

Report of the League Resolution Committee, 20 Resolutions Approved

On Thursday, November 20, twenty 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 99th Annual Conference.

On Tuesday, November 18 the League Resolutions Committee screened the resolutions and made its recommendations. The Committee chaired newly elected League First Vice President Joseph Tempesta, Mayor of West Caldwell, screened twenty-one resolutions, recommending twenty.

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 2014 Resolutions

The following resolutions were approved:

New Jersey State League of Municipalities Resolution No. 2014 – 01
Resolution Urging Governor and Legislature to Recognize and Preserve Strength of Local Pension Funding When Considering the Recommendations of the Pension and Health Benefit Study Commission

New Jersey State League of Municipalities Resolution No. 2014–2
Permitting Limited Inter-Municipality Transfers of Retail Liquor Licenses

New Jersey State League of Municipalities Resolution No. 2014 – 03
Resolution Regarding the Best Practices Survey

New Jersey State League of Municipalities Resolution No. 2014 – 04
Resolution Urging the Governor and the New Jersey Legislative To Enact Changes to the Open Public Records Act (OPRA)

New Jersey State League of Municipalities Resolution No. 2014 – 05
Resolution Calling upon the Federal and State Governments to Clarify Volunteer Position Do Not Impact Retirement Benefits for Public Employees

New Jersey State League of Municipalities Resolution No. 2014 – 06
Calling for the Adoption of Legislation to Authorize the Payment of a Portion of the New Jersey Realty Transfer Fee to the Municipality in Which the Real Property Subject to the Realty Transfer Fee is Located

New Jersey State League of Municipalities Resolution No. 2014 – 07
Was not acted on.

New Jersey State League of Municipalities Resolution No. 2014 – 08
Calling for an Amendment to N.J.S.A18A:12-5 *et seq.*,
Regarding the Appointment of Members to Local School Boards.

New Jersey State League of Municipalities Resolution No. 2014 – 09
Resolution Requesting Schools Confer with Local EMS Regarding CPR Training

New Jersey State League of Municipalities Resolution No. 2014 – 10
Resolution Urging the Legislature to Make Enrollment
in the Defined Contribution Retirement Program Optional

New Jersey State League of Municipalities Resolution No. 2014 – 11
Resolution Seeking Assistance for Municipalities
With Significant Property Tax-Exempt Land

New Jersey State League of Municipalities Resolution No. 2014 – 12
Supporting Public Health Accreditation Readiness

New Jersey State League of Municipalities Resolution No. 2014 – 13
Resolution Supporting New Jersey State Funding for
Tobacco-Control Cessation and Prevention Programs

New Jersey State League of Municipalities Resolution No. 2014 – 14
Calls for Federal Support for Water and Wastewater Utility Maintenance and Upgrades

New Jersey State League of Municipalities Resolution No. 2014 – 15
Calling for the Modernization of the Laws Regarding Fire District Mergers

New Jersey State League of Municipalities Resolution No. 2014 – 16
Resolution Urging the Governor and the New Jersey Legislature To Clarify the Immunities arising out of
the administration of NARCAN and to include immunity police, EMT's and other first responders
for the administration of or for the failure to administer NARCAN

New Jersey State League of Municipalities Conference Resolution No. 2014-17
In Appreciation of League First Vice President Mayor Gerald J. Tarantolo.

New Jersey State League of Municipalities Conference Resolution No. 2014-18
In Appreciation of League President Suzanne M. Walters, Mayor of Stone Harbor Borough

New Jersey State League of Municipalities Resolution No. 2014 – 19
Calling for a New, More Sensible Approach to Affordable Housing

New Jersey State League of Municipalities Resolution No. 2014 – 20
Resolution Calling for Legislation to Restore the Income Eligibility Limits for the Senior Tax Fees
Property Tax Reimbursement Program

New Jersey State League of Municipalities Resolution No. 2014 – 21
Resolution Supporting Restoration of Energy Taxes to Municipal Government

New Jersey State League of Municipalities Resolution No. 2014 – 01

Approved at Annual League Business Meeting, November 20, 2014

Approved at League Resolutions Committee, November 18, 2014

**Resolution Urging Governor and Legislature to Recognize and Preserve Strength of
Local Pension Funding When Considering the Recommendations
of the Pension and Health Benefit Study Commission**

WHEREAS, State actuaries confirm that the bipartisan pension and benefit reforms that were enacted in 2010 and 2011, coupled with the consistent pension payments made by responsible local governing bodies, are delivering the savings that had been promised by their advocates; and

WHEREAS, when analyzing the fiscal health of New Jersey's public employee pension and benefit systems, it is imperative to make a distinction between the sufficiency of local governments' commitments for local employees and retirees, and the status of those commitments that are the responsibility of State government; and

WHEREAS, according to outside experts and the latest valuation reports, the local government Public Employees Retirement System (local PERS) and the local Police and Fire Retirement System (local PFRS) are actuarially sound, in large part due to the fact that municipalities and counties have made full employer contributions as required under the law for over a decade; and

WHEREAS, that is not the case with the State, which, between 2002 and 2011, had failed to pay any new monies into the retirement systems to meet its obligation, with the exception of two years in which partial payment were made, and which has, only since then, pledged to meet its responsibilities with annual installment payments ; and

WHEREAS, the Officers of the League of Municipalities have submitted a statement to Governor Christie's Pension and Health Benefit Study Commission, urging that the Final Report and Recommendations of that Study Commission not, in any way, weaken the vitality of the local pension plans; and

BE IT FURTHER RESOLVED, that the New Jersey State League of Municipalities urges State policy-makers to recognize and protect the strength of the local PERS and local PFRS systems, and reject any recommendations that would threaten municipal budgets and property taxpayers; and

BE IT FURTHER RESOLVED, that, while we recognize the State's budget problems and we are anxious to help in any way we can, we cannot help in any way that shifts new burdens to our property taxpayers and our dedicated public servants; and be it, finally,

BE IT FURTHER RESOLVED, that certified copies of this Resolution be forwarded to the Governor and Lieutenant Governor of New Jersey, the State Treasurer, the Commissioner of the Department of Community Affairs, the members of the Pension and Health Benefit Study Commission and all members of the New Jersey State Legislature.

New Jersey State League of Municipalities Resolution No. 2014-2

Approved at Annual League Business Meeting, November 20, 2014

Approved at League Resolutions Committee, November 18, 2014

Permitting Limited Inter-Municipality Transfers of Retail Liquor Licenses

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

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

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

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

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

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

WHEREAS, League Conference Resolution 2006-06 called for legislation to permit municipalities to sell their unused retail liquor licenses to other municipalities;

NOW, THEREFORE BE IT RESOLVED that the New Jersey State League of Municipalities reaffirms its support for legislation to permit municipalities to sell their unused retail liquor licenses for use in other municipalities ; and

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

BE IT FURTHER RESOLVED, that the League President appoint a Mayors' Task Force on the issue of liquor licenses to assist the League in advocating for these reforms; and

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

New Jersey State League of Municipalities Resolution No. 2014 – 03

Approved at Annual League Business Meeting, November 20, 2014

Approved at League Resolutions Committee, November 18, 2014

Resolution Regarding the Best Practices Survey

WHEREAS, in calendar year 2010 and fiscal year 2011 (FY11), the Department of Community Affairs was first authorized by the FY11 State Budget and Appropriations Act to issues a “best practices” survey to local governments, a checklist to “...improve transparency and strengthen accountability at all level of government in New Jersey...”; and

WHEREAS, from its outset the best practices checklist, a one size fits all, was used to determine the amount of property tax relief returned to the taxpayers of the responding municipality; and

WHEREAS, while the majority of municipalities have fared very well under the checklist, as acknowledged the Department of Community Affairs, there remains a number of implementation issues which are unfair to municipalities and, by extension, their taxpayers; and

WHEREAS, with the best practices checklist, the State often holds municipalities to a standards which it itself does not follow; and

WHEREAS, it is unreasonable to notify a municipality of a new “best practice” in the third quarter of the calendar year and then penalize the municipality in the 4th quarter of the same year; and

WHEREAS, the best practices checklist does permit certain answers to be answered “prospectively”, meaning the municipality will comply with the provisions of that best practices question in the following year. However, a governing body could make a policy decisions not to implement that “best practice” thus negatively impact the following year’s governing body; and

WHEREAS, some of the “best practices” conflict with various state agency policies, for example the question regarding whether a pay-to-play ordinance is more restrictive than the state statutory requirements, while the Election Law Enforcement Commission (ELEC) has called for the elimination of such ordinances; and

WHEREAS, other “best practices” questions go beyond statutory requirements, are not required by law or are optional for municipalities to implement; and

WHEREAS, some of the best practices questions have proven to be time consuming and costly to implement.

NOW, THEREFORE BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled calls on the State Legislature to re-examine the value of the “best practices” checklist considering its subjective and one-size-fits-all nature; and

BE IT FURTHER RESOLVED, that as long as the “best practices” checklist continues that it should be modified so that all questions are provided a year in advance and that any property tax relief penalty be assessed in the subsequent calendar year so that the municipality can reasonably plan to implement the best practice and can budget for a potential loss in property tax relief funding; and

BE IT FURTHER RESOLVED, that certified copies of this Resolution be forwarded to the Governor and Lieutenant Governor of New Jersey, the Commissioner of the Department of Community Affairs, the State Treasurer, the Director of the Division of Local Government Services and all members of the New Jersey State Legislature.

New Jersey State League of Municipalities Resolution No. 2014 – 04

Approved at Annual League Business Meeting, November 20, 2014

Approved at League Resolutions Committee, November 18, 2014

**Resolution Urging the Governor and the New Jersey Legislature
To Enact Changes to the Open Public Records Act (OPRA)**

WHEREAS, the Open Public Records Act (OPRA) was approved by the Legislature and signed into law, as P.L. 2001, c. 404 making significant changes in the law governing access to public records; and

WHEREAS, the intent of OPRA was to make government records readily accessible for inspection, copying, or examination by the citizens of this State, with certain exceptions, for the protection of the public interest while protecting a citizen's right to a reasonable expectation of privacy; and

WHEREAS, while successful in promoting open and transparent government, compliance with OPRA can place a burden on local governments, particularly which often have limited staff and part-time individuals serving departments; and

WHEREAS, local officials have become increasingly aware of the costs of complying with OPRA and of individuals, attorneys and commercial interest who are using OPRA for their financial gain; and

WHEREAS, reforms must be made to OPRA to recognize the burden on local governments while honoring the intent of the Act; and

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey State League of Municipalities, in conference assembled, that the State Legislature consider reforms to the OPRA, which eases time frames for compliance with requests, increases fees for administrative costs and limits requests of a strictly commercial nature; and

BE IT FURTHER RESOLVED that the Governor and State Legislature are urged to review the provisions of OPRA and reform OPRA to:

1. Allow for recovery of the actual cost of duplicating records, including the cost of labor;
2. Permit records custodians to charge the actual cost for fulfilling OPRA request electronically, for example, scanning documents that must be redacted before sending the document electronically;
3. Amend OPRA to exclude commercial and out of state entities from putting unjust burdens on New Jersey taxpayers by using OPRA for commercial purposes. Such amendments should be similar to Virginia's Statute § 2.2-3704 , which was upheld by the United State Supreme Court in McBurney v. Young (2013);

4. Require all requested records to be picked-up within seven business days so that the Records Custodian does not have to keep OPRA request indefinitely.
5. Provide discretion to the Government Records Council or Court to award prevailing attorney fees, including local governments;
6. Clarify, that the reasoning of the Appellate Division decision in O'Shea v. West Milford Board of Education (2007), that draft notes used to prepare government records are not themselves a government record and likewise should also apply to raw computer data. In effect, that raw computer data, used to create a government record, is not itself a government record;
7. Reaffirm the holding of the Appellate Division in MAG Entertainment v. Division of Alcoholic Beverage Control (2005), that OPRA merely requires that municipalities disclose existing government records, but are not required to "create" new records in fulfilling requests. Also this logic should be extend to include the medium in which the record exist;
8. Implement by statute the holding of Government Record Council decision Bart v. City of Paterson Hous. Auth., 403 N.J. Super. 609 (N.J. App. Div. 2008), which prevents a requestor from repeatedly using OPRA to request the same documents;
9. Clarify, that when a request is for a government record which is already available on a municipality's website, the records custodian fulfills their OPRA obligation by providing the requestor with the web address.

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

New Jersey State League of Municipalities Resolution No. 2014 – 05

**Approved at Annual League Business Meeting, November 20, 2014
Amended and Approved at League Resolutions Committee, November 18, 2014**

**Resolution Calling upon the Federal and State Governments to Clarify Volunteer Position
Do Not Impact Retirement Benefits for Public Employees**

WHEREAS, the Division of Pension and Benefits recently issued a notice concerning bona fide severance of employment-post retirement employment restrictions for individuals covered by any New Jersey State administered retirement system; and

WHEREAS, the Division has issued this guidance and is implementing a new procedure to preserve the qualified Internal Revenue Service (IRS) status of PERS, TPAF, PFRS, SPRS and JRS plans and to protect retirees from a 10% excise tax penalty on their monthly retirement payments; and

WHEREAS, N.J.A.C. 17:1-17.14.2(a) defines a “bona fide severance from employment” as “the complete termination of the employee’s employment relationship with the employer for a period of at least 180 days; and

WHEREAS, re-employment by a different unit of the same public entity, whether the position is covered by the same retirement system or a different retirement system, is considered to be employment by the same employer; and

WHEREAS, if an employee holds more than one position with the employer they must separate from all employment in order to retire, even if the positions are covered by different retirement systems, or the second position is not subject to pension contributions; and

WHEREAS, the IRS does not consider a pre-arranged return to public employment to be a bona fide severance from employment no matter how long the break in employment; and

WHEREAS, if the employer and employee make an arrangement prior to employee’s retirement to return to the same employer in any capacity, including as a volunteer – at any future time, regardless whether the position is covered by the former retirement system – the employer/employee relationship is not completely severed and the retirement will be invalid; and

WHEREAS, if an individual returns to public employment, even as a volunteer, with the former employer prior to satisfying the requirements of a bona fide severance from employment, the employee will be required to repay all retirement benefits received from the date of retirement and may be required to re-enroll in the same or different retirement system; and

WHEREAS, Division of Pensions and Benefits have advised employees that they must sever all relations with their employer, including volunteer positions, for 180 days or they risk losing their pensions; and

WHEREAS, public employees tend to volunteer in the communities they live and work in as volunteer fire fighters, First Aid responders, celebration committee members or PTA's, to name a few; and

WHEREAS, Division of Pensions and Benefits has advised employees that they cannot go on a leave of absence to fulfill the 180 day requirement but that they must sever all ties to the volunteer position; and

WHEREAS, for volunteer firefighters and first aid responders they would have to reapply to the volunteer organization as a new member; and

WHEREAS, as a new member they would be required to take all necessary test and training including physicals and agility test; and

WHEREAS, employees affected by the Division of Pensions ruling are at least 55 years of age who in their volunteer positions tend to be mentors to the new and younger members typically providing guidance and direction; and

WHEREAS, volunteers are the backbone of communities providing services to the residents at no cost to taxpayers while freely giving of their time and expertise; and

WHEREAS, while well intended the Division of Pensions has created an unintended consequence which, if not changed impact every volunteer in the state and will not only drive up property taxes but reduce the quality and level of essential public services;

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, urges the State Division of Pensions and Benefits to revisit their procedure to permit retirees and local elected officials to continue as volunteers without impact to their retirement and not require the complete 180 day separation; and

BE IT FURTHER RESOLVED, that New Jersey's US Senators and Congressional Delegation review the IRS ruling and advocate for all necessary changes to the IRS Code to permit retirees to continue as volunteers without impact to their retirement and not require the complete 180 day separation; and

BE IT FURTHER RESOLVED, that copies of this Resolution are forwarded to the Governor and Lieutenant Governor of New Jersey, the State Treasurer, the Director of the Division of Pensions and Benefits, the members of the New Jersey State Legislature, the Director of the Internal Revenues Service and the members of the New Jersey Congressional Delegation

New Jersey State League of Municipalities Resolution No. 2014 – 06

Approved at Annual League Business Meeting, November 20, 2014

Approved at League Resolutions Committee, November 18, 2014

Calling for the Adoption of Legislation to Authorize the Payment of a Portion of the New Jersey Realty Transfer Fee to the Municipality in Which the Real Property Subject to the Realty Transfer Fee is Located

WHEREAS, there is currently in effect within the State of New Jersey, statutes (N.J.S.A. 46:15-7, et seq.) under the terms of which Realty Transfer Fees are assessed upon the sale of real property located within the State; subject to certain exemptions and limitations; and

WHEREAS, the Realty Transfer Fees are collected upon the recording of a deed in the Office of the County Clerk, whereby title to the real property which is subject to the fee is conveyed; and

WHEREAS, under the terms of N.J.S.A. 46:15-7, 7.1, 7.2 and N.J.S.A. 46:15-8, the proceeds of Realty Transfer Fees are then distributed to the County in which the real property is subject to the fee is located and to the State of New Jersey for distribution to various Funds and then to the General Revenue of the State; and

WHEREAS, current law makes no provision for the distribution of any portion of the Realty Transfer Fees to the municipality wherein the real property which is subject to the fees is located; and

WHEREAS, there is a need for municipalities to be able to supplement the revenue sources currently available to them in order to diminish reliance on the real property tax and to fund needed local services, programs and capital improvements, based upon local decision-making by municipally elected officials; and

WHEREAS, there is a consequent need to provide for the amendment of the foregoing statutes so as to provide for a more uniform and equitable division of the proceeds of the Realty Transfer Fees;

NOW, THEREFORE, BE IT RESOLVED by the New Jersey State League of Municipalities, in conferenced assembled, that:

1. Legislation be adopted and approved by the Legislature and Governor of the State of New Jersey to:
 - a. Amend the above cited statutes, and any others necessary for the complete disposition of the matter, to provide for the equal division between the State and the Municipality in which the subject real property is located, of the proceeds of the Realty Transfer Fee, net of statutory allocations to the County in which the subject real property is located and the specific Funds enumerated in the statutes as recipients of portions of the proceeds of the Realty Transfer Fee; and

- b. Authorize the State Treasurer to remit within 30 days to the Municipality in which a subject property is located, 50% of the proceeds, after statutory allocations, of the Realty Transfer Fees received by the State Treasury related to each such transaction.

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to the Governor and Lieutenant Governor of New Jersey, the State Treasurer, 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. 2014 – 08

**Approved at Annual League Business Meeting, November 20, 2014
Approved at League Resolutions Committee, November 18, 2014**

**Calling for an Amendment to N.J.S.A18A:12-5 *et seq.*,
Regarding the Appointment of Members to Local School Boards.**

WHEREAS, R.S. 18A:17-15 *et seq.* provides that Board of Education in Type I and Type II School Districts may appoint a superintendent of schools; and

WHEREAS, Mayors have the authority in Type I School Districts to appoint members of the local Board of Education pursuant to R.S. 18A:12-7; and

WHEREAS, Mayors lack the authority to appoint members of the local Board of Education in Type II School Districts; and

WHEREAS, Mayors are responsible for the health, safety and well-being of their community; and

WHEREAS, quality education is of vital importance to the well-being of a community; and

WHEREAS, citizens look to Mayors to make changes to school districts so that schools can better provide quality education; and

WHEREAS, the decision to appoint superintendents is of the utmost importance to providing better educational outcomes for students; and

WHEREAS, Mayors are unable to appoint superintendents of schools in either Type I or Type II School Districts.

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, urges the legislature to amend Title 18A to empower Mayors to appoint the superintendent of schools in both Type I and Type II School Districts.

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 Education, the Lieutenant Governor and the Governor of the State of New Jersey.

New Jersey State League of Municipalities Resolution No. 2014 – 09

Approved at Annual League Business Meeting, November 20, 2014

Approved at League Resolutions Committee, November 18, 2014

Resolution Requesting Schools Confer with Local EMS Regarding CPR Training

WHEREAS, according to the journal *Pediatrics*, 2,000 Americans under the age of 25 die each year because of a cardiac emergency; and

WHEREAS, on August 20, 2014, Acting Governor Kim Guadagno signed legislation that requires all graduating high school students to pass a course in CPR, making New Jersey just the third state to implement such a law, joining Illinois and Oklahoma; and

WHEREAS, Regulations implementing the law, which received broad bi-partisan support, are still being written by the state Department of Education; and

WHEREAS, CPR certification is a prerequisite for certification as an EMT; and

WHEREAS, New Jersey Emergency Medical Services provide the first line of response to life-threatening illnesses, accidents and trauma all around our Garden State, with volunteer first responders providing this service in many communities; and

WHEREAS, by involving local EMS in the newly required training, in addition to learning life-saving techniques, high school students could also learn about the vital services provided by these local volunteers; and

WHEREAS, this interaction might encourage those students to volunteer their time and talents to local life-saving units;

NOW THEREFORE BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, will work, with the New Jersey School Boards Association, to encourage local school districts to involve local volunteer ambulance, first aid, emergency medical services squads in the Cardio Pulmonary Resuscitation training required by Chapter 36, Public Laws of 2014; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the New Jersey School Boards Association, the New Jersey First Aid Council, the Commissioners of the Departments of Health and Education, the Governor and Lieutenant Governor of the State of New Jersey and the members of the New Jersey State Legislature.

New Jersey State League of Municipalities Resolution No. 2014 – 10

Approved at Annual League Business Meeting, November 20, 2014

Approved at League Resolutions Committee, November 18, 2014

**Resolution Urging the Legislature to Make Enrollment
in the Defined Contribution Retirement Program Optional**

WHEREAS, P.L. 2007, c. 103, created the Defined Contribution Retirement Program (DCRP), providing eligible members with a tax-sheltered, defined contribution retirement benefit along with life insurance and disability coverage; and

WHEREAS, employees who are eligible for membership in the DCRP include State or local officials appointed or elected after July 1, 2007 with a minimum base salary of \$5,000; employees enrolled in PERS or TPAF, after July 1, 2007, and PFRS or SPRS, after May 21, 2010, who earn a salary in excess of the established maximum compensation limits; and employees whose service began between July 1, 2007 and May 21, 2010 who salary is more than \$5,000 but below \$7,800; and

WHEREAS, according to the Division of Pensions and Benefits, enrollment in DCRP is required for eligible elected or appointed official, with very limited exceptions, and there is no other option for waiving enrollment in DCRP enrollment; and

WHEREAS, a person enrolled in DCRP is fully vested upon commencing the second year of DCRP membership; and

WHEREAS, a person can withdraw from DCRP only when a non-vested member separates from a covered employment; and

WHEREAS, most elected officials, whose terms of office are 3 to 4 years, are volunteers often with full-time employment elsewhere; and

WHEREAS, some elected officials will receive a salary to off-set their expenses as an elected official; and

WHEREAS, the Internal Revenue Services (IRS) prohibits individuals enrolled in a Defined Contribution Retirement Program from using their IRA contributions as a deduction; and

WHEREAS, mandating participation in DCRP impacts an elected official's right to save for their retirement in the way IRAs were developed; and

WHEREAS, the conflict with the State's regulations regarding DCRP and the IRS regulations regarding IRAs may discourage individuals from seeking elected office;

NOW, THEREFORE, BE RESOLVED, by the New Jersey State League of Municipalities, in conference assembled, that the Governor and the State Legislature approve legislation to allow that enrollment in a Defined Contribution Retirement Plan be optional for elected officials; and

BE IT FURTHER RESOLVED, that certified copies of this Resolution be forwarded to the Governor and Lieutenant Governor of New Jersey, to the members of the Pension and Health Benefit Study Commission and all members of the New Jersey State Legislature.

New Jersey State League of Municipalities Resolution No. 2014 – 11

Approved at Annual League Business Meeting, November 20, 2014

Approved at League Resolutions Committee, November 18, 2014

**Resolution Seeking Assistance for Municipalities
With Significant Property Tax-Exempt Land**

WHEREAS, N.J.S.A. 54:4-3.6 provides for property tax exemptions for nonprofit organizations; and

WHEREAS, tax-exempt properties utilize many basic municipal services, including roads, police, fire and EMT services, often without contributing any funds towards the cost of such services through property tax payments; and

WHEREAS, municipal officials recognize the many benefits provided by non-profit organizations, typically at no or at a reduced cost and that they provide services which are available to the residents of a municipality; and

WHEREAS, there must be a balancing test between the valued services provided by non-profits institutions and their contribution towards the municipal services, otherwise subsidized by property taxpayers, received by the non-profits; and

WHEREAS, the Town of Newton recently identified 79 New Jersey municipalities which have more than 20% of their potential tax base occupied by Class 15 commercial tax-exempt properties (Class 15A public school property, Class 15B other school property, Class 15C public property, Class 15D church and charitable property, Class 15E cemeteries and graveyards, and Class 15F other exempt), as defined by N.J.A.C. 18:12-2.2(l) through (q) (which is not inclusive of farmland assessed properties);

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, calls on the Governor and the State Legislature to advance and support legislation providing tax relief to municipalities with significant property tax-exempt land, including increasing State aid to such municipalities; offering a credit for municipalities that serve as county seats; and/or providing additional plenary retail consumption licenses; and,

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

New Jersey State League of Municipalities Resolution No. 2014 – 12

Approved at Annual League Business Meeting, November 20, 2014
Approved at League Resolutions Committee, November 18, 2014

Supporting Public Health Accreditation Readiness

WHEREAS Municipalities across New Jersey are facing increasing and wide-ranging impacts from new epidemic diseases, severe weather events, potential bioterrorism, and costly burdens of ill health from chronic disease, requiring a *robust local Public Health system*; and

WHEREAS nationally accepted standards for Public Health Accreditation have been established to ensure the provision of the 10 Essential Public Health Services, *to improve the quality and delivery of public health services*; and

WHEREAS health departments across the nation are being encouraged by national partners:

- Public Health Accreditation Board (PHAB),
- National Association of County and City Health Officials (NACCHO),
- Center for Disease Control and Prevention (CDC),
- Association of State and Territorial Health Officials (ASTHO),
- National Network of Public Health Institutes (NNPHI),
- National Association of Local Boards of Health (NALBOH),
- Public Health Foundation (PHF) and
- National Indian Health Service (NIHS)

to work towards *accreditation readiness*; and

WHEREAS, the NJ Local Boards of Health Association (NJLBHA) supports accreditation readiness activities of local health departments; and

WHEREAS, local health departments across the country are actively pursuing accreditation readiness, with more than 50 local and state health departments already fully accredited; and

WHEREAS, accreditation readiness will ultimately improve the health status of New Jersey citizens, while improving the effectiveness and efficiency of health department governance and administration; and

WHEREAS, accreditation readiness maximizes resources, and results in local health department transparency and accountability for improving health outcomes in local communities ; and

WHEREAS, the NJ Association of County and City Health Officials (NJACCHO) supports accreditation readiness through education and training opportunities, technical support, and stipends to local health agencies; and

WHEREAS the New Jersey Commissioner of Health has led efforts with the NJ Department of Health to prepare and apply for public health accreditation;

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, hereby supports the principle of local Public Health Accreditation Readiness; and urges local governmental

officials to support this initiative in order to achieve healthier communities where we live, work and play ;
and

BE IT FURTHER RESOLVED, that Public Health Readiness positively impacts the health of all residents of New Jersey, the State of New Jersey should provide funding to off-set any cost associated with the accreditation process; and

BE IT FURTHER RESOLVED, that a copy of this resolution be transmitted to the Commissioner of the Department of Health, 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 Resolution No. 2014 – 13

**Approved at Annual League Business Meeting, November 20, 2014
Approved at League Resolutions Committee, November 18, 2014**

**Resolution Supporting New Jersey State Funding for
Tobacco-Control Cessation and Prevention Programs**

WHEREAS, Lung cancer is the number one cancer killer with the vast majority of cases caused by smoking, and smoking also causes cancer of the oropharynx, larynx, esophagus, pancreas, bladder and kidney, and;

WHEREAS, tobacco use costs New Jersey residents an estimated \$3.17 billion in health care costs, including \$967 million in Medicaid expenditures by state and local governments,¹ and;

WHEREAS, New Jersey has raised over \$5 billion in tobacco revenues over the past five years, yet the state of New Jersey is the **ONLY** state that provides **ZERO** dollars to Tobacco-Control funding and ranks 51st in the nation (including the District of Columbia) for funding its Tobacco-Control Program,² and;

WHEREAS, 68,000 children under 18 living in New Jersey will ultimately die prematurely from smoking,³ and;

WHEREAS, the tobacco companies now spend \$172 million a year to market their products in New Jersey⁴ and;

WHEREAS, youth tobacco use has begun to rise since the elimination of Tobacco Age of Sale program, and

WHEREAS, communities are facing new challenges from the hazards of E-cigarettes and Hookah; and

WHEREAS, mortality rates are 10%-20% higher in New Jersey's poorest communities, and these differences are largely driven by differences in rates of lung cancer and heart disease⁵, and;

NOW, THEREFORE, BE IT RESOLVED, that the League of Municipalities urges the State of New Jersey to fund its comprehensive tobacco control program at \$10 million in FY2016 with continued adequate funding in subsequent years; and

BE IT FUTHER RESOLVED, that a copy of the resolution be forwarded to the office of the Governor and Lieutenant Governor of the State of New Jersey, all State Legislators, the Speaker of the New Jersey General Assembly, the President of the New Jersey State Senate, and the Commissioner of the New Jersey Department of Health.

New Jersey State League of Municipalities Resolution No. 2014 – 14

Approved at Annual League Business Meeting, November 20, 2014
Approved at League Resolutions Committee, November 18, 2014

Calls for Federal Support for Water and Wastewater Utility Maintenance and Upgrades

WHEREAS, a recent report released by the Water Research Foundation and the Water Environment Research Foundation, “National Economic and Labor Impacts of the Water Utility Sector,” looks at the job creation, labor market, and economic benefits of 30 of the largest water and wastewater agencies based on actual capital programs and operating budgets; and

WHEREAS, the report found that these 30 utilities contribute \$52 billion in economic output annually and support more than 289,000 permanent jobs annually, and that over the next decade, these the utilities will put \$233 billion into the economy - \$145 billion in operating spending and \$88 billion in capital spending; and

WHEREAS, while these investments are substantial, the report states that they "represent only a modest proportion of the nation's unfunded water infrastructure needs" and

WHEREAS, the Environmental Protection Agency (EPA) has estimated the nation's water system capital spending needs over the next 20 years to be approximately \$720 billion in total - \$20 billion annually for drinking water infrastructure and an additional \$16 billion per year for wastewater infrastructure; and

WHEREAS, although the EPA estimates are substantial, other estimates put the cost at more than \$4 trillion to maintain and build a 21st Century water system; and

WHEREAS, despite the economic importance of the water sector, 98% of water infrastructure projects are financed by local communities or customers; and

WHEREAS, the American Society of Civil Engineers’ 2013 Report Card for America’s Infrastructure stated that, in order to maintain and upgrade systems over the next 20 years, New Jersey would need to \$8 Billion for Drinking Water projects and \$32.5 Billion for wastewater projects, indicating that the time has, clearly, come to renew federal-local partnerships and reinvest in our water infrastructure; and

WHEREAS, while the financial challenge of repairing and rebuilding our water systems is large, it is not insurmountable, nor does it have to be shouldered by local communities or customers alone;

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, in Conference assembled, calls on the Obama Administration and Congress to:

- Expand access to low--cost loan and grant programs for all water providers to accelerate water infrastructure projects across America; and
- Support workforce development programs that prepare the next generation of workers who will be stewards of our nation’s water systems; and

BE IT FURTHER RESOLVED, that copies of this Resolution be sent to the President of the United States, the Majority Leader of the Senate of the United States, the Speaker of the United States House of Representatives, to New Jersey U.S. Senators Bob Menendez and Cory Booker and to our newly elected Representatives in the U.S. House of Representatives.

New Jersey State League of Municipalities Resolution No. 2014 – 15

Approved at Annual League Business Meeting, November 20, 2014

Approved at League Resolutions Committee, November 18, 2014

Calling for the Modernization of the Laws Regarding Fire District Mergers

WHEREAS, N.J.S.A.40A:14-90 provides for the enlargement of fire districts, but the statutory criteria to merge or consolidate existing districts has proven to be cumbersome; and

WHEREAS, fire districts are, by statute, taxing districts, within the municipalities, each with its own property tax levy and its own district government structure and budgetary process; and

WHEREAS, municipalities need to provided additional tools to reduce unnecessary costs; and

WHEREAS, fire districts are required to follow many of the same fiscal practices that municipalities must follow; and

WHEREAS, the governing bodies of fire districts are elected in separate elections, held on a Saturday in February with less voter participation than in general or primary elections; and

WHEREAS, it is difficult to move fire district elections to the general elections, as was recently authorized for school elections, as the district borders for a fire district can be vastly different than the borders for the elections districts; and

WHEREAS, local officials and taxpayers deeply appreciate and respect the service of all first responders, both paid and volunteers, however, municipalities need additional tools to reduce the burden on taxpayers, to enhance voter participation and transparency and to modernize the administration of fire districts;

NOW THEREFORE BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, calls on the State Legislature and the Governor to pass legislation to modernize the laws regarding the administration of fire districts, including the option to dissolve the district and bring its operations under the authority of the municipality, and allow the option to merge fire districts; 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 Community Affair, the President of the New Jersey State Senate, the Speaker of the New Jersey General Assembly and all members of the New Jersey State Legislature.

New Jersey State League of Municipalities Resolution No. 2014 – 16

Approved at Annual League Business Meeting, November 20, 2014

Approved at League Resolutions Committee, November 18, 2014

**Resolution Urging the Governor and the New Jersey Legislature
To Clarify the Immunities arising out of the administration of NARCAN and
to include immunity police, EMT's and other first responders
for the administration of or for the failure to administer NARCAN**

WHEREAS, the Narcan immunity provided by NJSA 24:6J-4 is not sufficiently broad-based to provide for protection of police officers or EMTs, who are the primary first responders. The statute immunizes only those persons who administer the Narcan and who have received the patient overdose information. Not all persons will be trained, and those who assist but do not administer the Narcan will not be immune. The immunity should be provided to those who assist, supervise or are otherwise engaged in the emergency response and should include immunity for those agencies and individuals who choose not to administer Narcan; and

WHEREAS, NJSA 24:6J-5, appears directed SOLELY to health care professionals and not to police officers or EMTs or other first responders and should be clarified to provide broad protection for emergency responders; and

WHEREAS, in order to protect police, EMT's and other first responders, NJSA 24:6J-5 and the New Jersey Tort Claims Act should be amended to clearly provide immunity from liability for public agencies and for police officers or EMTs or other first responders for both the administration of Narcan and for the failure to administer Narcan; and

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey State League of Municipalities, in conference assembled, that the State Legislature consider revisions to NJSA 24:6J-5 and to the New Jersey Tort Claims Act to extend the immunities arising out of the administration of NARCAN to clearly provide immunity from liability for public agencies and for police officers or EMTs or other first responders for both the administration of Narcan and for the failure to administer Narcan.

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

New Jersey State League of Municipalities Conference Resolution No. 2014-17

Approved at League Annual Business Meeting, November 20, 2014

Approved at League Resolutions Committee, November 18, 2014

In Appreciation of League First Vice President Mayor Gerald J. Tarantolo.

WHEREAS, Mayor Gerald J. Tarantolo is completing his term as the First Vice President of the New Jersey State League of Municipalities; and

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

WHEREAS, Mayor Tarantolo has a long and distinguished career in public service, including sixteen years as Mayor of Eatontown and previously fourteen years on its Borough Council, the Save Fort Monmouth Committee, Co-Chair of the Fort Monmouth Reuse Committee, the Governor's Fort Monmouth Economic Revitalization and Planning Authority and the Governor's Fort Monmouth Economic Redevelopment Authority (FMERA); and

WHEREAS, Mayor Tarantolo has been an advocate for local government and taxpayers on important issues such as reforming the property tax system, affordable housing, environmental protection, and ethics in public service; and

WHEREAS, while Mayor Tarantolo will not serve as the League President, his service on the League Executive Board and as an Officer of the League for three years warrants our deepest appreciation and respect;

NOW THEREFORE BE IT RESOLVED, by the New Jersey State League of Municipalities, in Conference assembled, on the 20th day of November 2014, do extend to Mayor Tarantolo sincere appreciation for years of dedicated administration, good counsel and untiring efforts to improve local government in New Jersey; and

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

New Jersey State League of Municipalities Conference Resolution No. 2014-18

**Approved at League Annual Business Meeting, November 20, 2014
Approved at League Resolutions Committee, November 18, 2014**

In Appreciation of League President Suzanne M. Walters, Mayor of Stone Harbor Borough

WHEREAS, the Honorable Suzanne M. Walters is completing her term as the President of the New Jersey State League of Municipalities; and

WHEREAS, President Walters' service to the League exemplifies the very best of high-minded goals and objectives of the League and its service programs; and

WHEREAS, President Walters has been articulate voice on a host of issues important to municipal interests, such as continuation of the two percent cap on interest arbitration awards, tourism, the preservation of open space, economic development and job creation; and

WHEREAS, President Walters has well-served the municipal community as a spokesperson and advocate, carrying their concerns and issues to the Christie Administration, to the State Legislature and to the New Jersey Congressional Delegation; and

WHEREAS, President Walters has a long and distinguished record of public service in addition to her service with the League, including serving as a member of the Women In Municipal Government Committee, the Cape May Regional Medical Center Foundation and the Cape May County Chamber of Commerce;

WHEREAS, the League and the municipal community at large have been well guided by the leadership of President Walters; and recognition of her outstanding service is most appropriate;

NOW THEREFORE BE IT RESOLVED, by the New Jersey State League of Municipalities, on the 20th day of November 2014, that we do extend to President Walters 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 Walters and that a copy of this resolution be transmitted herewith to her.

New Jersey State League of Municipalities Resolution No. 2014 – 19

Approved at Annual League Business Meeting, November 20, 2014

Approved at League Resolutions Committee, November 18, 2014

Calling for a New, More Sensible Approach to Affordable Housing

WHEREAS, on September 26, 2013, the New Jersey Supreme Court decision In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 215 N.J. 578 (2013) invalidated the round three regulations adopted by the Council on Affordable Housing (COAH) in 2008 and charged COAH with the responsibility of adopting a third iteration of round three regulations; and

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

WHEREAS, the Supreme Court extended the five month deadline it established in In re Adoption Of N.J.A.C. 5:96 and 5:97 and set May 1, 2014 as the deadline for COAH to propose new round three regulations, and October 22, 2014 as the deadline for COAH to adopt new round three regulations; and

WHEREAS, on October 20, 2014 the COAH Board met and were unable to adopt new regulations due to a 3-3 vote, creating more uncertainty and turmoil for municipalities; and

WHEREAS, the confusion and uncertainty that has resulted from costly court actions, prolonged litigation and the lack of reasonable guidance demonstrates the need for a new State housing policy based on good planning, incentivizing participation and the provision of additional affordable housing; and

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

NOW THEREFORE BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, urges the Governor and the State Legislature to partner with municipalities and enact legislation to implement a reasonable and rational state affordable housing policy which promotes rational planning, seeks to achieve results with available housing funding and incentives, encourages partnerships, and protects the interests of taxpayers; and

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 Community Affairs, the President of the New Jersey State Senate, the Speaker of the New Jersey General Assembly and all members of the New Jersey State Legislature.

New Jersey State League of Municipalities Resolution No. 2014 – 20

Approved at Annual League Business Meeting, November 20, 2014

Approved at League Resolutions Committee, November 18, 2014

Resolution Calling for Legislation to Restore the Income Eligibility Limits for the Senior Tax Freeze Property Tax Reimbursement Program

WHEREAS, the income edibility limits for the Senior Tax Freeze Property Tax Reimbursement Program have been reduced from \$82,880 to \$70,000 for single or married/civil union couples for the 2013 tax year; and

WHEREAS, in this time of economic hardship the reduction in the income eligibility limits will cause undue burden and financial hardship to many senior citizens throughout the State; and

NOW, THEEFORE, BE IT FURTHER RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, calls for the passage of legislation to restore the income eligibility limits for the Senior Tax Freeze Property Tax Reimbursement Program to \$82,880 for single or married/civil union couples; and

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

New Jersey State League of Municipalities Resolution No. 2014 – 21

Approved at Annual League Business Meeting, November 20, 2014

Approved at League Resolutions Committee, November 18, 2014

Resolution Supporting Restoration of Energy Taxes to Municipal Government

WHEREAS, taxes on gas and electric utilities were originally collected by the host municipalities, and when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; and

WHEREAS, just as municipalities collect property taxes for the benefit of school districts, counties and other entities; the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

WHEREAS, for years, though, State officials have diverted funding from Energy Taxes to plug holes in the State budget and to fund State programs; and

WHEREAS, the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and

WHEREAS, municipalities lost \$331 million in combined Energy Tax and Consolidated Municipal Property Tax Relief Aid (CMPTRA) funding in Fiscal Years 2009, 2010, and 2011, while also being denied scheduled incremental funding; and

WHEREAS, as a result of these cuts, in a number of municipalities property taxes are higher now, despite the fact that they are spending less, proving that the State's diversion of tax relief funding has contributed to higher municipal property taxes; and

WHEREAS, the time has come to restore the \$331 million in municipal property tax relief funding to ensure that each municipality will be restored to the 2007 (SFY 2008) Energy Tax Receipts/CMPTRA level and to adjust that amount to account for inflation.; and

WHEREAS, ultimately, passage of legislation that would can assure local property taxpayers compensation for hosting transmission facilities and lines that allow gas and electric energy corporations to serve customers and conduct business in our Garden State;

NOW THEREFORE, BE IT RESOLVED, that the New Jersey League of Municipalities, in conference assembled, urges immediate action to phase in the restoration of lost funding and to allow direct payment of energy tax receipts to host municipalities; it further

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