

## **League Approves 17 Resolutions**

On Wednesday, December 5 seventeen resolutions, articulating new legislative and policy priorities for the League of Municipalities, were adopted at the Annual Business meeting.

Earlier that same day, the League Resolutions Committee screened the resolutions and made its recommendations. The Committee was scheduled to meet as part of the League's Annual Conference in November but was postponed due to the cancellation of the Conference.

The Committee chaired by newly elected League President Janice S. Mironov, Mayor of East Windsor Township, screened twenty resolutions, recommending seventeen and tabling three.

Below is a summary of the resolutions, followed by the full text of each.

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League staff will be working with the sponsors of the resolutions to line up legislative sponsors and taking other steps to see to the implementation of these resolutions.

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New Jersey State League of Municipalities Conference Resolution No. 2012-01  
A Resolution on Hurricane Sandy

New Jersey State League of Municipalities Conference Resolution No. 2012-02  
Resolution on Plea Bargaining in Municipal Courts

New Jersey State League of Municipalities Resolution No. 2012 – 03  
Resolution Urging the Creation of Legislation to Permit  
a “Do Not Solicit” List for Accident Victims

New Jersey State League of Municipalities Resolution No. 2012 – 04  
Supporting Sustainable State Funding for preservation and Stewardship  
of Open Space, Parks, Farmland and Historic Sites in New Jersey

New Jersey State League of Municipalities Conference Resolution No. 2012-05  
Resolution Calling on the Department of Environmental Protection to Amend its Waiver  
Rule to Require That Applicants Provide Notice to Affected Municipalities

New Jersey State League of Municipalities Conference Resolution No. 2012-06  
Resolution Expressing Support for the Continued Tax Exemption for Municipal Bonds

New Jersey State League of Municipalities Conference Resolution No. 2012-08

**Resolution Urging the State Legislature to Extend the 2% Cap on Police and Fire Arbitration Contract Awards**

**New Jersey State League of Municipalities Conference Resolution No. 2012-09  
A Resolution on State Mandates**

**New Jersey State League of Municipalities Conference Resolution No. 2012-11  
Resolution for an Amendment to the Open Public Records Act (“OPRA”)  
to Protect the Personal Information and Privacy of Citizens**

**New Jersey State League of Municipalities Conference Resolution No. 2012-12 Resolution  
Requesting a State-Wide Veterans’ Treatment Court Program**

**New Jersey State League of Municipalities Conference Resolution No. 2012-14  
Resolution In Support of Workforce Investment Act Funding**

**New Jersey State League of Municipalities Conference Resolution No. 2012-15  
Resolution Calling for a Bipartisan, Balanced Plan to Reduce the Federal Deficit and  
Avoid the Fiscal Cliff**

**New Jersey State League of Municipalities Conference Resolution No. 2012-16  
Resolution Calling for a Comprehensive Federal Transportation Policy**

**New Jersey State League of Municipalities Conference Resolution No. 2012-17  
Resolution Seeking Equitable Tax Treatment for Main Street Merchants**

**New Jersey State League of Municipalities Conference Resolution No. 2012-18  
Resolution Supporting the Tax Exemption for Totally Disabled Veterans and Calling for the  
State and Federal Governments to Assist in the Funding of this Exemption**

**New Jersey State League of Municipalities Conference Resolution No. 2012-19  
Expand the Use of the Snow Removal Trust Funds to Respond to Natural Disasters**

**New Jersey State League of Municipalities Conference Resolution No. 2012-20  
In Appreciation of League President Arthur Ondish, Mayor of Mount Arlington Borough**

**New Jersey State League of Municipalities Conference Resolution No. 2012-01**

**Approved at the Annual League Business Meeting, Wednesday, December 5, 2012  
Approved by the League Resolutions Committee, Wednesday, December 5, 2012**

**A Resolution on Hurricane Sandy**

**WHEREAS**, on Monday, October 29, 2012 Hurricane Sandy came ashore in New Jersey, wreaking unprecedented damage across the Garden State and most of the Eastern coast, resulting in the tragic loss of life; and

**WHEREAS**, Hurricane Sandy also resulted in incalculable losses in property and widespread power outages; and

**WHEREAS**, the loss of life and property would have been far worse except the for the heroic efforts of First Responders and the coordinated efforts of Federal, State and local officials; and

**WHEREAS**, the loss of property in the Garden State is most profound along the iconic Jersey shore, where generations of New Jersey families and visitors from across the world have fond memories of New Jersey's beaches, boardwalks, amusement piers, water sports, and salt water fisheries, and which have served as a vital economic engine to New Jersey and the region; and

**WHEREAS**, the Jersey shore is not only known for its tourism but a thriving commercial fishing area with major commercial fishing ports in Atlantic City, Barnegat Light, Belford, Cape May, and Point Pleasant; and

**WHEREAS**, the courageous resiliency of New Jerseyans is second-to-none.

**NOW, THEREFORE, BE IT RESOLVED**, by the New Jersey State League of Municipalities, that we profoundly mourn the loss of life which resulted from Hurricane Sandy and extend our deepest sympathies to the families of those whose lives were lost; and

**BE IT FURTHER RESOLVED**, that we commend and thank the First Responders whose courage and bravery saved countless lives; and

**BE IT FURTHER RESOLVED**, that we commend the coordinated efforts of Federal, State, County and Local Officials, including the proactive efforts of the Governor and his staff, to prepare for the storm, evacuating citizens from harm's way and in storm recovery efforts; and

**BE IT FURTHER RESOLVED**, that we commend and thank the President of the United States for coming to New Jersey to see the damage of Hurricane Sandy and for his pledge of Federal support for our recovery efforts; and

**BE IT FURTHER RESOLVED**, that the New Jersey State League of Municipalities and municipal officials pledge our support and assistance to the recovery efforts to every

impacted community in New Jersey, and to every effort to fully restore the Jersey Shore to its iconic greatness, so that future generations can enjoy the same beaches, walk along the same boardwalks and piers and enjoy the beauty of the New Jersey shore; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution be transmitted to the President of the United States, the Governor and Lieutenant Governor of the New Jersey, the Executive Director of the Federal Emergency Management Agency, all members of Governor Christies' cabinet, the New Jersey Congressional Delegation, and all members of the New Jersey General Assembly and State Senate.

**New Jersey State League of Municipalities Conference Resolution No. 2012-02**

**Amended and Approved at the Annual League Business Meeting,  
Wednesday, December 5, 2012**

**Approved by the League Resolutions Committee, Wednesday, December 5, 2012**

**Resolution on Plea Bargaining in Municipal Courts**

**WHEREAS**, the municipal courts of New Jersey are the courts in which citizens most frequently interact with the New Jersey judicial system; and

**WHEREAS**, with the exception of Driving While Intoxicated and certain Drug Offenses, plea bargaining is permitted in the municipal courts and is a critical component of enabling individual justice to be achieved in municipal court cases; and

**WHEREAS**, municipal courts have historically permitted defendants, especially first time offenders, charged with Disorderly Persons Offenses to plead to municipal ordinance violations; and

**WHEREAS**, some representatives of certain county prosecutors offices, the Attorney General's Office, and the municipal court judiciary have determined that some municipal ordinance violations are pre-empted by state statutes appearing in Title 2C of the New Jersey Statutes; and

**WHEREAS**, under the New Jersey Constitution, the judiciary does not render "advisory opinions" and Article 6, Section 3, Paragraph 4 specifically requires that "matters in controversy" be resolved by the courts, and

**WHEREAS**, municipal ordinances are presumed valid unless and until a court of competent jurisdiction determines that such ordinances are unconstitutional, pre-empted, or otherwise invalid,

**NOW, THEREFORE, BE IT RESOLVED**, by the New Jersey State League of Municipalities, that we hereby affirm these principles and urge all governmental and judicial officials to permit plea bargaining to continue, including the use of municipal ordinances as downgraded offenses or amendments, where determined to be appropriate; and

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

**New Jersey State League of Municipalities Resolution No. 2012 – 03**  
**Approved at the Annual League Business Meeting, Wednesday, December 5, 2012**  
**Approved by the League Resolutions Committee, Wednesday, December 5, 2012**

**Resolution Urging the Creation of Legislation to Permit  
a “Do Not Solicit” List for Accident Victims**

**WHEREAS**, police, fire and ambulance reports are generally and readily obtainable pursuant to P.L. 2001 c.404 (*N.J.S.A. 47:1A-1 et seq.*) the Open Public Records Act (“OPRA”), immediately following automobile accidents and other incidents; and

**WHEREAS**, victims are often in a vulnerable state immediately following such accidents and incidents; and

**WHEREAS**, the practice of direct mail solicitations of victims by lawyers, chiropractors and health care providers has been growing at a rapid rate; and

**WHEREAS**, the selection of an attorney or health care provider is an important decision to a person who has been injured in an accident; and

**WHEREAS**, the solicitation of accident victims through information contained in accident reports constitutes a serious infringement on the privacy rights of individuals, particularly in light of the volume of accident report disclosure requests being received in connection with direct mail solicitations by lawyers, chiropractors and healthcare providers; and

**WHEREAS**, the Legislature should be urged to adopt legislation that would significantly limit the ability to solicit accident victims through direct mail advertising by establishing a “Do Not Solicit List” that would provide accident victims with the option to register their names on such a list to prevent anyone from soliciting them by direct mail subsequent to any accident involving personal injury; and

**NOW, THEREFORE, BE IT RESOLVED**, by the New Jersey State League of Municipalities, calls for legislation that would significantly limit the ability to solicit accident victims through direct mail advertising by establishing a “Do Not Solicit List” that would provide accident victims with the option to register their names on such a list to prevent anyone from soliciting them by direct mail; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution be transmitted to the New Jersey General Assembly, the New Jersey State Senate, the Administrative Office of the Courts, the Lieutenant Governor and the Governor of the State of New Jersey.

**New Jersey State League of Municipalities Resolution No. 2012 – 04**  
**Approved at the Annual League Business Meeting, Wednesday, December 5, 2012**  
**Approved by the League Resolutions Committee, Wednesday, December 5, 2012**

**Supporting Sustainable State Funding for preservation and Stewardship  
of Open Space, Parks, Farmland and Historic Sites in New Jersey**

**WHEREAS**, New Jersey has a long and successful history of preserving open space, parks, farmland, and historic sites; and

**WHEREAS**, the Green Acres program has helped to preserve over 650,000 acres of land and supported more than 1,100 park development projects over the past 50 years, and the state Agricultural Development Committee has preserved 200,000 ; and

**WHEREAS**, all remaining funds for these programs under the Green Acres, Water Supply and Floodplain Protection, Farmland and Historic Preservation Bond Act of 2009 will be fully allocated by the end of 2012; and

**WHEREAS**, municipalities across the Garden State have been direct beneficiaries of, and partner to, these critical state preservation programs; and

**WHEREAS**, substantial unmet needs remain for additional land and water protection, park development, and farmland and historic preservation, for the health and welfare of all our communities and residents; and

**WHEREAS**, it is imperative that a long-term, dedicated source of funding be established in order to sustain open space, farmland, and historic preservation programs beyond the 2009 Bond Act;

**NOW, THEREFORE, BE IT RESOLVED**, that the New Jersey State League of Municipalities, hereby express support for the establishment of a long-term, dedicated source of State funding for these purposes; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution be transmitted to the Commissioner of the Department of Environmental Protection, the Secretary of Agriculture, members of the New Jersey General Assembly and State Senate, the Lieutenant Governor and the Governor of the State of New Jersey.

**New Jersey State League of Municipalities Conference Resolution No. 2012-05**

**Approved at the Annual League Business Meeting, Wednesday, December 5, 2012  
Approved by the League Resolutions Committee, Wednesday, December 5, 2012**

**Resolution Calling on the Department of Environmental Protection to Amend its Waiver Rule to Require That Applicants Provide Notice to Affected Municipalities**

**WHEREAS**, the Department of Environmental Protection (DEP) adopted a rule (N.J.A.C. 7:1B-1.1 *et seq.*) that took effect on August 1, 2012 that authorized the approval of waivers from strict compliance with the department's rules in limited circumstances; and

**WHEREAS**, the affected municipalities have a vital interest in applications to waive DEP rules within their respective jurisdictions; and

**WHEREAS**, the currently adopted version of the DEP's waiver rules do not require an applicant to provide notice of an application to the affected municipality.

**NOW, THEREFORE, BE IT RESOLVED**, by the New Jersey State League of Municipalities, that the New Jersey Department of Environmental Protection should amend its waiver rule to require applicants for relief thereunder to provide notice of the application to the clerk of the affected municipality; and

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

**New Jersey State League of Municipalities Conference Resolution No. 2012-06**

**Approved at the Annual League Business Meeting, Wednesday, December 5, 2012**

**Amended and Approved by the League Resolutions Committee,  
Wednesday, December 5, 2012**

**Resolution Expressing Support for the Continued Tax Exemption for Municipal Bonds**

**WHEREAS**, the State of New Jersey, and the political subdivisions thereof, including its 566 Municipalities, undertake many capital improvements for the benefit of their citizens and finance the cost thereof through the issuance of bonds, notes and other evidences of indebtedness, the interest on which is exempt from federal income taxation; and

**WHEREAS**, this federal tax exemption has been in effect since the inception of the federal income tax in 1913 and is essential to permit states and local governments to carry out their responsibilities to their citizens; and

**WHEREAS**, in 2010, The National Commission on Fiscal Responsibility and Reform (the "Simpson Bowles Commission") recommended that interest on newly issued state and municipal bonds be subject to federal income taxation; and

**WHEREAS**, The American Jobs Act of 2011, proposed by President Obama, would deny tax exemption for interest on state and municipal bonds to taxpayers in the "upper tax brackets"; and

**WHEREAS**, The Debt Reduction Act of 2011 will automatically "sequester" tax preferences, including tax-exempt interest, if certain ratios of debt as a percentage of gross domestic product are not met, which will result in the withholding from the States and the political subdivisions thereof, federal payments promised by the Build America Bonds program; and

**WHEREAS**, Congress and the President are considering legislation, and have adopted legislation, that would eliminate or severely restrict the ability of States and their political subdivisions to issue tax exempt bonds, even though the effect of such action would be to raise the cost of the States' providing necessary services to all citizens, including disadvantaged and middle-class citizens.

**NOW, THEREFORE, BE IT RESOLVED**, by the New Jersey State League of Municipalities, that maintenance of the tax exempt status under federal law is essential to allow the State of New Jersey and its political subdivisions to finance necessary public improvements for the benefit of all the citizens of New Jersey at the lowest interest costs; and

**BE IT FURTHER RESOLVED**, that the League opposes any and all changes in federal tax law that would reduce or eliminate the present exemption from federal income taxation for interest paid on bonds, notes and other evidence of indebtedness issued by the States and their political subdivisions; and

**BE IT FURTHER RESOLVED**, that copies of this resolution shall be delivered to the President of the United States; all Senators and Congressmen representing New Jersey; the Governor of the State New Jersey, the Lieutenant Governor of New Jersey; the State Treasurer of New Jersey and the members of the New Jersey Legislature.

**New Jersey State League of Municipalities Conference Resolution No. 2012-08**

**Approved at the Annual League Business Meeting, Wednesday, December 5, 2012  
Approved by the League Resolutions Committee, Wednesday, December 5, 2012**

**Resolution Urging the State Legislature to Extend  
the 2% Cap on Police and Fire Arbitration Contract Awards**

**WHEREAS**, local municipalities require specific tools to address the rising cost of municipal government; and

**WHEREAS**, the Governor and New Jersey State Legislature enacted a permanent 2% cap on municipal and school board tax levies; and

**WHEREAS**, salary costs are a large part of the driver in the increases of local property taxes, the Governor and the Legislature enacted a temporary 2% cap on police and fire arbitration contract awards in an effort to control increasing salary costs; and

**WHEREAS**, the 2% arbitration cap will sunset on April 1, 2014, at the time when taxpayers are still struggling to keep their homes and pay their taxes and municipalities are struggling to stay within the 2% cap while providing vital services to residents; and

**WHEREAS**, we recognize that this change in arbitration reform needs a longer time to mature in order to see the benefits of the legislation and its actual impact on the cost of local government budgets and the impact on taxpayers; and

**WHEREAS**, we recognize it is now time for our taxpayers to benefit directly from these cost saving measures as many police and fire contracts will come due for negotiation after the sunset date, and

**WHEREAS**, if the cap on interest arbitration expires while the 2% levy cap remains in effect, municipalities will be forced to reduce or eliminate municipal services so to fund interest arbitration awards;

**NOW, THEREFORE, BE IT RESOLVED**, that the New Jersey State League of Municipalities, urges the State Legislature to extend the 2% cap on Police and Fire Arbitration Contract Awards for 5 more years at which time the Legislature will have hard data to examine and then make a final decision as to whether this law should be made permanent; 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 and the League of Municipalities.

**New Jersey State League of Municipalities Conference Resolution No. 2012-09**

**Approved at the Annual League Business Meeting, Wednesday, December 5, 2012**  
**Approved by the League Resolutions Committee, Wednesday, December 5, 2012**

**A Resolution on State Mandates**

**WHEREAS**, local government entities continue to struggle with fiscal restraints and escalating property taxes; and

**WHEREAS**, municipalities throughout the State have streamlined fiscal policies and made significant budget cuts in an effort to provide much-needed services with minimal impact to local property taxes; and

**WHEREAS**, at the November 1995 general election, the people of this State approved an amendment to the New Jersey Constitution providing that new statutes and new administrative rules & regulations promulgated by State agencies shall not impose unfunded mandates on municipalities; and

**WHEREAS**, a number of State mandates remain resulting in increased costs upon municipalities;

**WHEREAS**, these costs are now under a hard 2% cap, which means local governments may be forced to reduce or eliminate other services in order to fulfill the State mandated requirement;

**NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities**, hereby calls on the State Legislature to enact a process than any legislation that, according to the nonpartisan Office of Legislative Services, may result in increased costs to local governments, be forwarded to the Council on Local Mandates for its review and recommendation;

**BE IT FURTHER RESOLVED**, that any regulation proposed by the State also be forwarded to the Council on Local Mandates for its review and recommendation; and

**BE IT FURTHER RESOLVED**, we request that the Governor of the State of New Jersey direct all Executive Branch Departments and agencies to review all administrative rules and regulations to determine those that impose financial obligations on municipalities and consider whether such regulation honors the spirit of the State Mandate-State Pay provision of the New Jersey State Constitution; and

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

**New Jersey State League of Municipalities Conference Resolution No. 2012-11**

**Approved at the Annual League Business Meeting, Wednesday, December 5, 2012  
Amended and Approved by the League Resolutions Committee,  
Wednesday, December 5, 2012**

**Resolution for an Amendment to the Open Public Records Act (“OPRA”)  
to Protect the Personal Information and Privacy of Citizens**

**WHEREAS**, in its enactment of the Open Public Records Act (“OPRA”), *N.J.S.A. 47:1A-1 et seq.*, the New Jersey Legislature identified, among others, the following public policies regarding government records:

- Government records shall be readily accessible for inspection, copying, or examination by the citizens of this State;
- A public agency has a responsibility and an obligation to safeguard from public access a citizen’s personal information with which it has been entrusted when disclosure thereof would violate the citizen’s reasonable expectation of privacy; and

**WHEREAS**, in fact, at the time OPRA was enacted, the legislature was so concerned with the privacy implications of OPRA upon the citizenry that it simultaneously established a temporary Privacy Study Commission (“Privacy Commission”) to study the privacy issues raised by the collections, processing, use and dissemination of information by public agencies and recommend specific measures, including legislation, to address these issues and safeguard the privacy rights of individuals [*P.L.2001, c. 404*]; and

**WHEREAS**, the Privacy Commission duly convened and submitted a report in December 2004 wherein it concluded, “The Commission believes an individual’s reasonable expectation of privacy in his or her home address and telephone number may be violated in certain circumstances when the government discloses this information to the public;” and

**WHEREAS**, with respect to home phone numbers and addresses, the Privacy Commission made the following recommendations to the Governor and legislature:

- Home telephones numbers, including cell phone numbers, should not be disclosed.
- Public agencies should notify individuals that their home addresses may be disclosed pursuant to OPRA request.
- Individuals should be permitted to provide an “address of record” for disclosure purposes, in addition to their home address when interacting with public agencies.
- The Governor or Legislature should establish objective guidelines defining when and from which government records home addresses should be redacted.
- Individuals should be permitted to opt out of disclosure of their home addresses.
- In the future, computer systems and applications should be programmed to collect but not disclose home addresses and telephone numbers.

**WHEREAS**, the Privacy Commission's report and recommendations have not yet been enacted; and

**WHEREAS**, in the meantime, New Jersey's courts have issued multiple decisions condoning the release of citizens' private information; and

**WHEREAS**, in *Renna v. County of Union*, No. A-1811-10 (App. Div. Feb. 17, 2012) the Appellate Division of the Superior Court of New Jersey held that, under the provision of OPRA, Union County must release the names and addresses of senior citizens who signed up to receive Union Count's "Senior Newsletter;" and

**WHEREAS**, in *Geier v. Township of Plumstead*, No. OCN-L-3718-09 (Law Div. Oct. 27, 2009) a judge held that Plumstead Township's newsletter email subscription list and the home addresses of individuals filing tort claim notices with the Township must be released under OPRA; and

**WHEREAS**, in *Atlantic County Society for the Prevention of Cruelty to Animals v. City of Absecon*, No. A-3047-07 (App. Div. June 5, 2009) a judge directed the release of a town's list containing the names and addresses of all dog license holders; and

**WHEREAS**, in *Burnett v. County of Bergen*, 198 N.J. 408 (2009), the New Jersey Supreme Court has held that public access to records and protection of citizens' personal information are "twin aims" and has directed the implementation of a complicated, cumbersome, burdensome, overly legalistic, seven-step balancing analysis that municipal clerks and other public records custodians must apply on a case-by-case basis to determine how to treat a records request that implicates a privacy interest; and

**WHEREAS**, OPRA mandates the imposition of attorney fee awards against public agencies whose records custodians apply this seven-step balancing analysis and, in good faith, deny records requests for citizens' personal information, when a court subsequently decides that the records should be released; and

**WHEREAS**, according to the Federal Bureau of Investigation's Internet Crime Complaint Center ("IC3"), in 2009 fraudulent internet schemes cost consumers \$559.7 million; and

**WHEREAS**, the New Jersey IC3 2010 Internet Crime Report reflects a reported State-wide loss of \$12,396,583.13 and New Jersey ranks fourth in the nation in Internet crime complaints per 100,00 population; and

**WHEREAS**, fraudulent scams such as the "Grandparents Scam," sweepstakes and lottery scams, phishing/spooking and home repair scams are regularly committed against senior citizens by criminals who use senior citizens' home addresses, phone numbers and/or email addresses to perpetrate their crimes; and

**WHEREAS**, from time to time, government obtains its citizens' home addresses, phone numbers and email addresses for various public health, safety and welfare purposes including, among countless others, reverse 911 emergency notifications; dissemination of newsletters or containing information about government programs and community news; advice about pet licensing, rabies clinics, flu shot clinics, recycling schedules and road closures; publication of senior citizen activities, juvenile recreational programs and town-wide events such as Memorial, Independence and Veteran's Day celebrations; and providing notices and agendas of public meetings; and

**WHEREAS**, parents should be able to register their children for youth sports programs and other activities without fear that the names and addresses of their children will be subject to public dissemination; and

**WHEREAS**, senior citizens should be able to sign up for activities at their local senior centers and receive local newsletters without fear that personal information such as their home addresses, phone numbers and email addresses will be released to those who prey on the elderly; and

**WHEREAS**, records custodians should be able to review records requests and grant or deny them according to clear standards that do not require the advice of counsel and undergoing a seven-step overly legalistic balancing analysis that will result in the imposition of legal fees against the local government when a court rules the records custodian reached an incorrect result, albeit in utter good faith; and

**WHEREAS**, citizens are largely unaware of the fact that availing themselves of government newsletters, notices and programs puts their personal information at risk, and as they gain awareness of this undesirable consequence, many will likely withdraw from such participation, including receipt of notices of public meetings, thereby reducing transparency in government; and

**WHEREAS**, many commercial enterprises desire convenient and cheap access to lists of resident phone numbers, email and home addresses so that they may target their advertising; and

**WHEREAS**, the commercial harvesting of citizens' personal data results in taxpayers funding the collection and distribution of information for commercial, non-governmental purposes in addition to the invasion of citizens' personal privacy;

**NOW, THEREFORE, BE IT RESOLVED**, that the League of Municipalities, does hereby strongly urge the New Jersey State legislature to immediately adopt legislation amending OPRA so that citizens' home addresses, phone numbers and email addresses are deemed exempt from disclosure; and

**BE IT FURTHER RESOLVED**, that no attorney fees shall be awarded in the case of a good-faith denial; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution be transmitted to the members of the New Jersey General Assembly and State Senate, the Lieutenant Governor and the Governor of the State of New Jersey.

**New Jersey State League of Municipalities Conference Resolution No. 2012-12**

**Approved at the Annual League Business Meeting, Wednesday, December 5, 2012  
Approved by the League Resolutions Committee, Wednesday, December 5, 2012**

**Resolution Requesting a State-Wide Veterans' Treatment Court Program**

**WHEREAS**, on October 21, 2012, the Department of Veterans Affairs released its latest report on post-traumatic stress disorder (PTSD), showing that since 9/11, nearly 30 percent of the 834,463 Iraq and Afghanistan War veterans treated at V.A. hospitals and clinics have been diagnosed with PTSD; and

**WHEREAS**, according to a 2010 study published by the American Journal for Public Health, troops deployed multiple times to Iraq and Afghanistan are more than three times more likely than those with no previous deployments to test positive for PTSD and major depression; and

**WHEREAS**, according to the Mayo Clinic, PTSD is a mental health condition triggered by a terrifying and/or tragic event, with symptoms that include flashbacks, nightmares and severe anxiety, as well as uncontrollable thoughts about the event; and

**WHEREAS**, PTSD can lead to inappropriate, erratic and illegal behavior, which can result in arrest and, if convicted, a police record, hindering a vet's prospects for future employment and/or volunteer service in the community; and

**WHEREAS**, in recognition of this problem and of the selfless service of our men and women in uniform, programs have been developed to keep war veterans with mental health problems from being put in jail or prison that aim to assist veterans, who become involved in the justice system, directing them toward services provided by the VA, including treatment for mental health problems, and to get them mentoring from other vets to aid in their reintegration into civilian life; and

**WHEREAS**, Veterans Treatment Courts, based on the Drug Courts, Mental Health Courts and other successful Pretrial Intervention Programs, seek to keep vets with mental health issues out of the traditional justice system, to get them into treatment and to give them tools for coping with their problems; and

**WHEREAS**, the first Veterans Treatment Court, which was started in 2008 in Buffalo, New York, provides vets with medical and mental health treatment, training and help with finding jobs, and housing and transportation, as needed; and

**WHEREAS**, the Buffalo program also provides these wounded warriors with mentors - other veteran volunteers who provide further support for those in the program; and

**WHEREAS**, similar programs have been successfully initiated in other jurisdictions;

**NOW THEREFORE BE IT RESOLVED**, by the New Jersey State League of Municipalities, that we do respectfully ask that the State of New Jersey, in cooperation with the U.S. Department of Veterans Affairs, and in recognition of the courageous and generous service of our returning veterans of war, provide for the establishment of Veterans' Treatment Courts; and

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

**New Jersey State League of Municipalities Conference Resolution No. 2012-14**

**Approved at the Annual League Business Meeting, Wednesday, December 5, 2012  
Approved by the League Resolutions Committee, Wednesday, December 5, 2012**

**Resolution In Support of Workforce Investment Act Funding**

**WHEREAS**, every year, the federal government invests billions of dollars in the nation's workforce development system, including funds distributed through the Workforce Investment Act (WIA), which provides training and employment services to millions of unemployed, underemployed and disadvantaged Americans through a national network of one-stop career centers that are governed by local workforce investment boards and local and county elected officials; and

**WHEREAS**, the 31 one-stop career centers in New Jersey, located in all of our 21 counties, staffed by qualified professionals, have provided workers and employers alike with access to the full range of employment services that have included job placement assistance, training, credentialing, unemployment benefits and career guidance, as well as access to other relevant government services, including 17 types of federal training and education programs; and

**WHEREAS**, these centers also make available to job seekers computers, phones, photocopiers and fax machines, to aid in the search for jobs; and

**WHEREAS**, since the WIA became law in 1998, one-stop career centers, operated and governed at the local level by local workforce boards, comprised of business leaders, and city and county elected officials, have become the backbone of a seamless employment-services delivery system in every state; and

**WHEREAS**, over the past several years, these one-stop centers have successfully provided upwards of nine million Americans per year with employment assistance and millions of employers with skilled workers; and

**WHEREAS**, job training services provided by the federally-funded and locally-operated Workforce Investment Act (WIA) take many forms, including classroom training, customized training, and on-the-job training, or some combination of all three, so that the services provided can meet an individual worker's or employer's needs; and

**WHEREAS**, among low-income adults who participated in WIA programs, fifty-five percent obtained employment, eighty percent of those who obtained employment remained on the job after six months, 72 percent found a job which matched their skills levels, seventy percent who received job training entered employment and 87 percent of those remained on the job more than six months; and

**WHEREAS**, among dislocated workers who participated in WIA programs, fifty-seven percent obtained employment as a result of their participation in WIA, eighty-eight percent of those dislocated workers who obtained employment remained on the job after

six months, of those dislocated workers who received job training services 78 percent entered employment and 90 percent of those remained on the job after six months; and

**WHEREAS**, among youth aged 19 to 24, 63 percent entered employment or returned to school, 57 percent obtained a degree or certificate, and 38 percent made measurable literacy and numeracy gains, and among youth aged 14 to 18, 87 reached their desired skills attainment levels and 67 percent obtained a diploma or its equivalent; and

**WHEREAS**, according to the U.S. Department of Labor, 81 percent of all participants and 80 percent of all employers who participated in the WIA system said they were satisfied with the assistance they received; and

**NOW, THEREFORE, BE IT RESOLVED**, by the New Jersey State League of Municipalities, that, as we continue to recover from the 2008 recession, we do urge Congress and the President to continue to fund the Workforce Investment Act; and

**BE IT FURTHER RESOLVED**, that copies of this Resolution be forwarded to the President of the United States, the U.S. Secretary of Labor, the New Jersey Congressional Delegation, the Commissioner of the New Jersey Department of Labor, the members of the New Jersey State Legislature, the Lieutenant Governor and Governor of New Jersey.

**New Jersey State League of Municipalities Conference Resolution No. 2012-15**

**Approved at the Annual League Business Meeting, Wednesday, December 5, 2012  
Approved by the League Resolutions Committee, Wednesday, December 5, 2012**

**Resolution Calling for a Bipartisan, Balanced Plan  
to Reduce the Federal Deficit and Avoid the Fiscal Cliff**

**WHEREAS**, in the Summer of 2011, as our Nation approached its debt limits, the Obama Administration and Congress reached agreement on a plan that allowed the government to continue to operate, and that would significantly reduce the Federal deficit over the next 10 years; and

**WHEREAS**, under the terms of that compromise, the Joint Select Committee on Deficit Reduction, often called the “Supercommittee,” was established to produce deficit reduction legislation by November 23, 2011, that would be immune from amendments or filibuster, but, as the deadline approached, the Committee disbanded due to the inability to agree on a plan; and

**WHEREAS**, since Congress has failed to enact a 10 year \$1.2 trillion deficit deduction bill the agreement calls for mandatory cuts (sequestrations), beginning in 2013; and

**WHEREAS**, unless Congress and the President take action to stop them, over \$100 billion in cuts to defense and non-defense programs will take effect on January 2, 2013, and many of these cuts will fall on federal programs important to local communities, including ones that support transportation, education, housing, water quality, and public safety initiatives; and

**WHEREAS**, at the same time, and again, absent further Congressional action, several previously enacted tax cuts are scheduled to expire; and

**WHEREAS**, the combination of higher taxes and reduced Federal spending would push the U.S. over what has been referred to as the “fiscal cliff,” and while the deficit would be reduced, economic activity would be significantly slowed; and

**WHEREAS**, conversely, extensions of the tax cuts and relaxation of the sequestration requirements would balloon the Federal deficit and increase the national debt; and

**WHEREAS**, New Jersey municipalities recognize the magnitude of the federal government's fiscal challenges and the need for fiscal responsibility, and also appreciate that tough choices must be made to bring the budget into balance and achieve deficit reduction;

**NOW THEREFORE BE IT RESOLVED**, by the New Jersey State League of Municipalities, that we strongly agree with the growing consensus of members of

Congress from both sides of the aisle and the Administration that sequestration will have a significant detrimental impact on our fragile economic recovery, our national security, and our nation's families and must be avoided; and

**BE IT FURTHER RESOLVED**, that copies of this Resolution be forwarded to the President of the United States, the Speaker of the U.S. House of Representatives, the Majority Leader in the U.S. Senate, the New Jersey Congressional Delegation, the New Jersey State Legislature, the Lieutenant Governor and Governor of the New Jersey.

**New Jersey State League of Municipalities Conference Resolution No. 2012-16**

**Approved at the Annual League Business Meeting, Wednesday, December 5, 2012  
Amended and Approved by the League Resolutions Committee,  
Wednesday, December 5, 2012**

**Resolution Calling for a Comprehensive Federal Transportation Policy**

**WHEREAS**, our national infrastructure network is vital to our economic recovery and growth, and the current federal transportation program provides reliable and sustained funds to address challenges in communities across the nation and maintain our national network of roads, bridges, public transportation and railways which help to move people, goods and services; and

**WHEREAS**, as local governments continue to respond to fiscal challenges, and existing infrastructure continues to show signs of age, federal support is all the more critical not only to maintain this network, but to put individuals and communities back to work; and

**WHEREAS**, a national transportation program needs to reflect the vital role of municipalities for the economic vitality of the nation and provide the financial support and decision-making authority to local governments; and

**WHEREAS**, Federal investments in infrastructure made available over the last several years were an important down payment, providing the states and municipalities with resources to make short-term upgrades and to explore innovative, sustainable long-term solutions; and

**WHEREAS**, if we continue to allow our infrastructure to deteriorate through lack of investment and proper maintenance, we put America's economic success—and the success of our hometowns—at risk; and

**WHEREAS**, moving forward, a strong federal, state, county and municipal intergovernmental partnership is key to advancing national transportation goals and priorities;

**NOW THEREFORE BE IT RESOLVED**, by the New Jersey State League of Municipalities, that the time has come for Congress and the Administration to enact a new, long-term transportation plan that acknowledges local decision-making authority, fosters collaboration with state and local governments, supports sustainable multimodal choices, invests in outcome-oriented solutions, maintains a strong federal role and support municipal investment in infrastructure and transportation; and

**BE IT FURTHER RESOLVED**, that copies of this Resolution be forwarded to the President of the United States, the Speaker of the U.S. House of Representatives, the Majority Leader in the U.S. Senate, the New Jersey Congressional Delegation, the members of the New Jersey State Legislature, the Lieutenant Governor and Governor of the New Jersey.

**New Jersey State League of Municipalities Conference Resolution No. 2012-17**

**Approved at the Annual League Business Meeting, Wednesday, December 5, 2012**  
**Approved by the League Resolutions Committee, Wednesday, December 5, 2012**

**Resolution Seeking Equitable Tax Treatment for Main Street Merchants**

**WHEREAS**, a 1992 Supreme Court case left state and local governments unable to enforce their sales tax laws on sales by out-of-state catalog and online sellers; and

**WHEREAS**, as a result, billions of state and local tax dollars are lost each year by continuing to allow a tax-free platform to exist for purchases made via these venues; and

**WHEREAS**, under the current tax loophole, while brick-and-mortar retailers collect sales taxes from customers who make purchases in their stores, many online and catalog retailers do not collect the same taxes, creating an unfair disadvantage to the shopkeepers on main streets, who must collect those taxes; and

**WHEREAS**, internet-based commerce continues to grow, but states are unable to collect billions in much needed revenue unless Congress acts; and

**WHEREAS**, at a time when states have closed budget deficits but still face gaps for fiscal years 2012 and 2013, collecting owed sales taxes means more money that would be available to fund municipal revenue replacement property tax relief programs, which could be used for basic services, such as roads and police officers, without increasing the overall federal deficit;

**NOW THEREFORE BE IT RESOLVED**, by the New Jersey State League of Municipalities, that we support legislation to allow state and local governments the flexibility to collect the taxes already owed to them on remote online purchases, not raising existing taxes or imposing new ones, and thereby placing brick and mortar corner stores on a level playing field with online retailers and affording consumers more choice through fair competition; and

**BE IT FURTHER RESOLVED**, that copies of this Resolution be forwarded to the President, the Speaker of the U.S. House of Representatives, the Majority Leader in the U.S. Senate, our U.S. Senators and all New Jersey Congressmen.

**New Jersey State League of Municipalities Conference Resolution No. 2012-18**

**Approved at the Annual League Business Meeting, Wednesday, December 5, 2012**  
**Approved by the League Resolutions Committee, Wednesday, December 5, 2012**

**Resolution Supporting the Tax Exemption for Totally Disabled Veterans and Calling for the State and Federal Governments to Assist in the Funding of this Exemption**

**WHEREAS**, the State of New Jersey offers several State Property Tax Deduction programs, including Senior and Veteran deductions; and

**WHEREAS**, the League of Municipalities and municipal governments as a whole have a long history of proudly and actively supporting our soldiers and veterans and will continue to do so; and

**WHEREAS**, the State establishes the rules of eligibility for tax exemptions for totally disabled veterans and the US Department of Veterans Affairs determines the disability percentage; and

**WHEREAS**, the State of New Jersey refunds municipalities for the loss of property tax revenue as a result of the Senior Citizens and Veterans Deductions, but does not refund municipalities for 100% disabled veterans; and

**WHEREAS**, Veterans proudly served the residents of the entire Country, not just the State and municipality; it is therefore appropriate that the Federal and State governments contribute towards the costs of this exemption; and

**WHEREAS**, recent tight fiscal controls placed upon local governments exacerbate the uncontrollable loss of revenue.

**NOW THEREFORE BE IT RESOLVED**, that the New Jersey State League of Municipalities, calls upon our State and Federal representatives to support Federal and State reimbursement for the costs on local taxpayers for the tax exemptions for totally disabled veterans; and

**BE IT FURTHER RESOLVED** that we wholeheartedly support the continuation of the exemption, but believe the costs for the exemption should be borne by all levels of government; and

**BE IT FURTHER RESOLVED** that copies of this resolution be forward to the members of the New Jersey State Legislature, the members of the New Jersey Congressional Delegation, the Lieutenant Governor and Governor of the State of New Jersey.

**New Jersey State League of Municipalities Conference Resolution No. 2012-19**

**Approved at the Annual League Business Meeting, Wednesday, December 5, 2012**  
**Approved by the League Resolutions Committee, Wednesday, December 5, 2012**

**Expand the Use of the Snow Removal Trust Funds to Respond to Natural Disasters**

**WHEREAS**, N.J.S.A. 40A:4-62.1 permits a municipality to adopt a resolution establishing a snow removal trust fund; and

**WHEREAS**, unexpended balances budgeted annually for snow removal may be lapsed into the snow removal trust fund; and

**WHEREAS**, the funds in the trust fund may be used for any purpose related to snow and ice removal by the municipality after the current budget appropriations for that purpose have been expended; and

**WHEREAS**, in the past several years New Jersey has been battered by various natural disasters most recently Hurricane Sandy; and

**WHEREAS**, Hurricane Sandy resulted in unprecedented damages across the State; and

**WHEREAS**, Governor Christie signed Executive Order 111 permitting municipalities by resolution to utilize the reserves in their Snow Removal Trust Funds to protect the safety, security, health and welfare of its citizens; and

**WHEREAS**, it is impracticable and impossible to budget for natural disasters, as the timing and scope are often unknown; and

**WHEREAS**, municipalities should have the flexibility not only to use the funds in the Snow Removal Trust Fund to cover expenses related to any natural disaster but transfer unexpended funds from public works and solid waste other expenses to a trust funds; and

**WHEREAS**, the Snow Removal Trust Fund should be expanded to cover not only snow removal but expenses related to storm preparedness, response and clean-up;

**NOW, THEREFORE, BE IT RESOLVED**, by the New Jersey State League of Municipalities, calls for legislation to expand the purpose of the Snow Removal Trust fund to include expenses related to storm preparedness, response and clean-up as well as permit the transfer of unexpended balances in public works and solid waste other expenses. In addition, the name be changed from "Snow Removal" to "Response to Disasters" trust fund;

**BE IT FURTHER RESOLVED** that copies of this resolution be forward to the members of the New Jersey General Assembly and State Senate, the Commissioner of the Department of Community Affairs, the State Treasurer, the Lieutenant Governor and Governor of the State of New Jersey.

**New Jersey State League of Municipalities Conference Resolution No. 2012-20**  
**In Appreciation of League President Arthur Ondish, Mayor of Mount Arlington Borough**

**Approved at the Annual League Business Meeting, Wednesday, December 5, 2012**  
**Approved by the League Resolutions Committee, Wednesday, December 5, 2012**

**WHEREAS**, the Honorable Arthur R. Ondish, Mayor of Mount Arlington Borough is completing his term as the President of the New Jersey State League of Municipalities; and

**WHEREAS**, President Ondish's service to the League has exemplified all that is good about the high-minded goals and objectives of the League and its service programs; and

**WHEREAS**, President Ondish is an articulate voice on a host of issues important to municipal interests, such as property tax relief funding, enabling interlocal services to reduce costs and improve efficiencies, and providing necessary assistance to our returning veterans; and

**WHEREAS**, assuming the League Presidency in the aftermath of Hurricane Irene and the October 2011 snow storm, President Ondish served as a spokesman for Mayors all over New Jersey, carrying their concerns to our power providers and the Board of Public Utilities, and working with all interested parties in formulating reforms and establishing partnerships that will better serve New Jersey citizens and businesses in the event of future power disruptions; and

**WHEREAS**, in addition to his service to his constituents and to the League, President Ondish has also served as the President of the League's Education Foundation, championing such efforts as the Mayors Book Club and Sustainable Jersey; and

**WHEREAS**, the League and the municipal community at large have been well guided and inspired by the leadership of President Ondish.

**NOW THEREFORE BE IT RESOLVED**, by the New Jersey State League of Municipalities, on the 5<sup>th</sup> day of December 2012, do extend to President Ondish 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 Ondish and that a copy of this resolution be transmitted herewith to him.