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In Appreciation of League President James Cassella, Mayor of East Rutherford

New Jersey State League of Municipalities Conference Resolution No. 2018-01

Resolution of Support for the Gateway Project

WHEREAS, the Northeast Corridor is the busiest rail line in the Western Hemisphere, playing an essential role in the regional economy as a vital link for millions of residents, workers and visitors; and

WHEREAS, the Northeast Corridor is crucial to transporting New Jersey residents, business people and tourists between Washington, D.C., and Boston via key regional stations at Philadelphia 30th Street Station, Trenton Transit Center, Newark Airport, Newark Penn Station and New York Penn Station; and

WHEREAS, the Hudson River rail tunnels carry 200,000 Amtrak and NJ Transit rail passengers in and out of New York City each weekday, representing a tripling of ridership since 1990; and

WHEREAS, current and projected demand for both Amtrak and NJ Transit exceed the capacity of the existing infrastructure between Newark and New York City; and

WHEREAS, the Northeast Corridor requires significant repairs and upgrades along the two-track stretch between Newark and New York City, including aging bridges and 100-year old tunnels under the Hudson River; and

WHEREAS, outmoded infrastructure, particularly the Hudson River tunnels and the Portal Bridge over the Hackensack River, causes frequent, extensive delays along the Northeast Corridor; and

WHEREAS, the Hudson River rail tunnels flooded for the first time in their 100-year history during Superstorm Sandy, leaving behind salt that is eating away at the reinforcing steel and concrete along with the electrical and signal systems. Amtrak has announced that each of the Hudson River tunnel tubes will need to be closed for a year or more within the next 15 to 20 years to conduct extensive repairs; and

WHEREAS, if new tunnels are not yet in place, the closures of the existing tunnels will reduce train traffic by an estimated 75% at peak times, forcing tens of thousands of riders to find alternatives means of travel in and out of Manhattan, and causing huge disruptions for all who cross the Hudson, whether by train, bus, ferry or car; and

WHEREAS, preserving and expanding rail capacity is critical to giving the metropolitan region's trillion dollar economy a chance to grow and keep pace with global cities that are investing far more in their transit infrastructure; and

WHEREAS, the Gateway program proposed by Amtrak, estimated to cost \$20 billion, would build two new Hudson River tunnel tubes and several bridges, expand Penn Station, and add two new tracks between Newark and New York, thus doubling trans-Hudson rail capacity.

NOW, THEREFORE BE IT RESOLVED, by the New Jersey State League of Municipalities in conference assembled, that the governments of the states of New Jersey and New York must

work together with the federal government to shepherd the Gateway Trans-Hudson Tunnel project, and determine the funding strategy to design and build the project with all haste and expediency; and

BE IT FURTHER RESOLVED, that the New Jersey State League of Municipalities calls on the support of the Trump Administration and Congress for this vital investment in the busiest transportation corridor in the nation; and

BE IT FURTHER RESOLVED, that the New Jersey State League of Municipalities urges thoughtful and careful consideration of the impacts that the development, planning, and construction of the Gateway Tunnel Project will have on those municipalities where construction will occur; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the President of the United States, the New Jersey and New York Congressional Delegations, all members of the New Jersey State Legislature and the Governors and Lieutenant Governors of New York and New Jersey.

Sponsors:

The Hon. James Cassella
President, NJLM
Mayor, East Rutherford

The Hon. Colleen Mahr
First Vice President, NJLM
Mayor, Fanwood

The Hon. James Perry
2nd Vice President, NJLM
Committee, Hardwick

The Hon. Janice Kovach
3rd Vice President, NJLM
Mayor, Clinton

New Jersey State League of Municipalities Conference Resolution No. 2018-02

Resolution Calling for a Renewed State Commitment to Making Municipal Property Tax Relief a Priority

WHEREAS, taxes on gas and electric utilities were originally collected by the host municipalities to be used for local purposes and to compensate the public for the use of their rights of way; and

WHEREAS, when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; since, 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 budget makers have diverted funding from Energy Taxes to fund State programs; and instead of being spent on local programs and services and used to offset property taxes, the money has been spent as successive Legislatures and Administrations have seen fit; and

WHEREAS, the 2019 State Budget includes a diversion of dedicated energy tax receipts to the State's General Fund, replacing the loss with unreliable funding from the State's Income Taxes, an action that further jeopardizes this critical property tax relief funding in future years; and

WHEREAS, while the State may need to have the right to over-ride the statutory dedication of these revenues to local governments, in order to deal with emergencies and crises that may occur; current State policymakers should not exercise that right automatically; and

WHEREAS, while that right should be the exception, it has become the rule; and

WHEREAS, by using tactics such as reducing CMPTRA, which is also comprised of revenues that should be returned to municipalities, State Budget makers have been able to continue collecting Energy Taxes, while keeping additional revenue that should have been returned to provide property tax relief; and

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

WHEREAS, local elected officials are in the best position to decide the best use of these resources, which were always intended to fund local programs and services.

NOW, THEREFORE, BE IT RESOLVED, that the League of Municipalities, in conference assembled, calls for the immediate restoration of funding diverted from Energy Taxes intended for local use and that State budget makers do not repeat the action taken in the State Budget for Fiscal 2019 and rightfully restore to municipalities dedicated energy tax receipts, as directed by statute; and

BE IT FURTHER RESOLVED, that the League calls on State policy makers to end the diversion of our municipal resources to cover State spending and to provide municipalities with this important tool to relieve the worst-in-the-nation property tax burden borne, for too long, by the people of New Jersey; and

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

Sponsor:

The Hon. Janice Mironov,
Mayor, East Windsor
Past President, NJLM

Co-Sponsor

The Hon. Gayle Brill Mittler
Mayor, Highland Park Borough

New Jersey State League of Municipalities Conference Resolution No. 2018-03

Calling on State Lawmakers to Take Measures to Enact Comprehensive Reform to the “Fair Housing Act”

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

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

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

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

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

WHEREAS, in the 3 1/2 years that have passed since the Supreme Court’s decision, both COAH and the Legislature have failed to act, leaving the complicated issues involved in affordable housing entirely to the courts to resolve on a case-by-case, piecemeal fashion, at exorbitant cost to the taxpayers, affordable housing advocates, and development community; and

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

WHEREAS, the lack of administrative and legislative action over the last 3 1/2 years, and the prospect of many more years of litigation, overwhelmingly and convincingly demonstrates the urgent need for the New Jersey State Legislature to take immediate measures to enact comprehensive reforms to the Fair Housing Act so as to achieve the goal of providing clear and realistic standards to establish reasonable and achievable municipal affordable housing obligations as well as to guide municipal action to satisfy those obligations;

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

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

Sponsors:

The Hon. Janice Mironov
Mayor, East Windsor
Past President, NJLM

The Hon. Paul Medany,
Mayor, Deptford Township

New Jersey State League of Municipalities Conference Resolution No. 2018-04

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

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

WHEREAS, in July 2010 the Governor and New Jersey State Legislature enacted a permanent 2% cap on municipal and school board tax levies with limited exceptions that did not include police and fire arbitration contract awards; and

WHEREAS, salary costs, to a great extent, drive property tax increases; and

WHEREAS, in December 2010 the Legislature unanimously approved and the Governor enacted a temporary 2% cap on police and fire arbitration contract awards in an effort to control increasing salary costs and provide a solution to assist local governments in keeping property taxes down and costs under control; and

WHEREAS, the December 2010 legislation included an April 1, 2014 sunset on the 2% arbitration cap while the 2% property tax levy remained permanent for municipalities and school boards; and

WHEREAS, in June 2014 the Legislature unanimously approved and the Governor enacted an extension to December 31, 2017 the 2% arbitration cap, while the 2% property tax levy cap continued to be and today still remains permanent, without an exemption for police and fire arbitration contract awards; and

WHEREAS, the Legislature failed to act to extend or adopt a permanent 2% arbitration cap, allowing it to sunset on December 31, 2017; and

WHEREAS, municipalities continue efforts to contain costs and provide vital services to residents within the 2% property tax levy while New Jersey taxpayers struggle to keep their homes and pay their taxes; and

WHEREAS, the final report and recommendations of the Police and Fire Public Interest Arbitration Impact Task Force, which was established in the December 2010 legislation, has not been officially released, though it was due in December 2017; and

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

WHEREAS, without a cap on interest arbitration awards while the 2% levy cap remains in effect, municipalities will be forced to reduce or eliminate municipal services in order to fund interest arbitration awards;

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey League of Municipalities in conference assembled, urges the State Legislature to reinstate and make retroactively effective the 2% cap on Police and Fire Arbitration Contract Awards; and

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

Sponsors:

The Hon. James Cassella
President, NJLM
Mayor, East Rutherford

The Hon. Colleen Mahr
First Vice President, NJLM
Mayor, Fanwood

The Hon. James Perry
2nd Vice President, NJLM
Committee, Hardwick

The Hon. Janice Kovach
3rd Vice President, NJLM
Mayor, Clinton

New Jersey State League of Municipalities Conference Resolution No. 2018-05

Opposing FCC Preemption of Municipal Authority Over Rights-of-Way and Property in Developing 5G and Other Communications Networks

WHEREAS, while the New Jersey League of Municipalities and its members support the nation's efforts to win the race to 5G, its members strongly believe this goal can be accomplished without federalizing local public property and "gifting" local taxpayer assets to a select class of private companies seeking special federal rights to access local rights-of-ways and public property; and

WHEREAS, despite strong opposition, including official filings by local governments in New Jersey and throughout the U.S. in dockets of the Federal Communications Commission ("FCC"), this independent federal regulatory agency (FCC) has embarked on an unprecedented intrusion into local (and state) government property rights that will have substantial and continuing adverse impacts on the state's cities and its taxpayers, including reduced funding for essential local government services and increased risk of right-of-way and other public safety hazards; and

WHEREAS, this wrongful federal intrusion by the FCC threatens to slow down and undermine ongoing local efforts to accelerate the deployment of new communications infrastructure, including 5G networks, as the agency seeks to change longstanding rules governing new agreements and rewrite and overturn existing agreements between local (and state) governments and private companies; and

WHEREAS, these FCC actions reinterpret existing federal statutes in ways that effectively "nationalize" local public property as part of the agency's effort to bestow new federal rights upon a class of private companies seeking to access local rights-of-ways and public property at below market rates to maximize private gain; and

WHEREAS, the FCC's actions ignore the record of successful deployments of earlier communications technologies, as local and state officials most recently partnered effectively with the private sector to build out the nation's fourth generation (4G) network, with the U.S. today accounting for roughly 40 percent of the world's 4G facilities; and

WHEREAS, the Administration, Congress and FCC have failed to act and make deployment of small cell 5G networks a federal priority in their own actions, this one federal agency is now misapplying federal law and reinterpreting federal authorities to essentially enjoin and confiscate local taxpayer property to this end.

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, urges all members of the New Jersey Congressional Delegation to oppose, with voice and vote, any proposals, either through legislative, regulatory and judicial action, to call on the Federal Communications Commission to withdraw its recent proposals that seek to subordinate local government rights-of-way and other public property

rights and convey these local taxpayer assets to certain private companies at below market rates and under preferred management terms; and

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

Sponsor:

The Hon. Brian C. Wahler
Mayor, Piscataway Township
NJLM Past President

New Jersey State League of Municipalities Conference Resolution No. 2018-06

Regarding the Disclosure of Certain Information from the Division of Taxation

WHEREAS, New Jersey municipalities are authorized to impose a tax on hotels, motels and transient accommodations pursuant to N.J.S.A. 40:48F-1 et seq. (Municipal Hotel and Motel Occupancy Tax Law); and

WHEREAS, the State of New Jersey, through the Division of Taxation, collects these moneys on behalf of municipal government; and

WHEREAS, the Division of Taxation transmits these moneys to municipalities in lump sums; and

WHEREAS, in order to reasonably anticipate hotel and motel occupancy tax revenue and confirm that the correct amount of moneys are being paid, it is necessary for the Division of Taxation to share more granular information regarding each taxpaying entity; and

WHEREAS, the Division refuses to share more granular information with municipalities regarding the payment of these taxes; and

WHEREAS, municipalities have legitimate concerns related to the amount of tax paid by hotels, motels or transient accommodations pursuant to the Municipal Hotel and Motel Occupancy Tax Law; and

WHEREAS, the need to “double check” the correct receipt of these tax payments is akin to a municipality’s ability to make Chapter 91 requests for commercial properties; and

WHEREAS, municipalities rely on hotel and motel occupancy tax revenue to balance their annual budgets. Without detail on occupancy taxes paid, municipalities cannot accurately anticipate changes in revenue in the event of closures or other foreseeable changes to the number or occupancy volume of hotels, motels and transient accommodations in operation; and

WHEREAS, these moneys help alleviate the burden on property taxpayers.

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled urge the Division of Taxation to provide more granular information to municipalities regarding each hotel, motel or transient accommodation that is subject to a Municipal Hotel and Motel Occupancy Tax; and

BE IT FURTHER RESOLVED, that the League urges the Legislature to pass legislation that would give municipalities access to this information in order to protect their property taxpayers; and

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

Sponsors:

The Hon. John Carpenter
Mayor, Bernards Township

The Hon. John Malay
Deputy Mayor, Bernards Twp.

The Hon. James Baldassare, Jr.
Committeeman, Bernards Twp.

The Hon. Carol Bianchi
Committeewoman, Bernards Twp.

The Hon. Carolyn Gaziano
Committeewoman, Bernards Twp.

New Jersey State League of Municipalities Conference Resolution No. 2018-07

Calling for State Authorization to Utilize Liquor Licenses for Economic Redevelopment

WHEREAS, over the past 73 years there have been numerous changes in the character of individual municipalities but the number of retail liquor licenses available in a community remains as either 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, 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, while it is important to recognize that license holders have made a significant investment in their license, it is equally important to recognize that the current legislation and regulatory structure is an impediment to economic redevelopment; and

WHEREAS, League Conference Resolution No. 2006-06 called for legislation to permit municipalities to sell their unused retail liquor licenses to other municipalities and League Conference Resolution No. 2014-2 called for the authorization of intra-municipal transfer of licenses; and

WHEREAS, it would be beneficial for state laws to align with redevelopment efforts throughout the State and provide municipalities another tool to promote economic growth and job opportunities.

NOW, THEREFORE BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, 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 the League urges the Legislature to pass legislation that would permit municipalities, subject to reasonable limitations, to purchase such licenses; and

BE IT FURTHER RESOLVED, that the Legislature should also pass legislation prioritizing areas in need of redevelopment, rehabilitation or any other zoning areas deemed appropriate for smart growth for enhanced use of liquor; 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 and Lieutenant Governor of the State of New Jersey.

Sponsor:

The Hon. Adrian Mapp,
Mayor, Plainfield.

New Jersey State League of Municipalities Conference Resolution No. 2018-08

Recognizing April 7, 2019 - April 13, 2019, As "Local Government Week"

WHEREAS, local government is the backbone of our democracy and the bedrock of our political system; and

WHEREAS, New Jersey local governments are administered for and by its citizens and local government elected officials are members of the community they choose to serve; and

WHEREAS, every day, over 9 million Garden State residents rely on the services and facilities provided by local government, including municipalities, counties and school districts; and

WHEREAS, New Jersey's residents rely upon the dedication of these local governments in meeting many of the health, welfare, and public safety needs of the community; and

WHEREAS, the success of local governments is essential to the overall quality of life; and

WHEREAS, our local governments are a testimony to liberty, freedom and the right to elected self-government; and

WHEREAS, "Local Government Week" will be an opportunity to highlight and promote civic engagement and focus attention on the need for strong, independent, and active local government in New Jersey and recognize the valuable contributions made by residents serving their communities;

NOW THEREFORE BE IT RESOLVED, that the New Jersey State League of Municipalities in conference assembled, asks the State Legislature and local governments across the State to recognize April 7, 2019 through April 13, 2019, as "Local Government Week" in New Jersey;

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the President of the New Jersey State Senate, the Speaker of the New Jersey General Assembly, all members of the New Jersey State Legislature and the Governors and Lieutenant Governors of New Jersey.

Sponsors:

The Hon. James Cassella
President, NJLM
Mayor, East Rutherford

The Hon. Colleen Mahr
First Vice President, NJLM
Mayor, Fanwood

The Hon. James Perry
2nd Vice President, NJLM
Committee, Hardwick

The Hon. Janice Kovach
3rd Vice President, NJLM
Mayor, Clinton

New Jersey State League of Municipalities Conference Resolution No. 2018-09

**Resolution Calling for the Consent of Stakeholder Municipalities for New Jersey
Department of Transportation Projects**

WHEREAS, the purpose of local elected officials is to act as a collective voice of the electorate, representing the needs and concerns of New Jersey residents; and

WHEREAS, it is of utmost importance for State agencies to work cooperatively with local governments, particularly in regard to large transportation projects; and

WHEREAS, despite the outcry of local governments in the area including 20 municipal resolutions of opposition, intervention by Congressional and State representatives, and the opposition of environmental organizations, the New Jersey Department of Transportation is proceeding with a project in North-West New Jersey citing its right to proceed in the right of way; and

WHEREAS, the NJDOT's insistence on carrying out this project despite municipal opposition should be of great concern statewide, since local governments are elected by the people, for the people to safeguard the public interest; and,

WHEREAS, when state agencies proceed with projects lacking stakeholder and local elected official support, it undermines the confidence that all New Jerseyans have in the system of representative government.

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, calls on the State Department of Transportation to adopt new rules and procedures to provide an opportunity for adequate public notice, public comment and the consent or approval of municipalities affected by State DOT projects,

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 Transportation, and all members of the New Jersey State Legislature.

Sponsor:

The Hon. Adele Starrs
Mayor, Knowlton Township

Co-Sponsor:

The Hon. James Perry
2nd Vice President, NJLM
Committeeman, Hardwick

New Jersey State League of Municipalities Conference Resolution No. 2018-10

**Resolution Calling for the Creation of a Study Commission to Examine
the Open Public Records Act**

WHEREAS, the League of Municipalities believes in open transparent government and that citizens and residents must be informed about the workings of government and to participate in this democracy; and

WHEREAS, municipal officials must strive to maintain and take steps to insure an open transparent government in order to foster public participation and to uphold the principals of democracy; and

WHEREAS, elected officials and government employees are responsible for operating government in the most efficient way possible while providing for the health, safety and well-being of all citizens; and

WHEREAS, news gathering and establishing facts are all important to a democracy; and

WHEREAS, the Open Public Records Act, commonly referred to as OPRA, was adopted in 2001 to provide citizens with the ability to examine the records of their government; and

WHEREAS, since 2001 advancement in technology has changed the way government records are created, stored, and transmitted; and

WHEREAS, since 2001, numerous administrative decisions and court rulings have been necessary in order to interpret how OPRA applies to this new technology; and

WHEREAS, the requirements present in the various interpreting holdings are not readily apparent when reading the OPRA Statute, resulting in the need for extensive training for public officials and records custodians alike, in order to avoid unintentionally violating OPRA; and

WHEREAS, OPRA, in its current form, at times is extremely difficult and challenging for records custodians, the Municipal Clerk at the municipal level, to fulfill certain requests by balancing the right to release the document against citizens' right to privacy; and

WHEREAS, over the course of 17 years OPRA has been a positive light, it has also been fraught with abuse, misuse, and costly to the taxpayers of New Jersey; and

WHEREAS, OPRA has been used by Commercial enterprises as part of their research and development, marketing plan, or business plan of reselling government records; and

WHEREAS, the general public demands an efficient and cost effective municipal government for citizens, but for profit individuals are taking advantage of these laws, impeding the ability to operate efficiently; and

WHEREAS, any amendments or revisions to OPRA that are more burdensome or cumbersome will severely deteriorate the ability of one of the most important offices in government, namely the Municipal Clerk's office, to function properly;

NOW, THEREFORE BE IT RESOLVED that the New Jersey State League of Municipalities, in conference assembled, appeal to the legislature to set up a Commission comprised of Mayors, Municipal Clerks, Municipal Managers, Attorneys, Police Chiefs, open government advocates, privacy experts, members of the media, citizens and other appropriate stakeholders, to review and examine the effects of OPRA on local government and what needs are to fulfilled by the law, and to use the findings of this review to perform a comprehensive reform of OPRA; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the members of the New Jersey State Legislature, Executive Director of the Government Records Council, and the Governor of the State of New Jersey.

Sponsor:

The Hon. Paul Medany
Mayor, Township of Deptford

New Jersey State League of Municipalities Conference Resolution No. 2018-11

**Resolution Urging Special Considerations of the Impact Any Municipal Court Reform
Would Have on the Ability of Municipalities to Effectively Continue Their Role in
Adjudicating and Enforcing the Law**

WHEREAS, among other responsibilities, municipal courts adjudicate traffic and petty criminal offenses that occur within municipal borders, including violations of municipal ordinances enacted to ensure residents enjoy a certain quality of life and to ensure the health, welfare and safety of residents and visitors to the municipality; and

WHEREAS, the June 2018, “Report of the Supreme Court Committee on Municipal Court Operations, Fines and Fees” (“Report”) offers a number of recommendations for reforms to the municipal courts, to be considered by the Chief Justice of the State Supreme Court, the Administrative Office of Courts, and the State Legislature; and

WHEREAS, on July 19, 2018, New Jersey Supreme Court Chief Justice, Stuart Rabner, issued an Order that appointed a three-judge panel to conduct a series of hearings on why older, minor municipal court complaints pending for more than fifteen years should not be dismissed; and

WHEREAS, implementation of the certain recommendations of the Report combined with the dismissal of older municipal complaints would severely limit the effectiveness of municipal courts to adjudicate and enforce the law; and

WHEREAS, without being provided the tools necessary to enforce the law, orders from municipal courts will be ignored and quality of life would be eroded and the health, welfare and safety, of all residents and visitors could be compromised;

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities hereby requests that any action taken by Chief Justice of the New Jersey State Supreme Court, the Administrative Office of Courts, the State Legislature or any other authority, bear in mind the impact such reforms would have on the ability of municipal courts to carry out their duties and to ensure a quality of life for their residents and the health, welfare and safety of residents and visitors to the municipality; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to the Governor and Lieutenant Governor of New Jersey, Chief Justice Stuart Rabner, the Administrative Office of Courts, and all members of the New Jersey State Legislature.

Sponsor:

The Hon. Brian Wahler
Mayor, Piscataway
Past President, NJ State League of Municipalities

New Jersey State League of Municipalities Conference Resolution No. 2018-12

Resolution in Favor of Continued In-Lieu-Of Tax Payments for Municipalities to Encourage Open Space Acquisition Which is Critical to New Jersey's Water Supply

WHEREAS, in 1961, the Green Acres Program was created with the mission “to achieve, in partnership with others, a system of interconnected open spaces, whose protection will preserve and enhance New Jersey's natural environment and its historic, scenic, and recreational resources for public use and enjoyment”; and

WHEREAS, with the support and participation of public and private partners, the Green Acres Programs has protected over a half million acres of open space and has provided hundreds of outdoor recreation facilities throughout the state; and

WHEREAS, the success of New Jersey's Open Space program, including Green Acres is threatened by the loss of in-lieu-of tax payments, which are made by the State to municipalities in order to mitigate the impact of the loss of property tax revenues because of the State's purchase of open space; and

WHEREAS, cuts in funding for this program threaten vital open space and farmland acquisition by discouraging continued and expanded participation by localities due to potential losses in urgently needed Property Tax Revenues; and

WHEREAS, this program represents less than one-half percent of the State's \$37 billion FY 19 annual budget; and

WHEREAS, the program is presently funded in an uneven and unfair manner among localities, further discouraging widespread participation; and

WHEREAS, the in-lieu-of tax payment program is an inexpensive and efficient way to insure adequate, clean water supplies to the people of the State which is imperative to our quality of life;

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, wishes that it be known that we strongly support the goals of the Payment in Lieu of Taxes Program for Open Space; and

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

Sponsor:

The Hon., William Pikolycky
Mayor, Woodbine

New Jersey State League of Municipalities Conference Resolution No. 2018-13

Urging Action to Provide Municipalities with Relief from Increased Recycling Cost

WHEREAS, according to New Jersey Department of Environmental Protection “recycling is a key aspect of the State’s solid waste management strategy and is both an environmental and economic success story”; and

WHEREAS, the “New Jersey Statewide Mandatory Source Separation and Recycling Act” (N.J.S.A. 13:1E-99.11 et seq.), requires each county to develop a district recycling plan to implement the State’s Recycling Plan; and

WHEREAS, the County District Recycling Plan must designate recyclable materials to be sourced separate at each municipality and, in addition to leaves, must designate at least three other recyclable materials to be separated from the municipal solid waste stream; and

WHEREAS, according to the Environmental Protection Agency the recycling rate in the United States has more than tripled over the last thirty years to the current rate of 34%, in New Jersey the recycling rate is 63%; and

WHEREAS, in January 2018 China implemented their National Sword Policy, which bans 24 types of solid waste, targeting mixed paper and mixed plastics, and lowered the acceptable contamination level from 5% to no more than 0.5%; and

WHEREAS, China’s new policy targeted the two most common types of materials processed by municipal recyclers and set acceptable contamination levels so low that no American processor can realistically meet them; and

WHEREAS, it is anticipated that additional restrictions from China will take effect later in 2018 and 2019 with the aim of halting all solid waste imports to China by 2020; and

WHEREAS, China’s policy has had a crippling effect on the recycling marketplace, as China previously received more than half of the world’s recycling commodity; and

WHEREAS, as a result the economics of recycling have been turned upside down with commodities that once generated revenue now becoming an additional municipal expense which local officials are powerless to control; and

WHEREAS, municipalities have been using a variety of new strategies to cope with the depressed market including recycling education and enforcement, however, these strategies do not address the immediate drastic expense increase associated with recycling programs; and

WHEREAS, municipalities under a 2% tax levy cap are struggling to find funds to pay for a once revenue producing recycling program;

NOW, THEREFORE, BE RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, calls upon State lawmakers for relief from the dramatic cost shift in the recycling market by:

- An exemption to the Property Tax Levy Cap;
- State funding to off-set the increased cost;
- Waiver of recycling requirements based on a formula of increased tipping cost as a result of the added recycling disposal cost; and
- Waiver of the \$3 per ton garbage tax; and

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

Sponsor:

The Hon., J. Nolan Higgins
Mayor, Freehold Borough

New Jersey State League of Municipalities Conference Resolution No. 2018-14

Resolution Calling on Federal Lawmakers to Forge Bipartisan Legislations Preserving a Free and Open Internet

WHEREAS, since its inception, the Internet has existed based on principles of freedom and openness, core values that have made it the most powerful communications medium ever known; and

WHEREAS, New Jersey municipal officials, as local leaders, recognize the direct and substantial benefit that broadband connectivity and access to a free and open Internet can have for our communities, including the local economy, educational institutions, and government agencies in urban, rural and low-income communities, which increasingly rely on broadband connectivity; and

WHEREAS, the Federal Communications Commission (FCC) has engaged in several efforts to impose various net neutrality requirements between 2007 and 2015, which the courts have sometimes rejected and sometimes allowed, with its most recent decision from 2017 awaiting review in the DC Circuit Court of Appeals; and

WHEREAS, the New Jersey League of Municipalities has consistently called upon the FCC to commit to transparency and the free flow of information over the Internet, including no blocking or throttling of lawful websites and no unreasonable discrimination of lawful network traffic; and

WHEREAS, Internet Service Providers across the board have made clear, enforceable commitments to adhere to the consensus net neutrality principles of transparency, no blocking, no throttling, and no unfair discrimination with respect to lawful Internet traffic; and

WHEREAS, these Internet Service Providers have said they support bipartisan federal legislation that incorporates such principles; and

WHEREAS, a consensus has developed among policymakers, consumers, and industry that, in order to avoid the ping-pong effect of wildly different regulatory regimes depending on who runs the FCC and on ongoing litigation, and to avoid regulatory uncertainty and harm to innovation and investment in local communities across the nation, Congress should enshrine core net neutrality principles into law and consider a consistent, national framework to protect consumers throughout the Internet ecosystem,

THEREFORE, BE IT RESOLVED, that the New Jersey League of Municipalities calls on the White House to offer its support for consensus legislation that incorporates these net neutrality principles; and

BE IT FURTHER RESOLVED, that the New Jersey League of Municipalities calls on Congress to use its lawmaking power to forge bipartisan legislation that enshrines these consensus net neutrality principles into permanent rules that will ensure that the principles of

openness, freedom, and innovation continue to drive the American economy into the twenty-first century.

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

Sponsor:

The Hon. Brian Wahler
Mayor, Piscataway
Past President, NJ State League of Municipalities

New Jersey State League of Municipalities Conference Resolution No. 2018-15

Urging the Legislature to Act to Allow Municipal Discretion in Establishing Residency Requirements for Police Officers

WHEREAS, numerous municipalities might be better served by establishing reasonable residency requirements for a local Police Officer in accordance with Section 11 of P.L.1972, c.3 (C.40A:14-122.1); and

WHEREAS, it is in the best interest of a municipality and its residents to adopt a residency requirement for local Police Officers; and

WHEREAS, legislation is needed that would permit a municipality to adopt an ordinance prohibiting an applicant from obtaining employment with the municipal police department, paid fire department, or part-paid fire department unless the applicant agrees to remain a resident of the municipality for the first five years of their employment; and

WHEREAS, such legislation should allow a municipality to adopt an ordinance that would require an applicant to relocate to the municipality, county, or region served by the force, within six months from the date the applicant begins his or her official duties, following all requisite training, and

WHEREAS, we believe that the ordinance should allow an exception to this residency requirement if any member of the fire department or police department suffers injury, or a threat of injury, to their person, family, or property, committed by another who acts with purpose to: (1) intimidate the member because of their status as a member; (2) manipulate an investigation; or (3) otherwise influence the member to violate their official duties;

NOW THEREFORE BE IT RESOLVED by the New Jersey League of Municipalities that we encourage the introduction of and will support such legislation; and

BE IT FURTHER RESOLVED, That copies of this Resolution be forwarded to the Governor and the Lieutenant Governor of the State of New Jersey, and to all Members of the State Senate and the General Assembly, representing the people of all municipalities.

Sponsor:

The Hon. Paul Medany
Mayor, Township of Deptford

New Jersey State League of Municipalities Conference Resolution No. 2018-17

Resolution Supporting Direct Federal Funding to Municipalities to Provide Substance Use Disorder Prevention, Treatment, and Recovery Services

WHEREAS, America's substance use epidemic continues to grow; and

WHEREAS, according to the Substance Abuse and Mental Health Services Administration's 2014 National Survey, an estimated 21.5 million Americans suffer from addiction to drugs and alcohol; and

WHEREAS, according to the National Center for Health Statistics at the Center for Disease Control and Prevention, an estimated 72,000 Americans died from overdose in 2017, with large increases due to fentanyl and other powerful opioids; and

WHEREAS, the current epidemic is placing tremendous strain on local government resources who are on the front line of combating this crisis; and

WHEREAS, in Fiscal Years 2017 and 2018 Congress appropriated increased funding to support state efforts to combat the opioid epidemic via the 21st Century Cures Act and the Comprehensive Addiction Recovery Act (CARA); and

WHEREAS, Congress appropriated another \$1 billion in the FY 2018 omnibus appropriations bill that will go to states under the CURES Act; and

WHEREAS, local governments across the country have developed and implemented policies and programs to address substance use disorder and support long-term recovery; and

WHEREAS, local governments are well positioned to be able to rapidly expand and improve these programs with additional federal funding, providing resources and services to where they are needed most within their communities; and

WHEREAS, Congress should explore options to get additional funding directly to local governments through changes in eligibility requirements of existing programs and/or creating dedicating funding for local governments to combat substance use disorders and reduce overdose deaths,

NOW THEREFORE BE IT RESOLVED, that the New Jersey League of Municipalities calls on Congress to work with local governments to create new funding opportunities through existing or new programs that will allow the nation as a whole to more effectively address the current substance use crisis, help more people find recovery, and save more lives.

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

Sponsors:

The Hon. Owen Henry
Mayor, Old Bridge

The Hon. James Perry
2nd Vice President, NJLM
Committeeman, Hardwick

New Jersey State League of Municipalities Conference Resolution No. 2018-18

Calling on the Legislature to Perform a Comprehensive Reform of State Law Providing Property Tax Exemption for Nonprofit Organizations

WHEREAS, New Jersey's property taxes, which support county and municipal governments and the public schools, are among the highest in the nation; and

WHEREAS, the current system of property taxation has placed an enormous burden on the residents of this State; and

WHEREAS, the New Jersey Constitution (Art. VIII, Section I, paragraph 2) provides that exemption from real estate taxation may be granted only by general laws and not to organizations operating for profit; and

WHEREAS, the State's high property taxes result, at least in part, from the antiquated and inequitable legislative scheme for exemptions from property taxes that creates an increasingly disproportionate burden for nonexempt taxpayers, municipal governments, and deserving exempt taxpayers alike; and

WHEREAS, the basis for the State's current general exemption law concerning property exemption for nonprofit organizations (N.J.S.A. 54:4-3.6), can be traced back to 1913 and the general principles for property tax exemption for charitable organizations may be traced back beyond the early 18th century; and

WHEREAS, the general exemption law (N.J.S.A. 54:4-3.6) is confusing and sometimes does not reflect the operations, business models and practices of businesses and nonprofit organizations currently seeking and obtaining real estate tax exemptions, nor does it reflect modern societal functions; and

WHEREAS, the New Jersey Tax Court has on numerous occasions formally requested that the Legislature amend, modernize and recodify N.J.S.A. 54:4-3.6 so that it is written in common language, to be more user friendly and therefore less cumbersome for taxpayers and municipal officials to interpret; and

WHEREAS, recent court decisions such as AHS Hospital Corp., d/b/a/ Morristown Hospital v. Town of Morristown, 28 N.J. Tax 456, (2015), where a once considered tax exempt hospital's status was successfully challenged because of the for profit business model used by the healthcare organization that owned the property, and other similar cases across the state, are among the signs that the current law regarding property tax exemption for non-profit organizations needs comprehensive review, reform and recodification;

NOW, THEREFORE, BE IT RESOLVED that the New Jersey State League of Municipalities, in conference assembled urges the legislature to form a task force to perform a comprehensive review of the State's current laws concerning real property tax exemptions and how the current structure impacts nonexempt taxpayers and municipalities; and,

BE IT FURTHER RESOLVED that the Legislature use the findings of this review to develop comprehensive reforms to update the State's tax exemption law to better reflect modern business practices and structures, and modern society; and,

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

Sponsor:

The Hon. Pasquale Menna
Mayor, Red Bank, NJ

New Jersey State League of Municipalities Conference Resolution No. 2018-19

Regarding Recent Amendments to the Uniform Construction Code

WHEREAS, the State of New Jersey has adopted a Uniform Construction Code (“UCC”) with the purpose to provide for uniform construction standards to insure healthy, safe, and sanitary construction but also less expensive construction for the citizens of the State; and

WHEREAS, the Department of Community Affairs (“DCA”) has been granted authority to amend or alter provisions of the UCC to insure the intent and purposes of the UCC continue to be fulfilled; and

WHEREAS, municipal construction officials act as the enforcing agency tasked with administering and enforcing all provisions of UCC for construction within municipal boundaries; and

WHEREAS, permits and inspections form the foundation for the safe building environment; and

WHEREAS, the Department of Community Affairs made amendments to N.J.A.C. 5:23-1.4, 2.7, 2.14, & 2.17A, commonly referred to as the “Minor Work” and “Ordinary Maintenance” provisions of the UCC that took effect on March 5, 2018, which undermine the UCC’s intent and purpose; and

WHEREAS, unless these amendments are retracted or further remedial amendments are made to the UCC, the health, safety, and welfare of the citizens of the State will be jeopardized and residents could see overall construction expenses increase if work is not properly performed.

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities hereby requests that administrative and/or legislative action be taken to minimize the negative impact associated with the recent amendments made to the UCC, in order to provide local officials with the tools necessary to insure healthy, safe, and sanitary construction and in turn protect the health, welfare, and safety of the citizens of our State; 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 New Jersey Department of Community Affairs, Division of Codes and Standards, and all members of the New Jersey State Legislature.

Sponsors:

The Hon. Paul Medany
Mayor, Deptford, NJ

The Hon. Nora Radest
Mayor, City of Summit, NJ

New Jersey State League of Municipalities Conference Resolution No. 2018-20

Calling for Legislation that will permit Municipalities to Withdraw from Civil Service

WHEREAS, New Jersey was the sixth state to establish a Civil Service Commission in 1908 as part of the progressive political movement to overcome the combination of a governmental appointment spoils system and a government that was not ready to solve specialized problems of the day; and

WHEREAS, from the very beginning, the Civil Service law mandated that appointments to and promotions in the civil service be made according to merit and fitness only, to be ascertained, as far as is practicable, by examinations, which as far as is practicable shall be competitive; and

WHEREAS, the 1908 law was amended over the years and became extremely difficult to interpret and administer, a new law, which became effective on April 18, 1930, brought its provisions together into a comprehensive act, modified and supplemented to include contemporary principles of personnel management; and

WHEREAS, despite the fact that in 1970, several studies were undertaken to improve the civil service system, it was not until 1986 that a revision made to the Civil Service Law; and

WHEREAS, pursuant to N.J.S.A. 11:9-2 a municipality may join Civil Service through the adoption of a public question by the voters of the municipality, and, to date, 194 municipalities participate in Civil Service; and

WHEREAS, once the voters of a municipality choose to place their public employees into the Civil Service System future generations of citizens are bound by a personnel policy made decades ago, often before new labor protections were legislated, and there is no procedure for the municipality to withdraw from the Civil Service System; and

WHEREAS, although the intent of the Civil Service law was admirable and necessary, over the decades the law has evolved into a system where the requirements imposed on local management by civil service rules and by the rights employees enjoy in the civil service system increase local personnel costs; and

WHEREAS, Civil Service is a one-size fits all approach forcing municipalities with smaller workforces, the smallest with two full-time employees, to follow the same process as other municipalities, counties and State government with larger workforces; and

WHEREAS, municipalities could greatly improve the quality of services provided and at the same time lower costs associated with said services by acquiring greater direct control over work rules, employee hiring criteria, promotion standards and associated authorities if they were permitted to leave Civil Service;

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, calls for adoption of an Act permitting municipalities to

withdraw from the civil service system by a referendum, either by ordinance or petition, of the citizens at a general election; and

BE IT FURTHER RESOLVED, to ensure appropriate controls the legislation should permit the public question to be placed on the ballot by ordinance of the governing body and only allow a public question to withdraw or enter Civil Service be placed on the ballot every five years;

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

Sponsor:

The Hon. William Pikolycky
Mayor, Woodbine

Co-Sponsor:

The Hon. Kevin J. Ryan
Mayor, Township of Verona

Kevin Galland
Administrator/Municipal Clerk, Woodland Park

New Jersey State League of Municipalities Conference Resolution No. 2018-21

Resolution in Support of The New Jersey State League of Municipalities Establishing a Committee Tasked with Examining Possible Legislation Regarding Residential Dwelling Tax Exemption for Interior Structural Improvements and Exterior Aesthetic Improvements

WHEREAS, New Jersey homeowners are consistently ranked among the highest taxed property owners in the nation- both in terms of absolute amounts and as a percentage of home value; and

WHEREAS, according to ATTOM Data Solutions, in 2017 the average property tax bill paid by a single-family homeowner in New Jersey was \$8,696, compared to the nationwide average of \$3,399; and

WHEREAS, the primary statutory measure of property tax relief available to residential property owners that may also encourage improvements to residential dwellings is subject to the restrictive criteria set forth in the Five-Year Tax Abatement and Exemption Law, and is only allowed for a limited duration of five (5) years; and

WHEREAS, a residential dwelling tax exemption for improvements to interior and exterior aesthetic for the term of ownership would not only provide a measure of property tax relief, but would also encourage property owners to improve their properties; and

NOW, THEREFORE BE IT RESOLVED by the New Jersey State League of Municipalities in conference assembled, that the League shall form a committee, comprised of its members, affiliates and other necessary stakeholders, tasked with exploring the development of draft legislation that will allow for a residential dwelling tax exemption for interior structural improvements and exterior aesthetic improvements during the term of ownership.

Sponsor:

The Hon. Hector C. Lora,
Mayor, City of Passaic

New Jersey State League of Municipalities Conference Resolution No. 2018-22

In Appreciation of League President James Cassella, Mayor of East Rutherford

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

WHEREAS, President Cassella has been a strong advocate on a host of issues important to municipal interests, such as property tax relief, economic development and enhanced cooperation between local governments, and securing the local funding for pension and health benefits; and

WHEREAS, President Cassella has well-served the municipal community as a spokesperson and advocate, carrying its concerns and issues to both the Christie and Murphy Administrations, to the State Legislature and to the New Jersey Congressional Delegation; and

WHEREAS, President Cassella has led the League through a year of transition in the State Capital and preparations for the 103rd Annual Conference; and

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

NOW, THEREFORE BE IT RESOLVED, by the New Jersey State League of Municipalities, in conference assembled, on the 15th day of November 2018, that we do extend to President Cassella sincere appreciation for his dedicated administration, effective advocacy and untiring efforts to improve local government in New Jersey, and for his careful stewardship of this organization; and

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

Sponsors:

The Hon. Colleen Mahr
First Vice President, NJLM
Mayor, Fanwood

The Hon. James Perry
2nd Vice President, NJLM
Committee, Hardwick

The Hon. Janice Kovach
3rd Vice President, NJLM
Mayor, Clinton