

Report of the League Resolution Committee, 17 Resolutions Approved

On Thursday, November 21, seventeen resolutions, articulating new legislative and policy priorities for the League of Municipalities, were adopted at the Annual Business meeting held to conclude the League's 98th Annual Conference. In addition, League Resolution 2009-03, which calls for the ability of municipalities to opt-out of Civil Service, was reaffirmed.

On Tuesday, November 19 the League Resolutions Committee screened the resolutions and made its recommendations. The Committee chaired by newly elected League President Suzanne Walters, Mayor of Stone Harbor Borough, screened eighteen resolutions, recommending seventeen and holding one at the request of the sponsors.

Below is a summary of the resolutions, followed by the full text of each. The full text of each is also available on the League's website located at www.njslom.org.

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.

Approved 2013 Resolutions

New Jersey State League of Municipalities Resolution No. 2013 – 01
Support for Community Development Block Grants

New Jersey State League of Municipalities Resolution No. 2013 – 02
Welcoming the 2014 Special Olympics National Games and
All Special Olympics Athletes and Volunteers to New Jersey

New Jersey State League of Municipalities Resolution No. 2013 – 03
Regarding the Employment Status of Municipal Prosecutors

New Jersey State League of Municipalities Resolution No. 2013 – 04
Deterring scrap metal theft

New Jersey State League of Municipalities Resolution No. 2013 – 05
Resolution Calling for a New Jersey Department of Environmental Protection "Special
Legislative Review Committee"

New Jersey State League of Municipalities Resolution No. 2013 – 06
Defending the Tax Exemption on Municipal Bonds

New Jersey State League of Municipalities Resolution No. 2013 – 07
Supporting Reinstatement of Full Open Space Pilot

New Jersey State League of Municipalities Resolution No. 2013 – 08
In Support of a National Women's History Museum

New Jersey State League of Municipalities Resolution No. 2013 – 09
Calling for Adequate Funding for Special Needs Children
Transferring from One School District to Another

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New Jersey State League of Municipalities Resolution No. 2013 – 10
Held at the request of sponsor

New Jersey State League of Municipalities Conference Resolution No. 2013-11
Resolution Recommending Amendments to the Biggert-Waters
Flood Insurance Reform Act of 2012

New Jersey State League of Municipalities Resolution No. 2013 – 12
Resolution Calling for the Release of a Portion of the Hardest Hit Funds for use in
The ReStart Neighborhood Stabilization Program for New Jersey Municipalities

New Jersey State League of Municipalities Resolution No. 2013 – 13
Resolution Concerning Protest Rights

New Jersey State League of Municipalities Resolution No. 2013 – 14
Resolution Regarding the Municipal Disposition of Vehicles

New Jersey State League of Municipalities Resolution No. 2013 – 15
Calling for the immediate and ongoing need for
Substantial Investments in our Infrastructure

New Jersey State League of Municipalities Resolution No. 2013 – 16
Requesting Relief for Municipalities from Onerous
New Jersey Department of Environmental Protection Permit Fees

New Jersey State League of Municipalities Resolution No. 2013 – 17
Resolution Calling for Reforms to End Workers' Compensation Abuse

New Jersey State League of Municipalities Conference Resolution No. 2013-18
In Appreciation of League President Janice S. Mironov, Mayor of East Windsor Township

New Jersey State League of Municipalities Resolution No. 2013 – 01
Approved by the League Resolutions Committee, November 19, 2013
Approved at the Annual League Business Meeting, November 21, 2013

Support for Community Development Block Grants

WHEREAS, Community Development Block Grants (CDBG) provides vital funding and flexibility to address local needs in the areas of community and economic development, housing infrastructure and vital public services; and

WHEREAS, over 1,200 communities rely on CDBG as a direct source of annual funding; and

WHEREAS, an estimated 7,250 local governments, rural, urban and suburban areas, nationally have access to CDBG funds; and

WHEREAS, CDBG helps create jobs through the expansion and retention of businesses; and

WHEREAS, since FY2010, funding for CDBG has been cut by over \$1 billion while the need for these important resources at the local level has continued to grow; and

WHEREAS, for every \$1.00 of CDBG funding invested in a project another \$3.55 is leveraged from other sources; and

WHEREAS, since its inception in 1974, CDBG has leveraged nearly \$400 billion in other resources for community development and affordable housing; and

WHEREAS, between FY2005-FY2012 CDBG created or retained 302,622 local jobs; and

WHEREAS, between FY2005-FY2012 CDBG has assisted over one million low-and moderate-income homeowners rehabilitate their homes, provided down payment and closing cost assistance to qualified home buyers, and assisted homeowners through lead-based paint abatement; and

WHEREAS, between FY2005-FY2012 CDBG-funded infrastructure projects have benefited over 30 million Americans nationwide, by providing a suitable living and environment that includes sanitary water and sewer systems, safe streets and transit-ways, improved drainage systems, and other improvements that support our communities and help grow local economies; and

WHEREAS, between FY2005-FY2012 CDBG has provided public services such as employment training, meals and other services to the elderly, services to help abused and neglected children, assistance to local food banks, among others to over 95 million low-and moderate income households nationwide; and

WHEREAS, the Obama Administration proposed to reduce CDBG formula funding to \$2.8 billion in FY2014; and

WHEREAS, the House Appropriations Subcommittee on Transportation, Housing and Urban Development cut CDBG from \$3.0 billion to \$1.6 billion in FY2014; and

WHEREAS, CDBG formula funding for FY2013 prior to the sequestration cut was \$3.3 billion; and

WHEREAS, the FY2014 Budget proposes to amend the Community Development Block Grant statute to include a funding threshold of approximately \$350,000 for communities to receive formula funding directly from HUD and it would eliminate the "grandfathering" of metropolitan cities and urban counties who fall below the population level at which they initially qualified; and

WHEREAS, HUD has indicated that approximately 340 cities would lose direct funding under the threshold,

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities supports CDBG formula funding for FY2014 at least at \$3.3 billion and is opposed to the CDBG reforms funding threshold and the elimination of grandfathering proposed in the FY2014 Federal Budget; and

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

**New Jersey State League of Municipalities Resolution No. 2013 – 02
Approved by the League Resolutions Committee, November 19, 2013
Approved at the Annual League Business Meeting, November 21, 2013**

**Welcoming the 2014 Special Olympics National Games and
All Special Olympics Athletes and Volunteers to New Jersey**

WHEREAS, founded in 1968 by Eunice Kennedy Shriver, the Special Olympics movement has grown from a few hundred to nearly 3.5 million athletes in over 170 countries in all regions of the world; and

WHEREAS, it is the mission of the Special Olympics to promote growth, confidence and joy among children and adults with disabilities who are learning coordination, mastering skills, participating in competitions and preparing themselves for richer, more productive lives; and

WHEREAS, Special Olympics events now take place every day, changing the lives of people with intellectual disabilities in all regions of the world and in community playgrounds and ball fields in every small neighborhood's backyard; and

WHEREAS, New Jersey has been selected to host the 2014 Special Olympics USA National Games, which will take place June 13 – 21, 2014, with venues throughout Mercer County including Princeton University, Rider University, The College of New Jersey, the Hun School, Peddie Prep, the Sun Bank Center and Mercer County Park, following Opening Ceremonies at The Prudential Center in Newark; and

WHEREAS, the National Games will feature nearly 3,500 athletes competing in 14 Olympic-style sports, with the support of 1,000 coaches, 8,000 volunteers and an estimated 50,000 family, friends and spectators; and

WHEREAS, the goal of the Games is to provide athletes with the highest quality of sports competition, while creating an environment of understanding and acceptance on and off the playing field, creating a model for unified schools and communities across the country through our athletes' achievement in sport, and toward that end the School Enrichment Program, presented by HESS, will give students in New Jersey and throughout the country the opportunity to learn about the 2014 USA Games, the Special Olympics movement and how to create climates of inclusion and understanding in their schools and amongst their peers, and the 2014 USA Games Youth Leadership Initiative, presented by PSE&G, will challenge high school students to develop strategies to bring together students with & without intellectual disabilities;

NOW THEREFORE BE IT RESOVLED, that the New Jersey State League of Municipalities whole-heartedly supports the work of the Special Olympics to provide year-round sports training and athletic competition in a variety of Olympic-type sports for children and adults with intellectual disabilities, giving them continuing opportunities to develop physical fitness, demonstrate courage, experience joy and participate in a sharing

of their gifts, skills and friendship with their families, other Special Olympics athletes and the entire community and to promote greater understanding, appreciation and acceptance among all; and

BE IT FURTHER RESOLVED that the League welcomes to New Jersey all the athletes, families, coaches, officials and volunteers, who will make these games a tremendous success, and that we salute the corporate sponsors and that we congratulate all who live by the motto of the Special Olympics: “Let me win, but if I cannot win, let me be brave in the attempt.”

New Jersey State League of Municipalities Resolution No. 2013 – 03
Approved by the League Resolutions Committee, November 19, 2013
Approved at the Annual League Business Meeting, November 21, 2013

Regarding the Employment Status of Municipal Prosecutors

WHEREAS, in January of 2008, N.J.S.A. 43:15A-7.2 took effect, which was legislation designed to remove professional service contractors from the Public Employee Retirement System (PERS); and

WHEREAS, N.J.S.A. 43:15A-7.2 did not define with specificity which municipal government positions were considered professional service contractors and which positions were considered employees, but it did state that “regulation or policy of the federal Internal Revenue Service” should dictate such determinations; and

WHEREAS, in July of 2012 the New Jersey State Comptroller issued an investigative report entitled “*Improper Participation By Professional Service Providers in the State Pension System*,” and

WHEREAS, the report described the results of the Comptroller’s review of 58 municipalities and determined that 57 of those 58 municipalities had contracted engineers and attorneys improperly participating in PERS; and

WHEREAS, most municipalities had treated their municipal judges, municipal prosecutors and municipal public defenders as part-time employees who happened to hold a professional license, rather than as professional service contractors; and

WHEREAS, the Comptroller’s report equated municipal prosecutors with professionally contracting municipal engineers and municipal attorneys despite the fact that prosecutors do not represent the municipality as a client; and

WHEREAS, the legislative authority for the employment of municipal prosecutors is found at N.J.S.A. 2B:12-27, which states:

“The governing body of the county or municipality may *employ* an attorney at law as a prosecutor, under the supervision of the Attorney General or county prosecutor, who may represent the state, county or municipality in any matter within the jurisdiction of the central municipal court or any other municipal court in accordance with the provisions of P.L. 1999, c. 349 (C.2B:25-1 et al.).”; and

WHEREAS the State Comptroller’s report never referenced or even mentioned N.J.S.A. 2B:12-27; and

WHEREAS municipal prosecutors represent the interests of the State in municipal court prosecutions when the court is in session, which is generally on specific dates at specific times and in specific places not within the selection of municipal prosecutors; and

WHEREAS the State Comptroller’s Report referenced Internal Revenue Service Publication 963, and that publication states, in pertinent part:

“Attorneys, doctors and other professionals can, however, be employees. In such cases, the entity may not train the individual or tell them how to practice their professions, but may retain other kinds of control, such as requiring work to be done at government offices, controlling scheduling, holidays, vacations, and other conditions of employment. Again, the government entity should consult state statutes to determine whether a professional position is statutorily created.” (Page 4-4). and
“A statute may state that a specific position is that of a public official, in which case there is likely to be a sufficient right to control sufficient to make the individual an employee.” (Page 4-8); and

WHEREAS, a 2006 IRS audit report issued to the City of Shawnee, Oklahoma specifically stated that part-time municipal attorneys should be treated as employees and not independent contractors; and

WHEREAS many municipal governments in New Jersey have reasonably, rationally and properly concluded that municipal prosecutors are statutorily employees and not independent professional service contractors; and

WHEREAS the New Jersey Department of the Treasury’s Division of Pensions and Benefits, at the behest of the State Comptroller, has made determinations that municipal prosecutors are independent professional service contractors despite opposite conclusions reached by individual municipal prosecutors and their respective municipalities, and despite the clear language of N.J.S.A. 2B:12-27 and IRS Publication 963;

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey State League of Municipalities that where an individual municipal governing body and its municipal prosecutor agree that an employer/employee relationship exists between the parties, that relationship should be recognized and respected by the state government in Trenton, and that neither the municipal government nor the municipal prosecutor should be subject to a reclassification unless and until the Internal Revenue Service reaches a different conclusion; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to the Governor and Lieutenant Governor of New Jersey, the Attorney General of New Jersey, the Superintendent of the State Police, State Treasurer and the members of the New Jersey State Legislature.

New Jersey State League of Municipalities Resolution No. 2013 – 04
Approved by the League Resolutions Committee, November 19, 2013
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Deterring scrap metal theft

WHEREAS, since 2003, the four basic nonferrous or base metals—aluminum, copper, nickel and zinc—have been in high demand, and the costs, as well as demand, for these base metals have more or less continued to increase; and

WHEREAS, this has led to a dramatic increase in theft of these base metals, driven by the offenders’ recognition that ample metal supplies remain unguarded, and that the price of return remains historically high based on heavy international demand; and

WHEREAS, these metal market conditions have made unsecured metal susceptible to increased theft, while causing a boom in scrap metal exports that adds to the problem of increased scrap metal theft; and

WHEREAS, metal thieves have not refrained from desecrating hallowed grounds or landmarks in order to maximize profits in this market; and

WHEREAS, metal scavengers also reduce the amount of scrap that can be recycled by municipalities, thus denying taxpayers the benefits that would accrue to them through public sale of legitimate scrap metals and through tonnage grants from the State’s Recycling Fund; and

WHEREAS, on its website, the Institute of Scrap Recycling Industries, Inc. (ISRI), “The Voice of Recycling Industry,” states, “The most effective way to address the problem of metal theft is through a comprehensive strategy focusing first on efforts to prevent metal theft to the maximum extent practicable and second on assisting law enforcement and prosecutors in their efforts to catch, prosecute, and penalize those who perpetrate these thefts to the extent necessary to dissuade their colleagues from a similar path;” and

WHEREAS, ISRI also notes that “No one is immune to this problem. Members of the recycling industry also are often the victims of material theft;” and

WHEREAS, experts suggest that changed state legislation with increased reporting of purchases has reduced theft in those states; and

WHEREAS, as of October 2009, for example, Maryland adopted state laws that require the reporting all pawn, second-hand, precious metal and scrap metal recycling transactions, with a State Police managed system, which helped lead to 1,322 arrests, 2,192 cases closed, and the recovery of \$4.8 million in stolen property in 2012; and

WHEREAS, since the enactment of the program in Maryland, the system has helped lead to the closing of 3,588 cases, 2,453 arrests, and the recovery of more than \$13.2 million in stolen property;

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey League of Municipalities, in conference assembled, calls on the Governor, the Attorney General, the Superintendent of the State Police and the State Legislature to develop and implement a comprehensive plan that includes increased reporting and tracking of the resale of any metal; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to the Governor and Lieutenant Governor of New Jersey, the Attorney General of New Jersey, the Superintendent of the State Police and the members of the New Jersey State Legislature.

**New Jersey State League of Municipalities Conference Resolution No. 2013-05
Approved by the League Resolutions Committee, November 19, 2013
Approved at the Annual League Business Meeting, November 21, 2013**

**Resolution Calling for a New Jersey Department of
Environmental Protection “Special Legislative Review Committee”**

WHEREAS, if you live in the State of New Jersey, there’s a good chance that at some point in time, your life has been touched by the New Jersey Department of Environmental Protection (DEP); and

WHEREAS, the postwar development throughout New Jersey in the 1950s and 1960s created a tremendous pollution problem in the lakes, streams, rivers, air and the environment in general; and

WHEREAS, to the credit of the state elected officials, and concerned citizens of that era, they recognized the urgent need to clean up and protect the environment for future generation; and

WHEREAS, beginning around 1970, DEP was given increased authority to adopt regulations and the New Jersey environmental cleanup was underway; and

WHEREAS, the environmental cleanup of New Jersey is a great success story. By the 1980s and 1990s, it was obvious all throughout the State that the lakes, rivers, streams, wetlands, air etc. had made a remarkable environmental rebound. Wildlife and vegetation thrive today; and

WHEREAS, the DEP evolved from the late 1980s into the 1990s as the most powerful politically autonomous entity in the State; and

WHEREAS, the DEP, in its 2010 vision statement, identifies its “core mission”, as protecting “the air, waters, land, and natural and historic resources of the State to ensure continued public benefit; and

WHEREAS, although in recent years the DEP has implemented well-intentioned, admirable efforts by to implement the NJDEP 2010 Vision Statement, many in local government and industry feel it has exceeded its authority and fallen short of its intended purposes.

NOW, THEREFORE IT RESOLVED, by the New Jersey League of Municipalities, in conference assembled urges the creation of a “Special Legislative Review Committee of the New Jersey Department of Environmental Protection,” including representatives of local governments, be appointed immediately to address the immediate issues, and concerns the impact of the DEP regulations have imposed on the state.

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

New Jersey State League of Municipalities Resolution No. 2013 – 06
Approved by the League Resolutions Committee, November 19, 2013
Approved at the Annual League Business Meeting, November 21, 2013

Defending the Tax Exemption on Municipal Bonds

WHEREAS, the New Jersey State League of Municipalities is dedicated to ensuring local control and decision making through access to affordable capital; and

WHEREAS, tax-exempt municipal bonds finance infrastructure that touches the daily lives of every American citizen – the roads we drive on, schools and education for our children, affordable housing, water systems that supply safe drinking water, wastewater systems that keep our waterways clean, courthouses, hospitals and clinics to treat the sick, airports and ports that help move products domestically and overseas, and utility plants that power homes and businesses; and

WHEREAS, three-quarters of all infrastructure investments made in the United States are financed by state and local governments and their agencies through tax-exempt municipal bonds; and

WHEREAS, tax-exempt municipal bonds have, for 200 years, been the way that state and local governments can affordably access capital markets to meet the needs of their citizens; and

WHEREAS, interest on municipal bonds is exempt from Federal taxation under a principle of reciprocal immunity under which the Federal Government is exempt from State and local taxations and local governments are exempt from Federal taxation; and

WHEREAS, savings from affordable financing through tax-exempt bonds allows for greater infrastructure investments and savings passed directly to taxpayers and ratepayers in the form of reduced taxes and fees; and

WHEREAS, keeping infrastructure costs low is critical to job creation and to the infrastructure investments that are the backbone of our economy; and

WHEREAS, the American Society of Civil Engineers has given a grade of D+ for the condition and performance of the nation's infrastructure, and estimates an investment of \$3.6 trillion will be needed for the nation's infrastructure by 2020; and

WHEREAS, Congress and the Administration have proposed capping, limiting, eliminating or replacing tax-exempt bonds; and

WHEREAS, several studies have concluded convincingly that proposals to limit, eliminate or replace tax-exempt bonds would result in significantly higher borrowing costs for state and local government; and

WHEREAS, increased borrowing costs would translate to increased fees and increased taxation at the local level, or in the failure to meet core infrastructure needs; and

WHEREAS, limiting, eliminating or replacing tax-exempt bonds could shut many small issuers out of the bond market entirely; and

WHEREAS, tax-exempt municipal bonds are the financing tool that exists by and for local governments without federal interference; and

WHEREAS, federal mandates significantly increase state and local government infrastructure costs, with mandates related to the Clean Water Act placing an especially large burden on city governments; and

WHEREAS, state and local governments cannot and should not rely exclusively upon federal tax credits, federal reimbursement payments, federal grants and federal loans to finance infrastructure; and

WHEREAS, over the past decade funding for core federal government infrastructure grant programs for State and local governments has been stagnant at best and in many cases has declined precipitously; and

WHEREAS, in an era of increasing federal mandates and federal budget austerity, capping, limiting or eliminating tax-exempt bonds would essentially signal a divestment in infrastructure; and

WHEREAS, tax credit bonds and direct subsidy bonds are a good complement to traditional tax-exempt municipal bonds but would be a poor substitute due to reliance on a federal subsidy and higher costs for smaller issuers; and

WHEREAS, in 2012 the League of Municipalities approved a resolution (Resolution No. 2012-06) Expressing Support for the Continued Tax Exemption for Municipal Bonds because of the paramount importance of this issue to municipalities, it is both necessary and appropriate to reiterate the League's strong support for preserving the tax-exempt status of municipal bonds.

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities strongly urges the Administration and Congress to preserve the current tax-exempt status of municipal bonds that has successfully provided trillions of dollars in low-cost financing for critical infrastructure investments that serve citizens in all states and local communities; and

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

**New Jersey State League of Municipalities Resolution No. 2013 – 07
Approved by the League Resolutions Committee, November 19, 2013
Approved at the Annual League Business Meeting, November 21, 2013**

Supporting Reinstatement of Full Open Space Pilot

WHEREAS, Open Space benefits all New Jersey residents; and

WHEREAS, in recognition of these facts, the State of New Jersey has pledged to provide host municipalities with Payments In Lieu Of Taxes (PILOTs); and

WHEREAS, these PILOTs, then, serve two crucial public policy purposes; first, providing property tax relief, and second, promoting environmental protection; and

WHEREAS, in recognition of those dual benefits, and of the lost opportunity costs imposed on the host municipalities, a long line of Governors, Legislatures and Commissioners of the State's Department of Environmental Protection have seen the fairness of consistently making the promised Payments In Lieu of Taxes; and

WHEREAS, the policy has been ratified by the citizens of New Jersey, who have, consistently, approved ballot questions that would provide funding to meet Open Space PILOT needs; and

WHEREAS, the municipalities that host preserved Open Spaces tend to be less populous, and more extensive, than the average New Jersey municipality; and

WHEREAS, they typically have smaller, non-unionized and non-Civil Service workforces, which makes them less likely to enjoy any potential benefits from any management reforms and mandated relief initiatives recently enacted or being considered by State policy makers; yet they, too, will need to serve their citizens within the artificial and arbitrary constraints of the 2% tax levy cap; and

WHEREAS, in recent budgetary years, State policy makers have made immediate cuts in PILOT funding; and

WHEREAS, these cuts have had devastating budgetary impacts on the residents of host municipalities; and

WHEREAS, the New Jersey State League of Municipalities believes that these cuts have unfairly damaged host municipalities and urge State policy makers to correct this unfairness and reinstate full Open Space PILOT funding; and

NOW THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, does hereby call on all State policy makers to reaffirm their commitment to property tax relief, environmental protection and fiscal fairness by reversing the decision to cut Open Space PILOT funding and support the reinstatement of full PILOT Open Space Funding; and

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the Governor and Lieutenant Governor of New Jersey, the Commissioner of the Department of Environmental Protection, the Commissioner of the Department of Community Affairs and the members of the New Jersey State Legislature.

**New Jersey State League of Municipalities Resolution No. 2013 – 08
Approved by the League Resolutions Committee, November 19, 2013
Approved at the Annual League Business Meeting, November 21, 2013**

In Support of a National Women’s History Museum

WHEREAS, the New Jersey State League of Municipalities has always supported equality and acknowledge that women have contributed to every aspect of our American life; and

WHEREAS, Women have been pioneers in science, law, the arts, government and so many important aspects of the American story; and

WHEREAS, Women’s history is largely missing from our national story – less than 8% of the statues on public lands recognize women leaders and only 13 of the 217 statues in our nation’s Capital Building are of women leaders; and

WHEREAS, the National Women’s History Museum (NWHM) is a privately funded 501(c)3 that has spent seven years trying to secure an appropriate location through Congress in Washington DC for the National Women’s History Museum; and

WHEREAS,the NWHM is only trying to secure permission from Congress to build on the land between 14th and 15th Street on Independence Avenue on the National Mall; and

WHEREAS, the National Mall largely portrays men in history and The National Women’s History Museum will help fill the void; and

WHEREAS, rather than rewriting current exhibitions at other museums or having to decide what to omit elsewhere to “fit in” women’s history, the NWHM will serve to place women’s history along side current historical exhibitions; and

WHEREAS, the National Women’s History Museum affirms the value of knowing Women’s History, illuminates the role of women in transforming society and encourages all people, women and men, to participate in democratic dialogue about our future;

NOW, THEREFORE, BE IT RESOLVED, the New Jersey State League of Municipalities, in conference assembled, believes that women’s contributions and accomplishments have been significantly overlooked and that women have in fact woven the very fabric of our society through their support and development of culture, families, communities and society; and

BE IT FURTHER RESOLVED, that the New Jersey State League of Municipalities strongly urges Congress to support and expedite federal legislation that would allow the construction of the National Women’s History Museum on the National Mall; and

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

**New Jersey State League of Municipalities Resolution No. 2013 – 09
Approved by the League Resolutions Committee, November 19, 2013
Approved at the Annual League Business Meeting, November 21, 2013**

**Calling for Adequate Funding for Special Needs Children
Transferring from One School District to Another**

WHEREAS, the enrollment of pupils in school districts is dictated in some measure by the construction of new housing units within a community; and

WHEREAS, while school districts base enrollment on demographic projections, it is sometimes difficult to predict what the needs of a school district may be as a result of new market rate and affordable housing coming on line; and

WHEREAS, when the impact of newly constructed housing occurs at any time during a district's fiscal year following budget adoption, a school district may find new registrations increase classroom size requiring additional teachers and staff support services not originally contemplated; and

WHEREAS, this situation is compounded when a school district is required to assume additional unanticipated costs to provide services for special needs pupils transferring from another district; and

WHEREAS, the cost to provide the necessary services to a special needs pupil are significantly higher than a pupil without special needs; and

WHEREAS, when a special needs pupil transfers to a receiving school district in the middle of a fiscal year, the sending district should be the responsible entity in underwriting all costs associated with providing individual care and classroom and other related support services for the balance of the school year; and

WHEREAS, while the receiving school district would eventually pick up the cost related to the transferred special needs pupil, additional funding should be made available to those districts experiencing an significant increase in special needs enrollments; and

WHEREAS, extraordinary aid for special needs pupils is allocated to a school district after a special needs pupil is enrolled in a receiving school district;

WHEREAS, to help offset those extraordinary costs placed on school districts whose special needs enrollments increase as a result of new market rate and affordable housing, the State of New Jersey should permit municipalities to assist their respective school districts by allocating funds generated from the receipt of either mandatory development fees or growth share obligation fees.

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey State League of Municipalities in conference assembled, that to help offset the unanticipated,

extraordinary expenditures related to the enrollment of special needs pupils transferring from a sending school district to a receiving district at any time following the adoption of a school district's budget, the Legislature should consider the drafting of legislation that would permit municipalities to allocate funds generated from the receipt of either mandatory development fees or growth share obligation fees to the receiving school district. In the alternative, if the concept set forth above is not feasible, the Legislature should provide that any extraordinary aid for special needs pupils be automatically allocated to a school district once a special needs pupil is enrolled in a receiving school district.

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

New Jersey State League of Municipalities Resolution No. 2013 – 11
Approved by the League Resolutions Committee, November 19, 2013
Approved at the Annual League Business Meeting, November 21, 2013

In Support of an Affordable and Sustainable National Flood Insurance Program

WHEREAS, Congress created that National Flood Insurance Program (NFIP) in 1968 to make affordable flood insurance available to homeowners, renters, and business owners in exchange for using Federal Emergency Management Agency (FEMA) generated and specified Flood Insurance Rate Maps (FIRMS) for floodplain management by a participating community; and

WHEREAS, today, businesses and homeowners in 22,000 communities in all states and territories have made plans and investments based on the existence of affordable flood insurance with 5.6 million NFIP policies providing over \$1.2 trillion in coverage; and

WHEREAS, in July 2012, the Biggert-Waters Flood Insurance Reform Act of 2012 (BW-12) was enacted (PL 112-141) in order to assure the solvency of the highly indebted NFIP; and

WHEREAS, BW-12 requires FEMA to adjust flood insurance premiums to reflect true flood risk and phase out subsidies for properties built before the community adopted its first FIRM; and

WHEREAS, BW-12 requires FEMA to complete an affordability study and to establish an affordability framework for the NFIP, which is not yet complete; and

WHEREAS, through the passage of BW-12, the NFIP was revised such that the public's reliance on the program to provide affordable flood insurance protection for prior investments in their homes and businesses was essentially dissolved since these structure will be subject to a 25 percent increase in the flood insurance premium for the next four years (in some cases a 20 percent increase over five years) and since this law substantially and immediately devalued the investments made in properties receiving subsidized insurance premium rates because of increases in the cost of flood insurance; and

WHEREAS, previously these structures were rated on pre-FIRMs or the FIRMs in effect when the structure was constructed, and now, even though the structures were not substantially damaged, their owners will struggle to pay premiums to keep flood insurance on these structures; and

WHEREAS, the Flood Disaster Act of 1973 requires the purchase of flood insurance on and after March 2, 1974, as a condition of receiving any form of federal or federal-related financial assistance for acquisition or construction purposes with respect to the insurance buildings; and

WHEREAS, the rate increases will affect municipalities nationwide in multiple areas such as real estate markets, banks and mortgage companies, elderly citizens living on fixed income, and policyholders, who built their communities with the best available information; and

WHEREAS, on October 29, 2013, a bipartisan coalition of lawmakers introduced, including Senator Menendez and Congressmen Andrews, Holt, Lance, LoBiondo, Pallone, Pascrell, Runyan, Sires and Smith, the Homeowner Flood Insurance Affordability Act of 2013 (S. 1610/H.R. 3370) that would delay implementation of BW-12 rate increases on "grandfathered" and properties that were sold after BW-12 became law and whose previous owner was eligible for the subsidy until after FEMA completes the affordability study and proposes a draft affordability framework for Congress to consider; and

WHEREAS, it is incumbent upon all of us to have a long term, sustainable and viable NFIP with rates that are affordable;

NOW, THEREFORE, BE IT RESOLVED that the New Jersey League of Municipalities, in conference assembled, urges Congress to pass the Homeowner Flood Insurance Affordability Act of 2013 that will delay the implementation of rate increases until FEMA completes the affordability study and to undertake any other such amendments to BW-12 that will keep flood insurance rates affordable while balancing the fiscal solvency of the program; and

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

New Jersey State League of Municipalities Resolution No. 2013 – 12
Approved by the League Resolutions Committee, November 19, 2013
Approved at the Annual League Business Meeting, November 21, 2013

**Resolution Calling for the Release of a Portion of the Hardest Hit Funds for use in
The ReStart Neighborhood Stabilization Program for New Jersey Municipalities**

WHEREAS, the United States Department of Treasury established the Hardest Hit Fund in response to the national housing crisis that began in 2007 which led to unprecedented home price declines and sustained and higher unemployment affecting hardest hit areas and communities across the country; and

WHEREAS, the ReStart Program was developed by New Jersey Community Capital, a “Community Development Financial Institution” as a unique partnership model that leverages private capital with Hardest Hit Funds; and

WHEREAS, the ReStart program is an innovative home preservation initiative designed to prevent foreclosures and stabilize communities;

WHEREAS, New Jersey was designated as one of the original eighteen zones where individuals and families in these areas have been particularly hard hit by this crisis as they have struggled to make their monthly mortgage payments and grappled with deeply underwater mortgages; and

WHEREAS, as a designated Hardest Hit area, New Jersey was allocated \$300,548,144 in funding to foster neighborhood stabilization by assisting New Jersey homeowners hardest hit by economic realities to make their mortgage payments and remain in their homes; and

WHEREAS, since the establishment of the Hardest Hit Fund, Super Storm Sandy in 2012 inflicted additional significant damage on New Jersey communities, specifically causing unprecedented damage to New Jersey’s housing sector already facing the effects of a deteriorating economic climate; and

WHEREAS, nine of New Jersey’s 21 counties identified as most affected have the highest number of registrants with FEMA for disaster assistance; 190,531 as of November 16, 2012 or 89% of all registrations as of that date; and

WHEREAS, the New Jersey State Disaster Housing Task Force’s Housing Strategic Plan noted that approximately 60% of New Jersey’s population lives within the nine most severely impacted counties according to the 2010 US Census; and

WHEREAS, municipalities within those identified hardest hit counties have experienced a high percentage of walk-away and non-returning homeowners due to economically based challenges with regard to underwater mortgages which affects their ability to rebuild and return to their homes creating abandoned houses and neighborhoods;

WHEREAS, municipalities within those hardest hit counties are also experiencing significant losses in rates and assessed value due to Super Storm Sandy which will greatly affect their ability to raise revenues in order to maintain municipal obligations and services;

WHEREAS, the ReStart Program would help to sustain communities through a neighborhood stabilization program that provides a workable solution allowing homeowners to stay in or to return to their homes while protecting them from predatory lending practices or the expenditure of public funds which might inadvertently support such practices;

WHEREAS, the ReStart Program has been successfully implemented in Florida and is on pace to assist its goal of 2,000 households and is currently being established in North Carolina and Ohio with the ReStart program providing a substantial pool of private capital in all these states that is leveraged with

Hardest Hit Funds to assist additional households who are experiencing similar economic-hardship and instability in their homeowner communities; and

WHEREAS, the ReStart Program has raised \$100 million in private capital available for leveraging with Hardest Hit Funds for use in designated New Jersey communities that have experienced significant economic hardship during the national housing crisis and damage from Super Storm Sandy to promote neighborhood stabilization, protect property values and bolster community tax bases in the communities of New Jersey.

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey League of Municipalities urges the Christie Administration and the Department of Community Affairs to support to the release of \$10 million, approximately 3% of the Hardest Hit Funds, for use in the ReStart Neighborhood Stabilization Program in the fulfillment of the Hardest Hit Funding Programs goals and mission; and

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

New Jersey State League of Municipalities Resolution No. 2013 – 13
Approved by the League Resolutions Committee, November 19, 2013
Approved at the Annual League Business Meeting, November 21, 2013

Resolution Concerning Protest Rights

WHEREAS, the Municipal Land Use Law (“MLUL”), N.J.S.A. 40:55D-1, et seq., sets forth certain rights and obligations of owners of lots or land located in municipalities throughout the State of New Jersey; and

WHEREAS, L. 1975, c. 291 (N.J.S.A. 40:55D-63 – the “Protest Statute”) vests owners of lots or land located within two hundred (200) feet of a proposed zoning change with protest rights regarding said proposed zoning change; and.

WHEREAS, the Protest Statute grants protest rights such that a protest against any proposed amendment or revision of a zoning ordinance may be filed with the municipal clerk, signed by the owners of twenty percent (20%) or more of the area either (1) of the lots or land included in such proposed change, or (2) of the lots or land extending 200 feet in all directions therefrom inclusive of street space, whether within or without the municipality; and

WHEREAS, the MLUL defines a “land” as “includes improvements and fixtures on, above and below the surface” (N.J.S.A. 40:55D-4); and

WHEREAS, the MLUL defines a “lot” as “a designated parcel, tract or area of land established by a plat or otherwise, as permitted by law and to be used, developed or built upon as a unit” (N.J.S.A. 40:55D-4); and

WHEREAS, the MLUL fails to specify whether owners of streets or roads located within two hundred (200) feet of a proposed zoning change may sign protest petitions; and

WHEREAS, ownership in streets and roads may be conveyed by deed, dedication, easement, indenture, or encumbrance; and

WHEREAS, the dedication of a street to public use does not automatically convey fee ownership in the road to a municipality or public entity; and

WHEREAS, owners of streets and roads do not possess the same interest in amendments to zoning area designations as owners of lots or land lying within two hundred (200) feet of a proposed zoning change; and

WHEREAS, it was neither the purpose of the MLUL nor the intent of the State Legislature to confer protest rights upon the owners of streets and roads.

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey State League of Municipalities, in conference assembled, hereby supports amendments to PL 1975, c. 291 (NJSA 40:55D-63) to prohibit owners of streets and roads, including municipalities, from

filing protest petitions based solely on their ownership of a street or road, however such ownership interest is derived, located within two hundred (200) feet of a proposed zoning change.

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

**New Jersey State League of Municipalities Resolution No. 2013 – 14
Approved by the League Resolutions Committee, November 19, 2013
Approved at the Annual League Business Meeting, November 21, 2013**

Resolution Regarding the Municipal Disposition of Vehicles

WHEREAS, a number of New Jersey Statutes permit municipalities the ability to tow and sell unclaimed vehicles through private towing companies; and

WHEREAS, there are some motor vehicle violations that expressly permit municipalities to sell a vehicle impounded for Title 39 violations there are a number of other statutes that only allow for towage but not for sale of unclaimed vehicles; and

WHEREAS, this has caused not only confusion but creates a hardship for municipal governments as well as private towing companies due to their inability to sell certain unclaimed vehicles incurring the expense of storing these unclaimed vehicles;

NOW, THEREFORE, BE IT RESOLVED that the New Jersey State League of Municipalities, in conference assembled, calls for the enactment of legislation to permit municipalities to sell vehicles in connection with motor vehicle offenses and to alleviate the present problem which is causing a number of vehicles to be stored without the ability to convey the vehicles even though they are abandoned; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the Governor and Lieutenant Governor of the State of New Jersey, the Commissioner of the Department of Community Affairs, Chairman of the Motor Vehicle Commission, Superintendent of New Jersey State Police and the members of the New Jersey State Legislature.

New Jersey State League of Municipalities Resolution No. 2013 – 15
Approved by the League Resolutions Committee, November 19, 2013
Approved at the Annual League Business Meeting, November 21, 2013

**Calling for the immediate and ongoing need for
substantial investments in our infrastructure**

WHEREAS, infrastructure is the foundation that connects the nation's businesses, communities, and people, driving our economy and improving our quality of life; and

WHEREAS, for the U.S. economy to be competitive in the world, we need a first class infrastructure – transport systems that move people and goods efficiently and at reasonable cost by land, water, and air; transmission systems that deliver reliable, low-cost power from a wide range of energy sources; and water systems that drive industrial processes as well as the daily functions in our homes; and

WHEREAS, every four years, the American Society of Civil Engineers prepares a Report Card for America's Infrastructure, which grades the condition of essential infrastructure categories, such as roads, bridges, transit, energy, dams, schools, drinking water, solid waste, waste water and hazardous waste; and

WHEREAS, the 2013 Report Card gives an overall grade of D+ to the infrastructure, which, while an improvement from 2009's grade of D; still indicates insufficient progress; and

WHEREAS, since, in 2010 Americans generated 250 million tons of trash, of which 85 million tons were recycled or composted, for a 34% recycling rate, more than double the 14.5% in 1980, the grade for solid waste improved in 2013, and it earned the highest grade of B-; and

WHEREAS, since 2009, capital investment from both freight and passenger railroads has exceeded \$75 billion, actually increasing investment during the recession when materials prices were lower and trains ran less frequently, and as both freight and passenger rail have been investing heavily in their tracks, bridges, and tunnels as well as adding new capacity for freight and passengers, with freight railroads renewing the rails on more than 3,100 miles of railroad track, equivalent to going coast to coast, and with high ridership and greater investment in the system, the grade for rail saw the largest improvement, moving up to a C+ in 2013; and

WHEREAS, as the number of deficient American dams is currently more than 4,000, the Association of State Dam Safety Officials estimates that it will require an investment of \$21 billion to repair these aging, yet critical, high-hazard dams; and

WHEREAS, New Jersey has 217 high hazard dams; and

WHEREAS, as there are an estimated 240,000 water main breaks per year in the United States, the American Water Works Association (AWWA) estimates that the cost to replace every pipe over the coming decades could reach more than \$1 trillion; however, even though pipes and mains are frequently more than 100 years old and in need of replacement, the quality of drinking water in the United States remains universally high; and

WHEREAS, New Jersey has reported \$8 billion in drinking water infrastructure needs over the next 20 years; and

WHEREAS, with annual funding for Superfund site cleanup estimated to be as much as \$500 million short of what is needed, and 1,280 sites remain on the National Priorities List with an unknown number of potential sites yet to be identified, more than 400,000 brownfields sites await cleanup and redevelopment and the Environmental Protection Agency (EPA) estimates that one in four Americans lives within three miles of a hazardous waste site; and

WHEREAS, New Jersey has 111 sites on the National Priorities List; and

WHEREAS, capital investment needs for the nation's wastewater and stormwater systems are estimated to total \$298 billion over the next 20 years, and since 2007, the federal government has required cities to invest more than \$15 billion in new pipes, plants, and equipment to eliminate combined sewer overflows; and

WHEREAS, New Jersey has reported \$32.5 billion in wastewater infrastructure needs over the next 20 years; and

WHEREAS, one in nine of the nation's bridges are rated as structurally deficient, while the average age of the nation's 607,380 bridges is currently 42 years, and the Federal Highway Administration (FHWA) estimates that to eliminate the nation's bridge backlog by 2028, we would need to invest \$20.5 billion annually, while only \$12.8 billion is being spent currently; and

WHEREAS, 651 of the 6,554 bridges in New Jersey (9.9%) are considered structurally deficient and 1,717 (26.2%) are considered functionally obsolete; and

WHEREAS, forty-two percent of America's major urban highways remain congested, costing the economy an estimated \$101 billion in wasted time and fuel annually, and the Federal Highway Administration estimates that \$170 billion in capital investment would be needed on an annual basis to significantly improve conditions and performance; and

WHEREAS, driving on roads in need of repair costs New Jersey motorists \$3.476 billion a year in extra vehicle repairs and operating costs – \$601 per motorist, and 66% of New Jersey's roads are in poor or mediocre condition; and

WHEREAS, transit agencies struggle to balance increasing ridership with declining funding, America's public transit infrastructure plays a vital role in our economy, connecting millions of people with jobs, medical facilities, schools, shopping, and recreation, and it is critical to the one-third of Americans who do not drive cars, and although investment in transit has also increased, deficient and deteriorating transit systems cost the U.S. economy \$90 billion in 2010, as many transit agencies are struggling to maintain aging and obsolete fleets and facilities amid an economic downturn that has reduced their funding, forcing service cuts and fare increases; and

WHEREAS, America relies on an aging electrical grid and pipeline distribution systems, some of which originated in the 1880s, and while investment in power transmission has increased since 2005, ongoing permitting issues, weather events, and limited maintenance have contributed to an increasing number of failures and power interruptions; and

WHEREAS, New Jersey produces .868 gigawatt-hours of renewable energy every year, ranking it 46th of the 50 States; and

WHEREAS, Public school enrollment is projected to gradually increase through 2019, yet state and local school construction funding continues to decline, and experts now estimate the investment needed to modernize and maintain our nation's school facilities is at least \$270 billion or more; and

WHEREAS, it is estimated that New Jersey schools have \$1 billion in infrastructure funding needs;

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey State League of Municipalities, in conference assembled; that we call on policy-makers at all levels of government to recognize that our future economic prosperity, environmental health and military security can only be secured by our willingness to address the immediate and ongoing need for substantial investments in our infrastructure; and

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

New Jersey State League of Municipalities Resolution No. 2013 – 16
Approved by the League Resolutions Committee, November 19, 2013
Approved at the Annual League Business Meeting, November 21, 2013

**Requesting Relief for Municipalities from Onerous
New Jersey Department of Environmental Protection Permit Fees**

WHEREAS, in the interests of efficiency and effectiveness, citizens have a right to expect that municipal infrastructure and facilities will be maintained in the best possible conditions, and that they will be improved, when necessary, within the limits of prudent municipal budgeting; and

WHEREAS, prior to commencing significant maintenance and improvement projects, a municipality is often required, by State law, to obtain permits from the New Jersey Department of Environmental Protection (DEP); and

WHEREAS, prior to issuing permits, pursuant to The Wetlands Act of 1970, the Flood Hazard Area Control Act, the Coastal Area Facility Review Act, the Waterfront Development Law, the Freshwater Wetlands Protection Act and the State Clean Water Act, the DEP requires municipalities to pay substantial fees; and

WHEREAS, said fees can include, for example, under the Freshwater Wetland Protection Act, a Letter of Interpretation Fee, an Individual Freshwater Wetlands Permit Application Fee, an Open Water Fill Permit Application fee, an Individual Water Quality Certificate fee, a General Permit fee, an Exemption Letter Request fee, a Transition Area Waiver fee, a Permit Modification fee and/or Inspection fees; and

WHEREAS, a single one of these fees can range from \$240.00 to \$2,400.00 plus acreage fees; and

WHEREAS, Coastal Area fees, Flood Hazard Area fees and Additional Fees for a Major Development Requiring Stormwater Review can be even more costly; and

WHEREAS, the burden of these fees would, ultimately, fall on the shoulders of our property taxpayers; and

WHEREAS, consequently, local officials, limited by the 2% levy cap and by the desire to maintain low tax rates, may be forced to delay or forego needed repairs and upgrades, thus exacerbating deteriorating and dangerous conditions;

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey State League of Municipalities, that we call on State policy-makers to eliminate or lower, by statute or regulation, DEP permit fees imposed on municipalities and our property taxpayers; and

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

**New Jersey State League of Municipalities Conference Resolution No. 2013-17
Approved by the League Resolutions Committee, November 19, 2013
Approved at the Annual League Business Meeting, November 21, 2013**

Resolution Calling for Reforms to End Workers' Compensation Abuse

WHEREAS, the current state of the Workers' Compensation benefit allotments, decisions and settlements is creating a significant cost to local governments resulting in higher property taxes;, and

WHEREAS, it is the policy of the state of New Jersey to reduce, wherever possible. the cost of local government to its taxpayers and residents; and

WHEREAS, there are areas of the Workers' Compensation system that must be reformed in order to reduce the cost of local government to its taxpayers and residents;

WHEREAS, a number of municipalities are self insured and these abuses affect taxpayers directly and significantly;

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey State League of Municipalities, in conference assembled, that the State Legislature should act on the following recommended changes to the Workers' Compensation statutes and regulations to ease the burden of the current abuses borne by property tax payers in the State of New Jersey:

1. Since most of the Workers' Compensation cost is medical services make New Jersey a Medical Fee State as our Workers' Compensation system is currently defenseless against the high cost of medical services.

- The New Jersey Legislature must add to the system a Workers' Compensation Medical Fee Schedule as part of the New Jersey's Workers' Compensation Reform Act. The Medical Fee Schedule, usually in relation to the Medicare Fee Schedule, is not intended to set an absolute fee for services, but instead, to set a maximum amount that may be paid.

Once established, providers and payers will be encouraged to competitively negotiate amounts below the maximum set in the Medical Fee Schedule, but shall not be permitted to pay an amount above the Fee Schedule's maximum amounts.

- The Medical Fee Schedule must apply to all medical services providers, hospitals, surgery centers, as well as medical equipment or supplies. Reimbursement to all providers should be the lesser of:
 - The provider's usual and customary charge
 - The maximum fee schedule under the proposed rules, or

- The MCO/PPO (Managed Care organizations/Preferred provider organizations) or any other negotiated and contracted amount.
 - Also the “lesser comparison” must be on the total bill or amount due, NOT a line-by-line comparison of items.
- 2. Amend the 2 year statute of limitation for “reopening” a claim from the date of last payment of PPD or the date the injured worker reached MMI, whichever is later, to two years from the medical discharge date. The Current terms of the WC Law establishes the following:**
- Currently, there is a two year statute of limitations that applies to workers’ compensation cases. A formal claim petition must be filed within two years of the date of injury or the date of last payment of PPD or the date the injured worker reached MMI, whichever is later. Medical treatment authorized by the employer is considered a payment of compensation. For those cases of occupational illness, such as those resulting from exposure to asbestos, lead poisoning or hearing loss, the claim petition must be filed within two years from the date the worker first became aware of the condition and its relationship to employment. Applying for an informal hearing does not stop the two-year statute of limitations from running out.
- 3. Update the Permanent Partial Disability (Loss of use of body part) Schedule to an objective percentage of functional loss determined by a pre appointed medical panel. This would reduce medical exam costs, provide consistency of evaluation by injury and allow the judge to have a single objective medically established base to award permanency.**
- Presently once a claim petition is filed both the plaintiff and defense are encouraged to negotiate the alleged amount of residual disability. Regularly the evaluation of the employee with regard to disability by the respective doctors is very far apart. This requires the judge to listen to arguments and make a determination of disability from the medical reports, effectively becoming a referee between two doctors.
- 4. Create a Permanent Partial Disability “Threshold” of reasonable injuries using the auto “verbal threshold for Bodily Injury” standard. This would reduce court workload, and eliminate filings of strains, sprains and non-surgical conditions which rarely result in permanency and often return the worker to his regular job full duty.**
- The statute presently places no limitation on whether an injury can rise to the level of causing permanent loss of use of a body part. Simple sprains and minor injuries are allowed to have permanency petitions filed irrespective of whether an employee regains full use of the body part and returns to their job at full capacity.

5. Benefits should be restricted to not exceed the Temporary Total Disability (TTD) which begins on the eighth day and is retroactive to day one of disability due to a work related injury. The statute provides that the worker receive 70% of their normal wages subject to a state established maximum weekly benefit. .

- Presently it is at the option of the employing municipality to permissively supplement the employee's wages up to 100% of their normal weekly wage. Due to tax implications this can often result in the employee receiving a greater take home benefit than provided for working his full time job. The statute presently places no limitation on an employer ignoring the statutory benefit and paying additional benefits, acting as a disincentive to returning to work. Where this has occurred, employers are prevented in binding interest arbitration from correcting this error of past local administrations. The permissive provisions in the law need to be eliminated.

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the Governor and Lieutenant Governor of the State of New Jersey, the Commissioner of the Department of Labor and Workforce, the Commissioner of Banking and Insurance, and the members of the New Jersey State Legislature.

New Jersey State League of Municipalities Conference Resolution No. 2013-18
Approved by the League Resolutions Committee, November 19, 2013
Approved at the Annual League Business Meeting, November 21, 2013

In Appreciation of League President Janice S. Mironov, Mayor of East Windsor Township

WHEREAS, the Honorable Janice S. Mironov, Mayor of East Windsor Township is completing her term as the President of the New Jersey State League of Municipalities; and

WHEREAS, President Mironov'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 Mironov is an articulate voice on a host of issues important to municipal interests, such as restoration of the full funding of the Energy Tax Receipts property tax relief funding, a rational and reasonable statewide affordable housing policy and the preservation of open space; and

WHEREAS, President Mironov assumed the League Presidency in the aftermath of Hurricane Sandy and the unprecedented cancellation of the League's 2012 Conference; and

WHEREAS, President Mironov served as a spokesperson and advocate for Mayors all over New Jersey as they recovered and rebuild, carrying their concerns and issues to the Christie Administration, to the Board of Public Utilities and to the utilities industry 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 natural disasters and power disruptions; and

WHEREAS, President Mironov provided steady leadership, support and guidance to the League of Municipalities as it managed the administrative and financial challenges following the unprecedented cancellation of the 2012 Annual Conference due to the aftermath of Hurricane Sandy; and

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

NOW THEREFORE BE IT RESOLVED, by the New Jersey State League of Municipalities, on the 21st day of November 2013, that we do extend to President Mironov sincere appreciation for years of dedicated administration, effective advocacy 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 Mironov and that a copy of this resolution be transmitted herewith to her.