

New Jersey State League of Municipalities Conference Resolution No. 2011-01

Approved at the League Business, Thursday, November 17, 2011

**Amended and Approved by the League Resolutions Committee,
Tuesday, November 15, 2011**

**Calling for an Amendment of the Rule of Court, R.1:34-3,
Regarding the Hiring Process of Municipal Court Administrators**

WHEREAS, on September 13, 2011, the New Jersey State Supreme Court adopted amendments to the Rules of Court, specifically R.1:34-3, which deals with the hiring process for municipal court administrators; and

WHEREAS, this rule would alter the process by allowing the Assignment Judge of the vicinage the discretion to review resumes of the candidates for municipal court administrator; and

WHEREAS, under this rule a panel consisting of the municipal court judge, the municipal division manager for the vicinage, a municipal court administrator from another town in the vicinage, and two (2) representatives from the municipality who are not members of the police department interview the candidates; and

WHEREAS, under this rule the Assignment Judge has the discretion to interview the final candidate for the position of municipal court administrator, and has the authority to approve or reject the selected candidate; and

WHEREAS, appointments of municipal court administrators have always been within the sole discretion of the municipal governing body, which is an expressed authority of a municipality by N.J.S.A. 2B:12-4 and N.J.S.A. 2B:12-10; and

WHEREAS, the amended Rules of Court, specifically R.1:34-3, departs significantly from legislative intent, usurps the role of the governing body and taxpayers, and violates the concept of separation of powers; and

WHEREAS, nowhere in the U.S. Constitution or the State of New Jersey Constitution is the power to intervene in the Municipal hiring process conferred upon the Judicial Branch or Government.

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, calls for the Court to reconsider and amend R.1:34-3 to be consistent with legislative intent; and

BE IT FURTHER RESOLVED, that the New Jersey State Legislature should act immediately to either clarify that the appointments of municipal court administrator are within the sole discretion of the municipality, or direct the Judiciary to fund the Municipality Courts through their budget; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the Acting Administrative Director of the Courts, members of the New Jersey General Assembly, the New Jersey State Senate, the Lieutenant Governor and the Governor of State of New Jersey.

New Jersey State League of Municipalities Conference Resolution No. 2011-02

Approved at the League Business, Thursday, November 17, 2011

Approved by the League Resolutions Committee, Tuesday, November 15, 2011

**Urging the State Legislature to alter eligibility requirements
for unemployment insurance for seasonal public entity workers**

WHEREAS, R.S. 43:21-4 defines “seasonal industry or occupation” as an industry or occupation which, because climatic conditions make it impractical or impossible to do otherwise, customarily operates only during a regularly recurring 28-week period or periods of less than 26-weeks of work in a calendar year; and

WHEREAS, many municipal seasonal jobs in the State are offered for only 10 to 12 weeks in a given year such as beach taggers, recreation personnel and lifeguards due to the short summer season; and

WHEREAS, there should be no expectation by an employee who has applied for a seasonal job that when the season ends that there would be continued employment, in fact, that individual consciously made the choice to apply for and accept a seasonal job rather than seeking year-round employment; and

WHEREAS, when the length of employment is clearly defined by the public entity as a seasonal job with a specific beginning and ending date, this seasonal job should not be included in unemployment calculations for individuals working other jobs during the unemployment period of eligible benefits; and

WHEREAS, unlike private employers, municipalities and other public entities are unique in that unemployment claims arising from seasonal employment require the expenditure of taxpayers funds to pay unemployment claims for these individuals thereby burdening the already overwhelmed taxpayer in the State New Jersey; and

WHEREAS, in many cases municipalities and other public entities pay claims quarterly and do not pay into the unemployment compensation fund due to budgetary constraints and the high cost of unemployment insurance; and

WHEREAS, these unexpected quarterly payments have forced some municipalities to do special emergency appropriations just to pay this year’s claims thereby affecting next year’s municipal budget which by all accounts will be equally as difficult as the present year’s ; and

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, urges the legislature to alter the benefit eligibility conditions of unemployment insurance (UI) for seasonal workers employed by the State, or any county, municipality, school district or other public entity of the State to preclude seasonal workers as statutorily defined from receiving unemployment benefits, and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the members of the New Jersey General Assembly, the New Jersey State Senate, the Commissioner of the Department of Labor, the Lieutenant Governor and the Governor of State of New Jersey.

New Jersey State League of Municipalities Conference Resolution No. 2011-03

Approved at the League Business, Thursday, November 17, 2011

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**Calling on Congress to Provide Sufficient Funding for the
Energy Efficiency and Conservation Block Grants**

WHEREAS, our nation's municipalities are innovators in implementing energy conservation and environmental protection programs to support their communities and the national economy; and

WHEREAS, the Energy Efficiency and Conservation Block Grant (EECBG) program allows communities to continue or expand efforts to adopt energy saving and environmentally-friendly practices, while providing flexibility for local governments to tailor their initiatives to their local needs; and

WHEREAS, support for the EECBG will allow local leaders, in these challenging economic times, to further invest in energy efficiency and renewable energy technologies, which will reduce greenhouse gas emissions, create jobs, stimulate economic growth and stability, yield cost and energy savings for municipalities, businesses and families, and foster healthier communities; and

WHEREAS, energy efficiency and conservation strategies represent the most cost-effective and immediate form of greenhouse gas reductions; and

WHEREAS, any successful national climate protection strategy must also include implementation of local government energy efficiency and conservation strategies, for which the EECBG provides the foundation; and

WHEREAS, Congress and the Obama Administration included \$3.2 billion for the EECBG program as part of the historic American Recovery and Reinvestment Act of 2009; and

WHEREAS, communities across the country have already seen countless benefits as a result of EECBG funding,

NOW, THEREFORE, BE IT RESOLVED that the New Jersey State League of Municipalities, in conference assembled, hereby urges Congress to provide full funding through the annual appropriations process for the Energy Efficiency and Conservation Block Grant; and

BE IT FURTHER RESOLVED that New Jersey State League of Municipalities urges Congress to provide a dedicated and ongoing source of funding for the EECBG through any climate change or greenhouse gas emissions reduction legislation, or other appropriate legislative vehicle, and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the New Jersey Congressional Delegation, members of the New Jersey General Assembly, the New Jersey State Senate, the Lieutenant Governor and the Governor of State of New Jersey.

New Jersey State League of Municipalities Conference Resolution No. 2011-04

Approved at the League Business, Thursday, November 17, 2011

Approved by the League Resolutions Committee, Tuesday, November 15, 2011

**Urges the State Legislature to Revisit the Homestead Rebate Program
To Provide a Funding Mechanism to Municipalities to Implement the Current Program**

WHEREAS, the Homestead Benefit Program of the State of New Jersey is designed to afford much needed relief to taxpayers; and

WHEREAS, this year the Homestead Benefit Program was changed to provide eligible residential property owners a tax credit on their May 2011, property tax bill; and

WHEREAS, 2011 homestead benefits will be paid as a credit applied in one or more installments to the 2012 property tax bills; and

WHEREAS, by April 1, 2012, eligible homeowners can expect to receive a revised property tax bill or advice copy from their tax collector that will reflect the amount of the benefit; and

WHEREAS, municipalities are currently experiencing severe budgetary constraints, and this methodology of implementing the homestead benefit as a credit is causing increased costs in manpower and expenditures for additional mailings, well in excess of any minimal reimbursement previously provided by the State; and

WHEREAS, this new methodology, including multiple mailings, has created confusion amongst our property taxpayers; and

WHEREAS, either the creation of a new methodology or State funding to implement the current methodology is required by cash-strapped municipalities;

NOW, THEREFORE, BE IT RESOLVED, by the League of Municipalities, in conference assembled, that the State Legislature be and is hereby urged to revisit the Homestead Benefit Program to provide a sufficient and appropriate funding mechanism to municipalities to implement the current program; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the members of the New Jersey General Assembly, the New Jersey State Senate, the State Treasurer, Division of Local Government Services, the Lieutenant Governor and the Governor of State of New Jersey.

New Jersey State League of Municipalities Conference Resolution No. 2011-06

Approved at the League Business, Thursday, November 17, 2011

Approved by the League Resolutions Committee, Tuesday, November 15, 2011

Regarding the Closure of Post Offices

WHEREAS, the United States Postal Service (USPS) faces a severe fiscal crisis; and

WHEREAS, USPS faced a deficit of \$8.5 billion in FY 2011 even after achieving savings of \$6 billion; and

WHEREAS, the Government Accountability Office added USPS to its list of “highrisk” federal agencies and issued a report calling on USPS to develop and implement a broad restructuring plan; and

WHEREAS, as part of its plan to address this fiscal crisis USPS is studying closing postal facilities and other service cuts; and

WHEREAS, USPS is also looking at consolidating mail processing facilities, realigning carrier routes, increased automation and reduction of mail service from six to five days per week; and

WHEREAS, as it studies postal facility closures, USPS is reviewing several factors including mail volume, proximity to other postal facilities and potential savings in labor and utility costs; and

WHEREAS, postal facilities often serve as an anchor of many central business districts and as a major focal point of commercial neighborhoods; and

WHEREAS, the loss of a postal facility can severely impact the health of a central business district or commercial neighborhood and pose a setback to local government community and economic development plans; and

WHEREAS, postal facilities located in central business districts and commercial neighborhoods are often more accessible to the elderly, people with disabilities and households without a motor vehicle than other post offices; and

WHEREAS, many low- and moderate-income households do not have Internet access; and

WHEREAS, under current law USPS must undertake a formal public notification and comment period prior to closing a post *office*; and

WHEREAS, legislation has been introduced to require USPS to undertake a formal public notification and comment period prior to closing any postal *facility*.

NOW, THEREFORE, BE IT RESOLVED that the New Jersey State League of Municipalities, in conference assembled, understands the severity of the fiscal crisis USPS is facing and the need to take drastic action to address it; and

BE IT FURTHER RESOLVED that the New Jersey State League of Municipalities urges the USPS to consider impacts on local government community and economic development plans and impacts on low- and moderate income households, the elderly and the disabled as it studies postal facility closures; and

BE IT FURTHER RESOLVED that New Jersey State League of Municipalities supports legislation that would create a formal public notification and comment period prior to the closure of any postal *facility*; and

BE IT FURTHER RESOLVED that New Jersey State League of Municipalities urges USPS to take a comprehensive approach to restructuring that does not rely disproportionately on postal facility closures; and

BE IT FURTHER RESOLVED that New Jersey State League of Municipalities urges USPS and Congress to prevent disproportionate impacts on municipalities and neighborhoods as USPS is restructured; and

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

New Jersey State League of Municipalities Conference Resolution No. 2011-07

Approved at the League Business, Thursday, November 17, 2011

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Calling for Legislation Authorizing All New Jersey Municipalities to have the Right to Implement "Local Option Revenue Initiatives"

WHEREAS, there is no question that New Jersey's municipalities are overly dependent on property taxes to pay for the cost of services provided to those who live, work and visit municipalities within the State; and

WHEREAS, property taxes are the most regressive of all taxes, and unlike income and consumption taxes cannot be controlled by those upon whom they are imposed, residential and commercial property owners alike; and

WHEREAS, State leaders have acknowledged that New Jersey's high property taxes operate as a deterrent on business development and property values as well as present a hardship to New Jersey's seniors and families alike; and

WHEREAS, New Jersey must take further steps to correct the fundamental structural defect that exists as a result of its over reliance on property taxes to fund the provision of vital public services; and

WHEREAS, permitting New Jersey's municipalities the right to implement Local Option Revenue Initiatives represents a critical first step in correcting this structural defect that will result in lower property taxes throughout the State, while at the same time enhancing property values and making New Jersey a more attractive location for business growth; and

WHEREAS, New Jersey currently has in place a patchwork of rules that allow some municipalities to levy local taxes or impact fees to help defray the costs of vital public services thus lowering the property taxes imposed upon their residential and commercial property; and

WHEREAS, although Local Option Revenue Initiatives may not be appropriate for all of New Jersey's municipalities, the decision to adopt them should be left to the discretion of the governing bodies of those municipalities since they are best able to determine what is best for their communities; and

WHEREAS, it is recognized that the Legislative and Executive branches of State government have a legitimate interest in insuring that the revenue from Local Option Revenue Initiatives is not used to increase the size of government, but instead is used to provide vital services and lower property taxes; and

WHEREAS, by allowing municipalities, at their discretion, that will benefit from Local Option Revenue Initiatives to implement them, at their discretion, the State will free up scarce resources to help those municipalities who still require its assistance; and

WHEREAS, Local Option Revenue Initiatives represent a means of granting meaningful property tax relief to all property taxpayers within the State; and

WHEREAS, the granting of the right to implement Local Option Revenue Initiatives will not interfere with state revenue policies and uniformity within the State, and, in fact, will promote uniformity by eliminating the current system of patchwork rules; and

WHEREAS, the additional revenues raised by Local Option Revenue Initiatives will enable many municipalities to provide direct property tax relief to residential and commercial property taxpayers by providing those municipalities with alternative revenue sources which will serve to defray the cost of providing vital services to those who live, work and visit those municipalities;

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, urges the Legislature to provide the option to all its municipalities to implement Local Option Revenue Initiatives to defray the cost of providing vital services and lower property taxes; and

BE IT FURTHER RESOLVED, that the New Jersey State League of Municipalities will work with the Legislative and Executive branches of State government to identify appropriate alternative revenue sources and define those safeguards necessary to insure that revenue from these alternative revenue sources is used to provide vital services and to reduce New Jersey's growing property tax burden; and

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

New Jersey State League of Municipalities Conference Resolution No. 2011-08

**Approved at the League Business, Thursday, November 17, 2011
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Tuesday, November 15, 2011**

**Resolution calling on the Board of Public Utilities to Develop
a Policy on Vegetation Maintenance including Tree Clearing**

WHEREAS, recent storms in New Jersey caused severe property damage and prolonged power outages to tens of thousands of residents throughout the State; and

WHEREAS, the amount of time needed to restore power during these recent storms was excessive and the coordination of crews and supplies was substandard; and

WHEREAS, numerous downed wires and broken utility poles were the primary reasons why power could not be restored in a timely fashion; and

WHEREAS, there is a need to perform a more aggressive cutting of vegetation, trees and branches above utility lines so that the utility lines are completely clear and unobstructed and out of danger from any broken or fallings limbs without adding to the width of the right of way; and

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey State League of Municipalities in conference assembled, that the New Jersey Board of Public Utilities should promulgate and adopt a policy on vegetation maintenance so to commence more aggressive cutting of vegetation, trees and branches above utility lines, regardless of height, so that the utility lines are completely clear and unobstructed; and

BE IT FURTHER RESOLVED, that the utility crews should look at lines to identify in advance those that are in need of repair; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the members of the New Jersey General Assembly, the New Jersey State Senate, the President and members of the Board of Public Utilities, the Lieutenant Governor and the Governor of State of New Jersey.

New Jersey State League of Municipalities Conference Resolution No. 2011-09

**Approved at the League Business, Thursday, November 17, 2011
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Calling for Legislative Action to Deal with the Funding of Tax Appeals

WHEREAS, PL 1991, c. 75 (NJSA 54:3-21) changed the deadline for tax appeals from August 1 to April 1 for municipalities operating on calendar year budgets; and

WHEREAS, the final decisions on these tax appeals are not adjudicated until well after the local government has adopted its budget for the year; and

WHEREAS, the recent downturn in the housing market and the economy has produced more tax appeals in recent years; and

WHEREAS, local government surpluses have been depleted by the losses from successful tax appeals; and

WHEREAS, local governments already have the ability to issue refunding bonds for tax appeals affecting prior year(s) taxes; and

WHEREAS, while PL 1991 c. 75 adequately addressed the financial needs and concerns of local governments, circumstances have changed dramatically in the following twenty years, requiring the need for another legislative solution.

NOW, THEREFORE, BE IT RESOLVED by the New Jersey State League of Municipalities, in conference assembled, that the Legislature should amend PL 1991, c.25 (NJSA 54:3-21) _to permit the refunding of current years taxes over a three year period, including a tax levy exclusion;

BE IT FURTHER RESOLVED, that the New Jersey State League of Municipalities form a special committee to examine the whether a change in the appeal date would benefit the municipal budget process; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the members of the New Jersey General Assembly, the New Jersey State Senate, the State Treasurer, the Commissioner of the Department of Community Affairs, the Director of the Division of Local Government Services, the Lieutenant Governor and the Governor of the State of New Jersey.

New Jersey State League of Municipalities Conference Resolution No. 2011-10

Approved at the League Business, Thursday, November 17, 2011

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**Urging the Federal Government to Create an Adequately Funded
Comprehensive National Surface Transportation Plan**

WHEREAS, America's transportation system faces challenges of congestion, energy supply and costs, environmental impacts, and sprawl that threaten the economic, social and environmental future of the nation and is in need of a new vision; and

WHEREAS, the aging and deterioration of our transportation infrastructure system continues to impact our economy, national security, and cities and towns which are the economic engines of our nation; and

WHEREAS, a seamless transportation network is essential for the connectivity of the multimodal systems within the U.S. to remove gaps and bottlenecks for freight and people movement; and

WHEREAS, discussion of a new federal approach to surface transportation must include the integral role of the intergovernmental partnership that supports and maintains our national transportation network; and

WHEREAS, the largest share in the growth of transportation investment has come from state and local sources underlying their commitment to creating a reliable transportation system; and

WHEREAS, we must accomplish the difficult task of expanding the transportation network's capacity to serve a growing population and an expanding economy while simultaneously reducing the carbon footprint of the system; and

WHEREAS, transportation planning and implementation need to incorporate best practices in land use, environmental investigation, energy conservation and impacts of alternative fuels; and

WHEREAS, the transportation system in this country is in crisis and a new transportation plan with funding must be completed in a timely manner.

NOW, THEREFORE, BE IT RESOLVED that the New Jersey State League of Municipalities, in conference assembled, supports pursuing a strategic, national transportation plan that will include a multimodal network that promotes the environmental, social, and economic development of our country and urges Congress to expeditiously adopt a fully funded plan; and

BE IT FURTHER RESOLVED that Congress and the Administration should take immediate action to ensure the sustainability of both the highway and mass transit accounts within the federal Highway Trust Fund; and

BE IT FURTHER RESOLVED that the New Jersey State League of Municipalities pledges to promote partnership between the federal, state and local governments to provide improved multimodal transportation in the 21st Century; and

BE IT FURTHER RESOLVED that the New Jersey State League of Municipalities strongly urges Congress and the Administration to support a comprehensive national transportation plan that would:

include a strong federal role that would call on the knowledge and expertise of, and collaboration with, state and local governments in policy-making;

include principles of sustainability, innovative technology, regional decision making, and performance measures;

invest in outcome-oriented solutions rather than mode-designated grants;

integrate the highway, rail, air, and port freight systems of the North American trade bloc to enable the U.S. to remain a competitive economy and to connect between urban and rural communities to the global economy;

recognize the vital role of a funded rail infrastructure system that promotes enhanced freight mobility and provides additional options for intercity travel;

recognize the connection between transportation and land use planning, housing, energy, the economy and the environment;

improve the quality of life for all citizens through a dramatic increase in safety, managed and/or reduced travel time, energy independence, and affordable transportation;

collaboratively establish national performance goals, intergovernmental roles and responsibilities, and accountability mechanisms to achieve the goals;

streamline regulatory review processes including incentives for innovative project implementation; and

create revenue-generating mechanisms that are developed collaboratively by federal, state, and local governments and recognize the need for new methods of revenue generation, including the use of public-private partnerships; and

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

New Jersey State League of Municipalities Conference Resolution No. 2011-11
Approved at the League Business, Thursday, November 17, 2011

Approved by the League Resolutions Committee, Tuesday, November 15, 2011

Regarding Maintenance of Municipal Roads

WHEREAS, local municipalities must provide for the maintenance of roads within their jurisdiction; and

WHEREAS, municipal road infrastructure has deteriorated throughout the State due to the inability to fund these repairs without increasing the budget beyond the allowable 2% tax levy cap, within any given year; and

WHEREAS, given the opportunity to determine where their tax dollars are spent, it would be in the best interest of the public to have a dedicated trust fund to be used to provide for the proper maintenance of local roads; and

WHEREAS, the State has allowed local voters to create, by referendum, local funded programs, for certain defined purposes, with the proceeds sequestered in a Dedication by Rider Trust Fund, for a specific purpose; and

WHEREAS, voters should be given the right to chose this process for road repairs in their communities; and

WHEREAS, while New Jersey Statutes authorize or require municipalities to secure voter approval in order to adopt specific ordinances, there is no basis to justify submission of a question authorizing municipalities in all forms of government to dedicate tax revenues for road improvements purposes.

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey State League of Municipalities, in conference assembled, to appeal to the New Jersey State Legislature to allow for a Special Item of Revenue to be included as an permitted revenue that may be collected after a referendum is approved by the voters for local road improvements in all municipal forms of government; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Commissioner of the Department of Transportation, the Commissioner of the Department of Community Affairs, the State Treasurer, the members of the State Legislature and the Lieutenant Governor and the Governor of the State of New Jersey.

**New Jersey State League of Municipalities Conference Resolution No. 2011-12
Approved at the League Business, Thursday, November 17, 2011**

Approved by the League Resolutions Committee, Tuesday, November 15, 2011

Calling for Additional Public Education Promoting Consumer Protection

WHEREAS, the recent downturn in financial markets and its profound effects on governments at all levels have placed great financial stresses upon our taxpayers, particularly our senior citizens and low-income families; and

WHEREAS, at times of financial crisis, consumers are particularly vulnerable to fraud, whether it be financial fraud, identity theft, gas price gouging, or cyber crime; and

WHEREAS, the State Division of Consumer Affairs has a long and commendable history of defending the New Jersey consumer through its Office of Consumer Protection, the New Jersey Bureau of Securities, the Lemon Law Unit and the other offices within the Division; and

WHEREAS, New Jersey should continue to be on the forefront of consumer protection; and

WHEREAS, locally elected officials are in a unique position to assist in the education of consumers as to how to best protect themselves from fraud.

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, seeks partnership with the Department of Law and Public Safety, Division of Consumer Affairs, in developing educational programs and materials to support local leaders to help assist consumers; and

BE IT FURTHER RESOLVED, that the New Jersey League of Municipalities calls on the Christie Administration and the Legislature to fully review existing law and act on new consumer protections to assure that New Jersey is on the cutting edge of consumer protection; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Attorney General of the State of New Jersey, the Director of the Division of Consumer Affairs, the members of the State Legislature, the Lieutenant Governor and the Governor of the State of New Jersey.

New Jersey State League of Municipalities Conference Resolution No. 2011-13

Approved at the League Business, Thursday, November 17, 2011

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Tuesday, November 15, 2011

**Resolution Calling for Federal Support for Adequate and Reliable
Long-Term Funding for Municipal Water Infrastructure**

WHEREAS, the nation's water infrastructure systems are significant assets that protect public health and the nation's water resources; and

WHEREAS, well-maintained systems contribute substantially to our citizens' general welfare and the nation's prosperity; and

WHEREAS, municipal resources dedicated to water infrastructure are currently overwhelmingly directed to compliance with new and ever more complex federal mandates and are therefore unavailable for critical maintenance, repair, and rehabilitation needs; and

WHEREAS, local water and sewer rates are rapidly becoming unaffordable for many of our citizens; and

WHEREAS, financial participation by the federal government in assisting cities in maintaining and upgrading water infrastructure systems has declined severely in the past 20 years; and

WHEREAS, the gap between needs and expenditures for wastewater, stormwater and drinking water, according to multiple reports, is estimated at hundreds of billions of dollars over the next few decades; and

WHEREAS, this funding gap does not include anticipated expenditures to comply with new Clean Water and Safe Drinking Water Act mandates, new responsibilities and costs relating to water security, or additional needs for re-use of treated effluent.

NOW, THEREFORE, BE IT RESOLVED that the New Jersey State League of Municipalities, in conference assembled, continues to urge Congress and the Obama Administration to reverse the decline in federal financial participation in funding municipal water infrastructure needs by developing a financial option that strikes the right balance between local responsibility and federal assistance; and

BE IT FURTHER RESOLVED that Congress and the Administration enact new legislation which provides adequate and reliable long-term funding for municipal water infrastructure needs to help close the funding gap. This funding shall be used solely to

address water infrastructure needs and must not rely on traditional sources of revenue, such as a federal tax on water or sewer charges; and

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

New Jersey State League of Municipalities Conference Resolution No. 2011-14

**Approved at the League Business, Thursday, November 17, 2011
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Resolution Urging the Board of Public Utilities to Require that Power Restoration for Areas with Well Water and Septic be Prioritized as a Critical Operation

WHEREAS, in August, New Jersey was hit by Hurricane Irene, a large and powerful hurricane that left extensive flooding and wind damage along its path; and

WHEREAS, as a result of Hurricane Irene thousands of New Jersey residents were left without essential utility services; and

WHEREAS, the lengthy wait of electric restoration resulted in the Board of Public Utilities (BPU) holding public hearings to investigate and review thoroughly the conduct of all utilities and their parent companies during Hurricane Irene; and

WHEREAS, during those public hearings municipal officials learned that utilities restore power first to critical operations such as hospitals, then to areas in which the greatest number of customers continuing until all customers are restored; and

WHEREAS, residents again experienced a prolong wait for electric restoration following an unusual October snowfall; and

WHEREAS, in certain municipalities, generally rural, residents do not have public water and/or sewer but well water and septic systems which require electric to properly function and when power is lost the residents lose their water and sewer system creating a severe public health crisis; and

WHEREAS, those municipalities who have well water and septic may not be the most populated, however, the lost of electric power is critical as it creates a public health and welfare issue;

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey State League of Municipalities, in conference assembled, hereby urges that the Board of Public Utilities promulgate regulations and policies to prioritize that areas serviced by well-water and septic be considered critical areas for restoration during power outages ; and

BE IT FURTHER RESOLVED, that residents who rely electricity for vital medical treatments such as oxygen tanks and electronic medical dispensers should also be prioritized; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the members of the New Jersey General Assembly, the New Jersey State Senate, the President and members of the Board of Public Utilities, the Commissioner of the Department of Health and Senior Services, the Commissioner of Environmental Protection, the Lieutenant Governor and the Governor of State of New Jersey.

New Jersey State League of Municipalities Conference Resolution No. 2011-15

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Resolution Supporting Legislation to permit Property Tax Assessment adjustments and expand the role of the local assessor's office

WHEREAS, the global, national and state economies have impacted the State of New Jersey and have severely affected, among a host of financial difficulties, the prices of homes and property values in most municipalities in the State; and

WHEREAS, the Governor and Legislature have taken important measures to help taxpayers by enacting laws that have forced local governments to reduce spending, sometimes at the expense of vital public services; and

WHEREAS, there remains much to do to cope with the plunging property values and real estate assessments that drive local school and county budgets and in turn property taxes; and

WHEREAS, municipalities have been deluged with real property tax appeals which forces local governments to expend time and costs to defend the appeals; and

WHEREAS, the explosion of tax appeals has caused the already acute assessment problems to intensify and have an adverse affect on municipal tax assessors; and

WHEREAS, tax appeals can cause property equalization to become inequitable and unfairly shift the tax burden to some homeowners; and

WHEREAS, legislation needs to be adopted that would permit ongoing property assessment maintenance on a continuing basis and lessen the need for expensive reassessments; and

WHEREAS, the role of the local assessor needs to be expanded to include continuing maintenance in the assessor's responsibilities; and

WHEREAS, expanding the duties of the local assessor's office would assist local officials to balance property values and provide more equality in sharing the tax burden; and

WHEREAS, a compliance plan allows the tax assessor to reassess 20% of the municipality over a 5-year period; and

WHEREAS, the determination of this process is at the discretion of the tax assessor; and

WHEREAS, if the tax assessor is unwilling to conduct a compliance plan, a municipality is forced to bear the expense of an reassessment or a total revaluation, both of which are time consuming, labor intensive and costly; and

WHEREAS, municipalities respect the separation of powers to maintain the independence of the tax assessor, however the elected local governing should have the final control over how limited financial resources are spent.

NOW, THEREFORE, BE IT RESOLVED that the New Jersey State League of Municipalities, in conference assembled, hereby urges the Governor and Legislature to enact legislation that would permit municipal governing bodies the option to require the tax assessor to conduct ongoing property tax assessment adjustments in order to equalize property tax assessments on a more regular basis; and

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

New Jersey State League of Municipalities Conference Resolution No. 2011-17

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Resolution calling for amendments to the Right to Farm Act

WHEREAS, the municipalities of the State of New Jersey are generally charged with responsibility for enacting and enforcing reasonable zoning requirements applicable to their respective communities; and

WHEREAS, it has long been recognized that it is our vital interest to preserve, promote and encourage farming and farm businesses and to protect agricultural activity in this State from unreasonable, arbitrary and capricious interference, whether by municipal regulation or otherwise; and

WHEREAS, it is also recognized that farmers have historically operated from stands and markets on their farms in order to directly market and sell their agricultural products to the general public and that such farm stands and markets are essential for the survival, preservation or growth of many commercial farms in this State; and

WHEREAS, it is also recognized that many, if not most, farm stands and markets in this State are located within residential areas or neighborhoods; and

WHEREAS, retail businesses and commercial activity are generally prohibited in such residential neighborhoods and areas in order to preserve the residential character of such neighborhoods and areas, to reduce commercial traffic in those areas on roads that are often not designed for such traffic, to reduce sprawl, to promote the concentration of commercial activity and traffic in areas deemed appropriate by a municipality, and for other sound planning reasons; and

WHEREAS, in recognition of the competing interests of the farmers, municipalities and residents of this State and of the need to preserve, protect and encourage farming and farm businesses, legislation has been enacted to accord commercial farms special protection and benefits not shared by other businesses, including the *Right to Farm Act*, N.J.S.A. 4:1C-1, et seq. (hereinafter referred to as the Act); and

WHEREAS, clarifications and revisions to the Act are needed to avoid expensive litigation and problems that have been recurring throughout the State over the interpretation of the Act; and

WHEREAS, enacted in 1983 the Act provided, in part, for protection of “the wholesale and retail marketing of the agricultural output of the commercial farm, and related products that contribute to farm income, including the construction of building and parking areas in conformance with municipal standards” (N.J.S.A. 4:1C-9);

WHEREAS, the Act was amended in 1998; and, in part, its provisions were restructured to relocate the description of protected commercial farm market operations from one section (N.J.S.A. 4:1C-9) to another (N.J.S.A. 4:1C-3); and

WHEREAS, in the migration of the provision describing the protected commercial farm market operations from the one section of the Act to the other, the language was left unaltered, except that one material word was omitted; i.e., the word “related”; and

WHEREAS, on review of the legislative history pertaining to the 1998 amendment, no explanation is given for the omission of the word “related”; and, in the absence of such explanation, it can be concluded that the word was inadvertently omitted; and

WHEREAS, the omission of the word “related” from the 1998 amendment has bred unintended consequences which are inconsistent with the Act’s focus on the preservation and encouragement of agricultural production and sales; for example, the position has been taken by commercial farmers that – with the omission of the word “related”, a commercial farm operating a farm market can sell any product (for example, tractors, sheds, clothing, gazebos, appliances, sporting goods, stationary, etc.) without regard to whether there is any relationship between the product and the agricultural output of the farm in question; and

WHEREAS, commercial farmers who enjoy the benefits of farmland assessment are required to file with municipal tax assessors applications for farmland assessment by August 1st of each year and to disclose certain information regarding their agricultural activities and receipts;

NOW, THEREFORE BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, calls on the Legislature to amend to the “Right to Farm Act,” including amending the definition of “farm market” to:

- Reinsert the word “related” into the definition so as to include “related products that contribute to farm income”, and clarify that there must be a clear connection between the products sold from the farm market and the agricultural output of the farm in question;
- Specify that the “sales area” of a farm market does not include areas of a farm used for production and is limited to the area of a farm market actively and exclusively devoted to the retail display and sale of those products which are protected by the Act;
- Specify that “the annual gross sales of the retail farm market” does not include revenues from sales of products sold beyond the physical boundaries of the farm market but are limited to a farm market operator’s annual gross revenues generated from the sale of products protected by the Act and displayed and sold in an area actively and exclusively devoted to such sales;
- Require that retail farm markets be subject to market a municipality’s reasonable site plan requirements, and apply those requirements, particularly for the purpose of protecting the health, safety and welfare of the general public who enter the farm market or travel within the farm market’s proximity;
- Require commercial farmers operating a farm market and seeking the Act’s protection to submit to the municipal tax assessor by August 1st of each year an application for farm market eligibility with information and data meeting the minimum requirements of the Act in order to maintain qualification as a farm market; and

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

**New Jersey State League of Municipalities Conference Resolution No. 2011-18
In Appreciation of League President Chuck Chiarello, Mayor of Buena Vista**

Approved at the League Business, Thursday, November 17, 2011

Approved by the League Resolutions Committee, Tuesday, November 15, 2011

WHEREAS, Mayor Chuck Chiarello is completing his term as the President of the New Jersey State League of Municipalities; and

WHEREAS, President Chiarello has long been an articulate advocate not just for his hometown of Buena Vista, where he has lived for over thirty years, but also for small towns across the State on issues such as first aid, volunteers, New Jersey Network, Shared Services, rural policing and sustainable growth;

WHEREAS, in his year as the President of the New Jersey State League of Municipalities and his term as an Officer of the League, President Chiarello became a forceful advocate for all of New Jersey's municipalities on issues such as the need for property tax reform, management reforms to help cope with a 2% levy cap, full funding of the Energy Tax and other municipal revenue replacement programs, and met with leaders in the Administration and Legislature to advocate on behalf of our taxpayers; and

WHEREAS, President Chiarello has consistently demonstrated the most important quality of every good elected official, that is to act with integrity and with the highest ideals of public service on behalf of our citizens; and

WHEREAS, President Chiarello has dwelled on the positive aspects of, how local government can deliver service more effectively, and why all residents should be optimistic about public service; and

WHEREAS, President Chiarello has worked tirelessly on behalf of the League of Municipalities and all local officials to host the League's 96th Annual Conference; and

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

NOW THEREFORE, BE IT RESOLVED, by the New Jersey State League of Municipalities, in Conference Assembled, on the 17th day of November 2011, do extend to President Chiarello 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 Chiarello and that a copy of this resolution be transmitted herewith to him.