shape the future physical landscape of our communities; and

WHEREAS, the Bipartisan Infrastructure Law and associated funding present a significant opportunity to counter historic funding flows, which divided and left behind many communities of color across the country; and

WHEREAS, municipalities can help direct infrastructure funds to the most urgent needs of our communities, but we need flexibility to do so most effectively; and

WHEREAS, we urge the Biden Administration to allow maximum flexibility and control of funding by municipalities, encouraging innovative programs that best respond to local needs, and to support related investments in energy, water, transportation, broadband, affordable housing, small business support, childcare, and workforce development to amplify the impact of the Bipartisan Infrastructure Law; and

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, applauds the work of the White House and Congress to pass the Bipartisan Infrastructure Law, which will provide transformative funding to invest in our infrastructure; and

BE IT FURTHER RESOLVED, that a copy of this resolution is forwarded to the members of the New Jersey congressional delegation, the Governor of State of New Jersey, and the President of the United States.

Sponsors:

The Hon. Brian C. Wahler
Mayor, Piscataway Twp.

New Jersey State League of Municipalities Conference Resolution No. 2022-03

OPPOSITION TO THE NEW YORK CONGESTION PRICING PLAN

WHEREAS, as a part of the 2019-2020 budget, the State of New York enacted several measures designed to generate additional revenue streams to fix various fiscal needs in the state, which included a congestion pricing plan to generate \$15 billion to fund the operations of and improvements to the Metropolitan Transportation Authority (MTA) subway system, rail transit lines, and bus service; and

WHEREAS, the first of its kind in the United States, the congestion pricing plan is modeled after a plan established in London, England, in 2003 that reduced traffic by 30 percent in central London in the first year, but has since risen sharply across the city, according to a report by the Chair of the London Assembly Transport Committee; and

WHEREAS, under the plan to be implemented in the City of New York, vehicles driving in Manhattan on streets below 60th Street may be charged as much as \$12 per passenger vehicle or \$25 per commercial vehicle per day, beginning on or after January 1, 2021, with credits, discounts, and exemptions to be determined by the newly created Traffic Mobility Review Board; and

WHEREAS, under the current congestion pricing plan, those commuters who have paid a toll to enter Manhattan using the Lincoln Tunnel or Holland Tunnel will receive a credit without being charged an additional congestion pricing plan toll, however that credit will not extend to those commuters who have paid a toll to enter Manhattan using the George Washington Bridge; and

WHEREAS, New Jersey residents in passenger vehicles who commute across the George Washington Bridge, one of the most expensive bridge crossings in the region at \$15, will be forced to pay twice to enter Manhattan on streets below 60th Street, which could total over \$25 per passenger vehicle, per day under the congestion pricing plan; and

WHEREAS, the cost prohibitive nature of the congestion pricing plan may lead many New Jersey motorists to use the Lincoln Tunnel or Holland Tunnel, which may cause more congestion on the already overused tunnels that are in desperate need of repair; and

WHEREAS, with the interconnectedness of the citizens, workforce, and economies of the State of New York and the State of New Jersey, it is disappointing that the State of New York would institute a congestion pricing plan that fails to treat residents of the State of New Jersey fairly and equally; and

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, opposes New York's Congestion Pricing Plan as burdensome to the commuters and residents of the State of New Jersey; and

BE IT FURTHER RESOLVED, that a copy of this resolution is forwarded to the members of the New Jersey General Assembly, the New Jersey State Senate, the Mayor of the City of New

York, the Chair and Chief Executive Officer of the Metropolitan Transit Authority, the Governor of the State of New York, members of the New Jersey and New York congressional delegation, and the Governor of State of New Jersey.

Sponsors:

The Hon. Dianne C. Didio
Mayor, Borough of Oradell

New Jersey State League of Municipalities Conference Resolution No. 2022-04

**RESTORING LOCAL AUTHORITY TO RECEIVE FAIR AND REASONABLE
COMPENSATION FOR USE OF PUBLIC RIGHTS-OF-WAY BY CABLE OPERATORS
AND OTHER COMMUNICATIONS SERVICE PROVIDERS**

WHEREAS, municipal officials are committed to ensuring the digital infrastructure of tomorrow is safe, reliable, and accessible to all of the residents of their municipalities; and

WHEREAS, the New Jersey State League of Municipalities on behalf of municipal officials have long advocated for universal access to reliable and affordable high-speed broadband service as crucial for education, employment, economic development, and the provision of a variety of services necessary for success and progress in the 21st century; and

WHEREAS, timely deployment of broadband networks will promote U.S. innovation, including in transportation, agriculture, healthcare, education, public safety, manufacturing, commerce, and the continued development of smart communities; and

WHEREAS, municipalities are facing dwindling revenue sources and increasing demand for municipal services as a result of the COVID-19 pandemic, record inflation, and other causes; and

WHEREAS, municipalities must balance competing interests for the use of the public rights-of-way, taking into account considerations for: public safety; public utility services such as water, sewer, and electricity; the traveling public; environmental concerns; economic development; maintenance costs; and adequate taxpayer compensation for private commercial use of public property; and

WHEREAS, municipal government oversight of broadband deployment is critical to ensure it is safe, equitable, and fiscally prudent, and local government officials have the most direct understanding of the needs of their communities and understand how best to implement policies that affect their citizens; and

WHEREAS, some members of the Federal Communications Commission (FCC), Congress, and state legislatures have wrongly characterized this balancing act among competing interests for the public rights-of-way and maintenance of local authority as a barrier to broadband deployment, putting the interests of national corporations ahead of the needs of communities by effectively granting those corporations subsidized access to local public rights-of-way that do not belong to the federal or state government; and

WHEREAS, this has led to FCC and court actions aimed at restricting local authority over the public rights-of-way, limiting the rents and fees municipalities can charge private companies for access to those rights-of-way and public infrastructure, without any assurances that the subsidy given to those companies will be used to deploy broadband infrastructure where it is most needed, thus potentially harming consumers and municipalities alike; and

WHEREAS, in 2019 the FCC adopted a Third Report and Order in its Implementation of Section 621(a)(1) of the Cable Communications Policy Act of 1984 as Amended by the Cable Television Consumer Protection and Competition Act of 1992 proceeding (2019 Order), which adopted a new reading of the federal Cable Act that would, among other things, cost local governments millions of dollars in reduced franchise and other right-of-way fees and threaten the future of cable franchise access channel and institutional network requirements; and

WHEREAS, the FCC's 2019 Order was appealed by numerous local governments, with those appeals being transferred to and consolidated in the U.S. Court of Appeals for the Sixth Circuit; and

WHEREAS, on May 26, 2021, the Sixth Circuit largely upheld the FCC's 2019 Order, in particular the parts of that order ruling that (1) the Cable Act exempts cable operators from generally applicable right-of-way fees on their broadband services, and (2) a cable operator's cost of complying with most non-monetary franchise obligations is a "franchise fee" that counts against the Cable Act's 5% cap on franchise fees; and

WHEREAS, on February 22, 2022, the United States Supreme Court denied the petition of several local governments to review the Sixth Circuit's decision; and

WHEREAS, municipalities have had to incur, and are continuing to incur, extraordinary legal costs contesting the FCC's intrusion on municipalities' ability to manage and receive fair compensation for private commercial use of public property; and

WHEREAS, the FCC's imposition of new restrictions on local governments' ability to obtain fair and reasonable compensation for use of local public rights-of-way threatens municipalities' continued fiscal and staffing ability to provide essential public health and safety services; and

WHEREAS, the FCC's sweeping actions prevent local governments from being good stewards of public property, safety, and welfare; and

WHEREAS, in December 2021, Representatives Anna Eshoo (D-CA) and Peter DeFazio (D-OR) introduced legislation in the House (H.R. 6219), the Protecting Community Television Act, which has 37 cosponsors, and Senators Edward Markey (D-MA) and Tammy Baldwin (D-WI) introduced companion legislation in the Senate (S. 3361), which has 18 cosponsors; and

WHEREAS, H.R. 6219 and S. 3361 would overturn the part of the FCC's 2019 Order that ruled that non-monetary franchise obligations could be considered franchise fees under the Cable Act; and

WHEREAS, cable operators' broadband revenues have been increasing while their cable service revenues will be falling, with operators' broadband revenues now exceeding their cable service revenues by a significant amount, meaning that, under the FCC's 2019 Order as upheld by the Sixth Circuit, local governments' cable franchise fee receipts will decline in the years ahead, even as cable operators' use of local rights-of-way will generate increasing revenue for them free of any right-of-way fee; and

WHEREAS, unless overturned by legislation, the part of the FCC’s 2019 Order upheld by the Sixth Circuit that exempts cable operators from generally applicable right-of-way fees on their broadband and other non-cable services, will deprive local governments of fair and reasonable compensation for cable operators’ use of local rights-of-way and give cable operators a discriminatory competitive advantage over their non-cable operator competitors that provide broadband and other non-cable services through facilities in the rights-of-way; and

WHEREAS, both the FCC and the Sixth Circuit ignored language in the Telecommunications Act of 1996 making clear that Congress intended to prevent the result reached by the FCC and the Sixth Circuit,

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, respectfully requests President Biden, the U.S. Congress, the Federal Communications Commission, along with New Jersey’s Legislature and Governor Murphy, to protect municipal authority to retain control over their local rights-of-way and to receive fair-market compensation for access to all public assets; and

BE IT FURTHER RESOLVED, that the U.S. Congress and New Jersey Legislature should recognize that universal access to affordable broadband cannot be achieved through deregulation and preemption of local authority and fees, but will require partnerships and robust and dedicated federal and state funding to accelerate universal broadband deployment; and

BE IT FURTHER RESOLVED, that the U.S. Congress should recognize that the FCC’s preemptive actions threaten the continued ability of the nation’s local governments to provide essential public safety and health services; and

BE IT FURTHER RESOLVED, that the U.S. Congress should preserve the respect for municipal authority protected in the Cable Act and in Telecommunications Act of 1996; and

BE IT FURTHER RESOLVED, that the New Jersey State League of Municipalities calls on Congress to pass legislation that would amend the franchise fee provision of the Cable Act to correct the FCC’s and the Sixth Circuit’s misreading of the Act and make clear that no other provision of the Cable Act limits or preempts state or local fees or taxes on cable operators or on the non-cable services they provide; and

BE IT FURTHER RESOLVED, that the New Jersey State League of Municipalities calls on Congress to pass the Protecting Community Television Act, H.R. 6219 and S. 3361, which would amend the franchise fee provision of the Cable Act to make clear that the cost of non-monetary franchise obligations do not constitute a “franchise fee” under the Cable Act; and

BE IT FURTHER RESOLVED, that the New Jersey State League of Municipalities calls on our federal and state representatives to oppose any new regulation or legislation that would limit, in any way, local government oversight and authority regarding the deployment of broadband in communities and the fees that local governments may impose on private businesses for installing and operating permanent commercial facilities on local public property; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to our representatives in Congress, the members of the New Jersey General Assembly and the State Senate, President of the New Jersey Board of Public Utilities, the Lieutenant Governor, and the Governor of the State of New Jersey.

Sponsor(s)

Hon. Paul Medany
Mayor, Township of Deptford

Co-Sponsor(s)

Hon. Brian Wahler
Mayor, Piscataway, Twp.

New Jersey State League of Municipalities Conference Resolution No. 2022-05

RESOLUTION IN SUPPORT OF HOME RULE AND LOCAL AUTONOMY

WHEREAS, New Jersey has long prided itself on maintaining the principles of home rule, which has provided our residents with the most meaningful direct access to democratically elected officials through strong local governments; and

WHEREAS, municipalities represent the form of government which is closest to the people, and the immediacy of governance at the local level brings a distinctive responsiveness and ability to shape policy to respond to the particular needs of communities; and

WHEREAS, local control and decision making empowers the residents and taxpayers of each municipality to carefully tailor local policies that reflect its unique geography, economy, beliefs and priorities; and

WHEREAS, localized decision making ensures the greatest level of accountability while allowing affected community members the greatest level of input and the platform through public hearings and easier access to elected officials to provide specific, relevant information on potential impacts that only they would have knowledge of; and

WHEREAS, local legal autonomy, through the principles of home rule, has long been understood to foster participation and engagement by giving force to the outcome of local democracy, with the pragmatic give-and-take of local governance being a vital means to instill public spirit and to maximize community buy-in on policy proposals; and

WHEREAS, legislative proposals and administrative action have been introduced by state lawmakers with policies contrary to the principles of home rule; and

WHEREAS, this erosion of local autonomy threatens to undermine the benefits home rule provides to our residents.

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, re-affirms support for the principles of home rule and the benefits such policies provide for our residents and our government as a whole; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to our representatives in Congress, the members of the New Jersey General Assembly and the State Senate, the Lieutenant Governor, and the Governor of the State of New Jersey.

Sponsors

The Hon. Raymond Heck
First Vice President, NJLM
Mayor, Millstone Borough (Somerset County)

The Hon. William Chegwidde
2nd Vice President, NJLM
Mayor, Borough of Wharton

New Jersey State League of Municipalities Conference Resolution No. 2022-06

ADVOCATING FOR LONG-TERM REAUTHORIZATION OF THE NATIONAL FLOOD INSURANCE PROGRAM

WHEREAS, Congress created the National Flood Insurance Program (NFIP) in 1968 to make affordable flood insurance available to homeowners, renters, and business owners, and

WHEREAS, the NFIP makes federally backed flood insurance available in states and cities, towns, or villages that agree to adopt and enforce flood-plain management ordinances to reduce future flood damage, and

WHEREAS, this program is essential in assisting home or business owners, including local governments, recover faster after a flooding disaster strikes., and

WHEREAS, the Federal Emergency Management Agency (FEMA) administers the program, NFIP is a partnership between the federal government, local officials, states, property and casualty insurance industry, lending institutions, and property owners; and

WHEREAS, since most home insurance policies do not cover flooding, flood insurance is a separate policy that can cover the home or building that was impacted along with the contents in the structure; and

WHEREAS, there are approximately 23,000 participating NFIP communities, and certain homes or businesses may be required to have flood insurance in high-risk flood areas if they have a mortgage from a government-backed lender; and

WHEREAS, since Fiscal Year 2017, there have been 21 short-term reauthorizations of this program—conversations initiating a bipartisan agreement for a long-term reauthorization is a positive indicator to communities that the risk of flooding may have more permanent measures in the future under this program, and

WHEREAS, unless Congress reauthorizes the NFIP, the program will expire on December 16, 2022; and

WHEREAS, long-term reauthorization is necessary to ensure the financial stability of the insurance program that protects millions of homes and businesses across the country as severe weather and water events, such as Superstorms Floyd, Ida, Sandy, Irene, Harvey, and Ian become more frequent, costly, and disastrous; and

WHEREAS, this past spring, FEMA submitted a list of legislative proposals to be considered in the new reauthorization of the NFIP, including ensuring more Americans are covered by flood insurance by making insurance more affordable to low-and-moderate income policyholders; building climate resilience by transforming the communication of risk and providing Americans with tools to manage their flood risk; reducing risk, losses, and disaster suffering by strengthening local floodplain management minimum standards and addressing extreme

repetitive loss properties; and instituting a sound and transparent financial framework that allows the NFIP to balance affordability and fiscal soundness; and

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, urges the Congress to enact a long-term reauthorization of the National Insurance Flood Program to ensure stability in the marketplace for residents and municipalities; and

BE IT FURTHER RESOLVED, that a copy of this resolution is forwarded to the members of the New Jersey congressional delegation, the Governor of State of New Jersey, and the President of the United States.

Sponsors:

The Hon. Jason F. Cilento
Mayor, Borough of Dunellen

The Hon. Keith Kazmark
Mayor, Brough of Woodland Park

New Jersey State League of Municipalities Conference Resolution No. 2022-07

**RESOLUTION COMPELLING LOCAL POLICE DEPARTMENTS TO
CONCENTRATE ON LOCAL COMMUNITY RELATIONS AND DEVELOPMENT OF
PUBLIC SAFETY DEMANDS**

WHEREAS, serving and protecting our communities is the first and only duty of police work;
and

WHEREAS, local police departments and personnel were hired with the intent to serve and protect
local communities; and

WHEREAS, when police start their careers they are sworn to protect and serve; and

WHEREAS, the residents and taxpayers demand and deserve the full attention of police to protect
our communities; and

WHEREAS, recent issues have again brought to the forefront the responsibilities and duties of
police departments in every community; and

WHEREAS, most police departments are highly trained with regard to safety protocols, firearm
training and use of force and these qualities are all directly related to protecting communities; and

WHEREAS, it has come to light in recent examinations of police departments that some
departments are deviating from their sole purpose and from what taxpayers demand, namely with
the concentration increasingly shifting to extra duty work and outside employment; and

WHEREAS, there are hundreds of trained professionals whose sole duty and business is to direct
the flow of traffic and keep work zones safe and these companies are not utilized and/or are
underused by utility companies across the state to properly set up and man work traffic zones; and

WHEREAS, it should be mandated that companies doing road work first use trained professional
businesses to keep workers safe and therefore free up police cars and personnel to do their sworn
duty of serving and protecting the citizens and neighborhoods; and

WHEREAS, recognizing the fact that these extra duty details have evolved into enormous money
making details for patrolman, we must also recognize that utility companies are paying huge
amounts of rate payer dollars for patrolman to park in work zones when this duty should be
prescribed to companies who hire local residents and are trained to provide this service.

NOW THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities,
in conference assembled, urge the Legislature to form a committee to examine the cost
expenditures, the cost savings, the wear and tear on equipment, the hours worked and every aspect
of this issue, and

BE IT FURTHER RESOLVED, that a copy of this resolution is forwarded to the members of the New Jersey General Assembly, the New Jersey State Senate, the Lieutenant Governor and Commissioner of the Department of Community Affairs, and the Governor of State of New Jersey.

Sponsor(s):

The Hon. Paul Medany
Mayor, Township of Deptford

New Jersey League of Municipalities Conference Resolution No. 2022-08

**PRESERVING MUNICIPALITIES' ACCESS TO THE COURTS TO PROTECT
TAXPAYERS FROM CLIMATE-RELATED ADAPTATION COSTS**

WHEREAS, the Intergovernmental Panel on Climate Change (IPCC) Sixth Assessment Report, the world's premier report on climate change, reaffirms long-held municipal concerns and intensifies the urgency of both emission reductions and protective adaptations; and

WHEREAS, major fossil fuel companies have known for over 50 years through their own research and experts that their products were dangerous and would cause the billions of dollars in climate change-related damages facing municipalities today; and

WHEREAS, major fossil fuel companies and related trade groups spent billions of dollars on public relations and lobbying campaigns to obscure the truth from the public and elected officials about the potentially catastrophic consequences of burning fossil fuels, even while some of those companies were protecting their own assets from rising seas and other impacts of climate change; and

WHEREAS, actions taken by major fossil fuel companies, which knowingly produced, marketed, promoted, and deceived the public about products that are causing climate change, are forcing cities and counties to spend billions of dollars on measures to adapt to rising seas, more extreme storms, and other consequences of climate change; and

WHEREAS, October 2022 marked the 10th anniversary of Hurricane Sandy, which caused more than \$37 billion in damages within the State of New Jersey, having damaged or destroyed 346,000 homes and causing power outages for over two million households statewide; with more than 10.9 billion gallons of sewage overflowing throughout the state; and

WHEREAS, in September 2021, Hurricane Ida delivered over nine inches of rain in mere hours, killing 30 New Jerseyans, and causing \$16-24 billion in damages across the Northeastern United States. On the one-year anniversary, Governor Murphy's administration announced, "supporting the recently established Ida recovery funding programs with \$283 million," which comes in addition to the \$650 million already "devoted to expansive response and recovery efforts;" and

WHEREAS, America's courts play a critically important role in our system of checks-and-balances, and since 2017, 20 city and county governments, including Hoboken, NJ, as well as the attorneys general of Connecticut, Delaware, Massachusetts, Minnesota, Rhode Island, Vermont, and the District of Columbia, collectively representing more than 34 million people or 10.3% of the total population, have filed lawsuits to protect their residents and taxpayers by holding fossil

fuel companies accountable for their fair share of the costs of climate damages and adaptation measures; and

WHEREAS, in 2019 the New Jersey League of Municipalities passed a resolution *Supporting Local Governments' Rights and Efforts to Mitigate Climate Change Damages and Protect Taxpayers from Related Adaptation Costs*, supporting the “rights of municipalities to have access to the courts to resolve disputes over climate change-related costs and damages;” and

WHEREAS, in 2021, the U.S. Chamber of Commerce, through its Institute for Legal Reform program, published a report titled *Municipality Litigation: A Continuing Threat* that directly attacks municipalities’ ability to represent and protect their residents by removing their access to hold the corporations that produce tobacco, opioids, asbestos, lead paint, PFAS chemicals, and fossil fuels legally accountable for damages through the judicial system; and

WHEREAS, the U.S. Chamber of Commerce has called on states to modify their laws “to preclude or discourage” counties from serving as plaintiffs, by imposing “additional hurdles on would-be municipal plaintiffs” and limiting the use of outside contingency fee counsel, or by statutorily reducing the types and amounts of recoverable damages; and

WHEREAS, the U.S. Chamber of Commerce has further urged states to reduce municipal suits by “limiting the range of defendants” who can be sued, restricting the causes of action under which municipalities might bring suit, and limiting the forums in which municipal plaintiffs can bring actions; and

WHEREAS, New Jersey’s 564 municipal governments are tailored to accommodate the exclusive characteristics of each local community, and the New Jersey State League of Municipalities was “created to help communities do a better job of self-government through pooling information resources;” and

WHEREAS, the nonpartisan U.S. Conference of Mayors, at its 90th annual meeting in June of 2022, also adopted a resolution condemning efforts by the U.S. Chamber of Commerce and other industry-backed groups to curb cities’ access to the courts, calling them “a direct threat to municipal and taxpayer rights.”

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities believes that no state should preempt or otherwise obstruct municipalities’ abilities to represent and protect their residents; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the New Jersey State League of Municipalities believes that the efforts of industry and third-party trade groups at the federal and

state level to undermine and restrict municipalities' access to courts, such as the U.S. Chamber of Commerce's recent efforts to "curb" affirmative municipal litigation, are a direct threat to municipal and taxpayer rights; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the New Jersey State League of Municipalities continues to categorically oppose any legislation, whether in Congress or the state legislature that attempts to limit or eliminate municipalities' access to the courts by overriding existing laws or in any way giving fossil fuel companies immunity from lawsuits over climate change-related costs and damages; and

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the New Jersey State League of Municipalities supports the rights of, and affirms the grounds on which, the 20 municipalities that have brought forth suits seeking accountability for the climate impacts they are suffering, and affirmatively supports the continued right for other cities and counties to do the same; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to our representatives in Congress, the members of the New Jersey General Assembly and the State Senate, the New Jersey State Attorney General, the Lieutenant Governor, and the Governor of the State of New Jersey.

Sponsors:

The Hon. Thaddeus J. Kobylarz
Mayor, Borough of Chatham

The Hon. Robert H. Conley
Mayor, Borough of Madison

The Hon. Nancy Adams
Committeewoman, Township of Maplewood

Co-Sponsors:

The Hon. Kaleem Shabazz
Council Vice President & 3rd Ward Councilman, City of Atlantic City

The Hon. John Weber
Councilman, Borough of Bradley Beach

The Hon. Jason F. Cilento
Mayor, Borough of Dunellen

The Hon. Colleen Mahr
Mayor, Borough of Fanwood

The Hon. Mira Prinz-Arey
Councilwoman Ward B, City of Jersey City

The Hon. James Solomon
Councilman Ward E, City of Jersey City

The Hon. Dean Dafis
Mayor, Township of Maplewood

The Hon. Pamela Renee
Councilperson, Borough of Neptune City

The Hon. Brandon Bernier
Councilman, Borough of Roselle

The Hon. Bill Haskins
Trustee, The Township of South Orange Village

The Hon. Danny O'Sullivan
1st Ward Councilmember, City of Summit

New Jersey State League of Municipalities Conference Resolution No. 2022-09

A RESOLUTION IN OPPOSITION TO THE REASSIGNMENT BY THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION OF ALL MUNICIPALITIES CURRENTLY DESIGNATED TIER B UNDER THE MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT PROGRAM TO TIER A DESIGNATION AND EXPANSION OF TIER A PERMIT CONDITIONS

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) has undertaken efforts to reassign to ‘Tier A’ designation under the Municipal Separate Storm Sewer System Permit program (MS4 Permit Program) all New Jersey municipalities currently designated ‘Tier B’; and

WHEREAS, compliance with the MS4 Permit Program for a municipality designated Tier A is far costlier and more onerous than compliance for a municipality designated Tier B; and

WHEREAS, under the existing designation system, the Tier B designation was specifically created for municipalities located in more rural areas and non-coastal regions, while Tier A designation was created for municipalities located within the more densely populated regions of the state or along or near the coast; and

WHEREAS, many municipalities designated Tier B under the existing designation system simply do not have the resources to comply with Tier A designation; and

WHEREAS, the NJDEP, while attempting to reassign all municipalities to Tier A, is simultaneously proposing to renew the Tier A MS4 General Permit to include additional conditions on municipal permit holders; and

WHEREAS, the NJDEP is asking current Tier B municipalities to come into compliance with both existing Tier A requirements and a set of still-unfinalized Tier A renewal requirements on practically the same schedule as existing Tier A municipalities; and

WHEREAS, the State, however well-intended in its actions, continues to saddle municipalities with additional responsibilities through unfunded and underfunded mandates, putting additional burdens on property taxpayers; and

WHEREAS, the reassignment by the NJDEP to Tier A designation for all New Jersey municipalities currently designated Tier B will result in a redistribution of these municipalities’ limited resources, away from their crucial government functions; and

WHEREAS, the New Jersey State League of Municipalities supports taking action to better protect and improve the quality of its own waterways, as well as waterways throughout the State, but efforts to do so must be balanced against other critical needs with consideration for the limited resources of municipal government.

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities in conference assembled, urges the members of the New Jersey Assembly and Senate to support, co-sponsor, and adopt legislation that would prevent the NJDEP from

reassigning to Tier A designation under the MS4 permit program New Jersey Municipalities that are currently designated Tier B, and also prevent the NJDEP from expanding conditions of the Tier A permit until a full analysis of the fiscal impact these changes will have on these municipalities can be completed, and state funding is made available, and

BE IT FURTHER RESOLVED, that the New Jersey State League of Municipalities hereby urges the Governor of State of New Jersey to sign any legislation adopted by the State Assembly and Senate which would prevent the NJDEP from reassigning to Tier A designation under the MS4 permit program New Jersey Municipalities that are currently designated Tier B, and also prevent the NJDEP from expanding conditions of the Tier A permit until a full analysis of the fiscal impact these changes will have on these municipalities can be completed, and state funding is made available, and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the members of the New Jersey General Assembly and the State Senate, Governor Phil Murphy, and the Commissioner of the New Jersey Department of Environmental Protection Shawn M. LaTourette.

Sponsor(s)

The Hon. William Pikolycky
Mayor, Woodbine Borough
NJLM President

New Jersey State League of Municipalities Conference Resolution No. 2022-10

RESOLUTION IN SUPPORT OF BETTER REGULATION OF SERVICE ANIMALS

WHEREAS, the New Jersey State League of Municipalities (League) recognizes the need for service animals for people suffering from various disabling conditions; and

WHEREAS, the League also recognizes that federal and state laws/regulations do not require formal training or certification, and only allow for a limited investigation into the validity of utilizing said service animal; and

WHEREAS, there is concern of safety hazards related to service animal attacks on residents and/or municipal employees, in addition to phobias or allergies of residents and/or Township employees, and sanitation related issues while on public property; and

WHEREAS, the League deems it necessary to urge state and federal representatives to adopt formal rules and regulations pertaining to service animal registration and training and to create more specific rules of utilizing service animals.

NOW, THEREFORE BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, calls on state and federal lawmakers to implement more specific rules concerning the usage of service animals.

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to our representatives in Congress, the members of the New Jersey General Assembly and the State Senate, the New Jersey State Attorney General, the Lieutenant Governor, and the Governor of the State of New Jersey.

Sponsor(s):

The Hon. Paul Medany
Mayor, Township of Deptford

New Jersey State League of Municipalities Conference Resolution No. 2022-11

RESOLUTION URGING THE NEW JERSEY STATE LEGISLATURE TO DESIGNATE THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER AS THE DATE FOR ALL FIRE DISTRICT ELECTIONS

WHEREAS, pursuant to N.J.S.A. 40A:14-72, a fire district may hold annual elections either on the third Saturday in February or at the time of the general election on the first Tuesday after the first Monday in November; and

WHEREAS, pursuant to N.J.S.A. 40A:14-72.1, the board of fire commissioners of a fire district may by resolution move the time of the annual election of the fire district to the time of the general election on the first Tuesday after the first Monday in November; and

WHEREAS, pursuant to N.J.S.A. 40A:14-84, the fire district may call for a special election upon ten (10) day notice by the board of fire commissioners, with said notice only required to be posted in five (5) public places; and

WHEREAS, at such a special election the legal voters of a district vote on issues pertaining to spending of taxpayer funds for the fire district; and

WHEREAS, a fire district's ability to hold a special election with such limited notice when issues of spending of taxpayer funds are involved severely limits voter turnout; and

WHEREAS, fire districts frequently limit the available voting hours for said special elections to three (3) hours further limiting voter access; and

WHEREAS, voter turnout in non-general elections is frequently lower than the turnout in general elections, and this combined with the limited notice and voting hours for special elections creates a disenfranchisement of voters, all of whom as taxpayers have a vested financial interest in the spending of taxpayer funds within their fire district; and

WHEREAS, fire districts also are not required to hold the elections under the same requirements as other public taxing entities or with supervision and coordination with the County Board of Elections; and

WHEREAS, annual and special fire district elections should be coordinated through both the municipality and County Board of Election and should abide by all the requirements of N.J.S.A. 19:1-1 et seq.; and

WHEREAS, holding an annual election or special elections in accordance and consistent with N.J.S.A. 19:1-1 et seq. would provide for the use of mail in ballots in order to provide voters and taxpayers greater access to voting and increase voter participation; and

WHEREAS, should a fire district wish to hold an annual election or special election at a time other than the first Tuesday after the first Monday in November, sufficient notice to the public

should be made and the fire district should pay the County and Municipality for the cost for holding same out of the fire districts budget; and

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, urges the State Legislature to pass legislation revising fire district annual and special election procedures and requirements in order to improve transparency and increase voter access and participation; and

BE IT FURTHER RESOLVED, that the voting hours for all Fire District elections should be expanded to be consistent with other municipal elections to allow the opportunity for residents to vote on the spending of taxpayer funds; and

BE IT FURTHER RESOLVED, that Fire Districts must perform all elections in accordance and consistent with N.J.S.A. 19:1-1 et. Seq. that would provide for coordination with the County Board of Elections to provide for the use of mail in ballots and use of county voting machines; and

BE IT FURTHER RESOLVED, that, if a fire district wishes to hold a special election, on a date other than the first Tuesday after the First Monday in November, that the fire district shall bear the cost of same and reimburse the County for the cost of performing said election; and

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

Sponsor(s)

Hon. Brian Wahler
Mayor, Township of Piscataway

New Jersey State League of Municipalities Conference Resolution No. 2022-12

RESOLUTION URGING THE NEW JERSEY STATE LEGISLATURE TO REVISE N.J.S.A. 43:15A AND N.J.A.C. 17:1 AND N.J.A.C. 17:2 AS REQUIRED REGARDING THE RETURN OF EMPLOYER CONTRIBUTIONS TO THE EMPLOYER IN THE EVENT THAT AN EMPLOYEE CEASES EMPLOYMENT BEFORE VESTING IN THE PUBLIC EMPLOYEE RETIREMENT SYSTEM

WHEREAS, N.J.S.A. 43:15A-1 et seq. and N.J.A.C. 17:1-1 and 17:2-1 et seq. govern the Public Employee Retirement System (PERS), the pension and benefit plan administered to State employees by the New Jersey Division of Pensions & Benefits (NJDPB); and

WHEREAS, pursuant to said regulations, funds used to pay PERS benefits come from three sources – employer contributions, employee contributions and investment income from those contributions; and

WHEREAS, pursuant to N.J.S.A. 43:15A-38, a member of PERS that does not complete ten (10) years of service with the State does not vest in PERS, however, such a member is still eligible to withdraw the personal contributions they made to PERS; and

WHEREAS, there is currently no ability for a local government employer to withdraw or receive the return of any contributions made by said local employer on behalf of a PERS member who departs employment prior to vesting; and

WHEREAS, pursuant to current legislation, if a member employee is not vested and does not return to work again for a PERS participating governmental entity, the NJDPB gets to retain the local government employer contributed funds; and

WHEREAS, local government employers of non-vested PERS members should have the ability to withdraw their employer contributed funds in the same manner that a member can withdrawal personal contributions; and

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey League of Municipalities, in conference assembled, urges the State Legislature to pass legislation allowing local government employers to withdraw the funds they contributed to PERS on behalf of a non-vested PERS member upon the withdrawal by the non-vested PERS member of said member's contributions; and

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

Sponsor

The Hon. Brian Wahler
Mayor, Township of Piscataway

New Jersey State League of Municipalities Conference Resolution No. 2022-13

RESOLUTION IN SUPPORT OF ADDITIONAL MUNICIPAL RESOURCES AND TOOLS FOR ADDRESSING UNPERMITTED MASS GATHERINGS

WHEREAS, local communities across our state have experienced a major increase in the number of unpermitted mass gatherings, also known as “pop-up parties”; and

WHEREAS, these unpermitted mass gatherings are organized and grown prominently through the use of social media; and

WHEREAS, the large crowds drawn to these unpermitted mass gatherings present an exponentially greater risk of injury and damage caused by crowd based destructive behavior; and

WHEREAS, the danger of these unpermitted mass gatherings was no more evident than on September 24, when an unsanctioned automotive event known as a “street take over” terrorized the municipality of Wildwood, resulting in multiple accounts of pedestrian injuries, thousands of dollars in property damage, and sadly, leaving two individuals dead; and

WHEREAS, local law enforcement and municipal officials have worked together in an attempt to prevent these unpermitted mass gatherings, and to quell the disorderly and dangerous conduct that occurs at these unpermitted mass gatherings, but ultimately legislative action is needed to prevent these events from organizing and for when they do occur provide municipalities the tools and resources needed to hold, both the organizers and attendees of these unpermitted mass gatherings accountable for their behavior; and

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, urges the New Jersey Legislature and Governor of New Jersey to enact legislation that would give municipalities the necessary and proper tools to maintain order, protect the general public, and restore peace to communities when individuals and groups engage in disorderly and violent behavior; and

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

Sponsors

The Hon. Leonard Desiderio
Mayor, Sea Isle City

The Hon. Jay Gillian
Mayor, Ocean City

The Hon. Martin Pagliughi
Mayor, Borough of Avalon

The Hon. Timothy Donahoe
Mayor, Township of Middle

The Hon. Patrick Rosenello
City of North Wildwood

New Jersey State League of Municipalities Conference Resolution No. 2022-14

RESOLUTION SUPPORTING ADDITIONAL MEASURES TO COMBAT THEFT OF CATALYTIC CONVERTORS

WHEREAS, the National Insurance Crime Bureau has reported that the claims of catalytic converter thefts rose nationwide from 3,389 in 2019 to 14,433 in 2020; and

WHEREAS, the COVID-19 pandemic and resulting global supply chain issues have drastically increased the price of the precious metals in catalytic converters, including, for example, rhodium which was selling for \$2,300 an ounce in January 2019 and by April 2022 was selling for over \$17,500 an ounce; and

WHEREAS, we have seen a drastic uptick in crimes across the nation and in our respective areas, including catalytic converter thefts that are sometimes associated with violent crimes such as aggravated assaults and robberies; and

WHEREAS, in 2022 alone, 11 states have enacted laws addressing catalytic converter thefts or sales, with 10 other states pending legislation; and

WHEREAS, as elected officials, we understand the importance of cities, states, federal government and law enforcement agencies working collaboratively to thwart thieves and prevent the sale of stolen devices and that such measures should include banning the sale of converters without proof of ownership, tightening scrap metal dealers' record-keeping requirements, and beefing up criminal penalties; and

WHEREAS, as local elected officials we have a responsibility to protect health, life, and property and to preserve good government, order, and security of our municipalities and its inhabitants,

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities urges Congress to outlaw the possession of severed catalytic converters without appropriate documentation and require documentation for all sales of catalytic converters to metal recyclers.

Sponsor(s)

The Hon. Richard Turner
Mayor, Weehawken Twp. (Hudson)

New Jersey State League of Municipalities Conference Resolution No. 2022-15

RESOLUTION OPPOSING THE FY 2023 INCREASES TO THE STATE HEALTH BENEFITS PROGRAM & URGING RELIEF AND LONG-TERM COST SAVING MEASURES

WHEREAS, the State Health Benefits Program (SHBP), governed by N.J.S.A. 52:14-17.25 et seq., offers medical, prescription drug, and dental coverage to qualified State and participating local government public employees, retirees, and eligible dependents; and

WHEREAS, all SHBP plans are self-funded meaning that the money paid out for benefits comes directly from a SHBP fund supplied by the State, participating local employers, and member premiums; and

WHEREAS, the Division of Pensions and Benefits is responsible for the daily administrative activities of the SHBP, the State Health Benefits Commission is the executive organization responsible for overseeing the SHBP; and

WHEREAS, the State Health Benefits Commission, comprised of state officials and union representatives, annually consider the calendar year premium levels for the Local Government Employer Group of the SHBP based on recommendations found in the Rate Setting Recommendation Analysis of the Local Government Employee Group; and

WHEREAS, the rate increase for the 2023 Local Government Employer Group is 22.8%, which includes a 21.6% increase for Active, a 13% increase in Early Retiree, and a 0.7% increase for Medicare Retiree; and

WHEREAS, such proposed exorbitant rate increases will fall upon the local property taxpayer along with the local public employees at a time where there is record inflation, rising costs to deliver services, a 17% increase in Public Employee Retirement System contribution, 36.51% Police and Fire Retirement System contribution and dramatic increase in the cost of cybersecurity insurance, and

WHEREAS, the premium increase for most active employees will take thousands more out of their paychecks annually and lead to huge costs for local governments that will translate into higher property tax bills for struggling families; and

WHEREAS, the League has joined the New Jersey Conference of Mayors, New Jersey Association of Counties (NJAC), the New Jersey Municipal Managers Association, and the Government Finance Officers Association in a broad coalition of municipal and county leaders from across the state urging Governor Murphy to provide immediate relief for the 22% increase in health benefits approved by the State Health Benefits Commission (SHBC) in September or face property tax rate hikes, cuts in essential services, and the furlough or layoff employees;

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, call up the Administration and Legislature to provide relief to municipalities facing a dramatic rate increase in the current economic conditions; and

BE IT FURTHER RESOLVED, that the New Jersey State League of Municipalities urges the legislature to adopt legislation expanding the composition of the State Health Benefits Commission to include representatives from both municipal and county government management; and

BE IT FURTHER RESOLVED, that the Plan Design Committee and State Health Benefits Commission be directed to enact cost effective reforms that provide for the long-term stability of the State Health Benefits Plan; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Governor Murphy, State Treasurer Muoio, Senate President Scutari, and Assembly Speaker Coughlin.

Sponsors:

The Hon. Janice Kovach
Mayor, Clinton Town

The Hon. Colleen Mahr
Mayor, Fanwood Borough

New Jersey State League of Municipalities Conference Resolution No. 2022-16

**IN APPRECIATION OF LEAGUE PRESIDENT WILLIAM PIKOLYCKY, MAYOR OF
BOROUGH OF WOODBINE**

WHEREAS, the Honorable William Pikolycky is completing his term as the President of the New Jersey State League of Municipalities; and

WHEREAS, President Pikolycky has been a strong advocate on a host of issues important to municipal interests, and under his leadership, municipalities secured an additional \$75 million in local property tax relief in the Fiscal Year 2023 state budget; and

WHEREAS, President Pikolycky has served the municipal community well as a spokesperson and tireless advocate, carrying its concerns and issues to the Murphy Administration, to the State Legislature, the Biden Administration, and to the New Jersey Congressional Delegation; including the expansion of the state's Municipal Separate Storm Sewer System (MS4) permitting requirements; and ensuring municipalities maintain control over federal funds; and

WHEREAS, President Pikolycky has been a prolific local fundraiser for, and steadfast supporter of, the Ukrainian community in New Jersey and around the globe in its struggle for survival after being invaded by Russia; and

WHEREAS, the League and the municipal community at large have been well guided by the leadership of President Pikolycky whose service to the League exemplifies the very best of the high-minded goals and objectives of the League and its service programs.

NOW, THEREFORE BE IT RESOLVED, by the New Jersey State League of Municipalities, in conference assembled, on the 17th day of November 2022, that we do extend to President Pikolycky sincere appreciation for his dedicated administration, effective advocacy, and untiring efforts to improve local government in New Jersey, and for his careful stewardship of this organization; and

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

Sponsors:

The Hon. Raymond Heck
First Vice President, NJLM
Mayor, Millstone Borough (Somerset County)

The Hon. William Chegwidan
2nd Vice President, NJLM
Mayor, Borough of Wharton

The Hon. Gayle Brill Mittler
3rd Vice President, NJLM
Mayor, Highland Park