

Report of the League Resolution Committee, 16 Resolutions Approved

On Thursday, November 19, sixteen 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 100th Annual Conference.

On Tuesday, November 17 the League Resolutions Committee screened the resolutions and made its recommendations. The Committee was chaired by newly elected League President Joseph Tempesta, Mayor of West Caldwell.

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 2015 Resolutions

New Jersey State League of Municipalities Resolution No. 2015 – 01
Resolution of Support for the Gateway Project

New Jersey State League of Municipalities Resolution No. 2015-02
Regarding Efforts to Develop Municipal Microgrids

New Jersey State League of Municipalities Resolution No. 2015 – 03
Urging Local Official to Provide Leadership in Ending Human Trafficking

New Jersey State League of Municipalities Resolution No. 2015 – 04
Resolution Supporting Extension of Employee
Health Benefits Contribution Required by P.L. 2011, c. 78

New Jersey State League of Municipalities Resolution No. 2015 – 05
Calling for Affordable Housing Reform

New Jersey State League of Municipalities Resolution No. 2015 – 06
Resolution Urging Transportation Trust Fund Reauthorization and
Increased Funding for Local Transportation

New Jersey State League of Municipalities Resolution No. 2015 – 07
Calling for the Restoration of Energy Receipts Funding to Municipalities

New Jersey State League of Municipalities Resolution No. 2015-08
Regarding the Provision of Reliable Telephone, Wireless and Wired Broadband Service to All Residents
in All New Jersey Municipalities

New Jersey State League of Municipalities Resolution No. 2015 –09
Resolution Urging Governor and Legislature to Provide Timely
State Property Tax Relief Funding Calculations to Municipalities

New Jersey State League of Municipalities Resolution No. 2015 – 10
Advocating for a 21st Century Water Infrastructure

New Jersey State League of Municipalities Resolution No. 2015 – 11
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 Conference Resolution No. 2015-12
Calling for Legislation to Mandate the Relocation of Utility Facilities When a
Street or Highway is Altered

New Jersey State League of Municipalities Resolution No. 2015-13
Regarding the Siting and Construction of Interstate Oil Pipelines in the State of New Jersey

New Jersey State League of Municipalities Resolution No. 2015 – 14
Resolution Supporting Equity for Charter Schools and Public Schools Funding

New Jersey State League of Municipalities Conference Resolution No. 2015-15
In Appreciation of Former League Executive Director Bill Dressel

New Jersey State League of Municipalities Conference Resolution No. 2015-16
In Appreciation of League President Brian Wahler of Piscataway Township

New Jersey State League of Municipalities Resolution No. 2015 – 01

Approved at the League Business Meeting, November 19, 2015
Approved at the League Resolutions Committee Meeting, November 17, 2015

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;

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;

WHEREAS, the Hudson River 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;

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

WHEREAS, the Northeast Corridor requires very 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;

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

WHEREAS, the Hudson River 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;

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;

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;

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 assign a lead entity to shepherd the Gateway Trans-Hudson Tunnel project, and determine the funding strategy to design and build the project with all haste and expediency;

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

New Jersey State League of Municipalities Resolution No. 2015-02

Approved at the League Business Meeting, November 19, 2015
Approved at the League Resolutions Committee Meeting, November 17, 2015

Regarding Efforts to Develop Municipal Microgrids

WHEREAS, after Super Storm Sandy on October 29, 2012, various locations throughout the State of New Jersey were without electricity for more than a two-week period and many public facilities had to be closed due to a lack of electricity;

WHEREAS, these outages caused damage to residents, businesses and to employees;

WHEREAS, microgrids are an interconnected electrical network that use an on-site generation facility and can operate independently to provide electricity during outages;

WHEREAS; these projects are very expensive and raise issues related to the local electric company franchise;

WHEREAS; the benefits of these projects are that, during general electrical outages, individuals will have places of refuge and some sense of normalcy;

WHEREAS; the Board of Public Utilities (BPU) has prioritized resiliency and microgrids in its planning;

WHEREAS; the New Jersey Economic Development Authority (NJEDA) has created an Energy Resiliency Bank (ERB) to promote microgrids;

WHEREAS; a microgrid has yet to be completed, or nears completion, by any municipality;

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

Urges, the BPU and NJEDA to redouble their efforts and to get microgrids actually built in New Jersey municipalities by the end of 2016;

Urges, the Legislature to generally provide better clarity regarding microgrids and local electrical franchises.

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

New Jersey State League of Municipalities Resolution No. 2015 – 03

Approved at the League Business Meeting, November 19, 2015
Approved at the League Resolutions Committee Meeting, November 17, 2015

Urging Local Official to Provide Leadership in Ending Human Trafficking

WHEREAS, Human Trafficking, modern slavery, is a 365 days a year horrific crime that takes place at the local level and can most effectively be stopped by an abolitionist movement in every municipality in the State.

WHEREAS, Human Trafficking occurs when a person is recruited, harbored, obtained, or exported through force, fraud, or coercion for the purposes of sexual or labor exploitation, involuntary servitude, and other types of mental and physical enslavement; and

WHEREAS, Human Trafficking is modern slavery, a crime that is in direct opposition to the fundamental principles of liberty and human rights upon which our nation was founded and a violation of the 13th Amendment to the United States Constitution, which was ratified in 1865; and

WHEREAS, human traffickers target vulnerable and/or marginalized children, women and men, isolating them from society and supportive networks and exploiting them for personal and monetary gain. Traffickers use techniques to keep their victims enslaved that severely limit self-reporting. Many victims trafficked into the U.S. do not speak or understand English and are unable to communicate to seek rescue; and

WHEREAS, the U.N. International Labour Organization estimates that nearly 21 million people are exploited for labor or commercial sex worldwide. The Bureau of Justice Statistics, the FBI's Uniform Crime Statistics Program, and the National Human Trafficking Resource Center report thousands of victims are exploited in the United States every year, including in New Jersey and the surrounding metropolitan areas; and

WHEREAS, New Jersey is a prime location for Human Trafficking because it is a major national and international transportation corridor and a culturally diverse state. Under New Jersey and U.S. law, any person under 18 involved in the commercial sex industry is considered a Human Trafficking victim; and victims include U.S. citizens and documented immigrants; and

WHEREAS, NJ has increased its efforts to fight Human Trafficking through the passage of the Human Trafficking Prevention, Protection and Treatment Act, the creation of the NJ Commission on Human Trafficking, and the increased efforts of law enforcement and the Office of the Attorney General/Division of Justice's NJ Human Trafficking Task Force resulting in an increase in indictments and prosecutions throughout the State; and

WHEREAS, Because Human Trafficking is a borderless crime against individuals that violates the most basic human rights and deprives victims of every shred of personal freedom, state and national efforts alone will not eradicate this societal scourge; and

WHEREAS, it is vitally important that: all New Jersey residents be informed of and know how to identify suspicious behavior and potential victims; all local municipalities should have zero tolerance laws and protocols in place; and local municipalities, in partnership with educators, community

organizations, and faith based groups, should take responsibility for preventing this horrible crime and help to effectively uncover victims of modern slavery; and

WHEREAS, the New Jersey State League of Municipalities commends the Proclamation Project and comprehensive work of the NJ Coalition Against Human Trafficking. That work unites the efforts of over 100 diverse community organizations work to abolish Human Trafficking through education, advocacy, and assistance to survivors and to increase coordination and visibility of New Jersey's commitment to end Human Trafficking;

NOW, THEREFORE BE IT RESOLVED, that the New Jersey State League of Municipalities urges all municipalities in New Jersey to locally observe the State and National Human Trafficking Awareness Day on January 11 of each year. Each town shall raise awareness and educate the public annually about the signs and consequences of Human Trafficking; promote opposition to Human Trafficking in all of its forms; encourage support for the survivors of Human Trafficking in order to restore their freedom and dignity; and support all efforts by individuals, businesses, organizations, and governing bodies to prevent Human Trafficking; and

BE IT FURTHER RESOLVED, that the New Jersey State League of Municipalities urges all municipalities in New Jersey containing train or bus stations and ports of entry (including seaports, river ports and airports) to ensure that port/train/bus employee awareness-raising efforts have been undertaken by local, state or national agencies. Municipalities shall strongly encourage hotel and motel operators within their jurisdictions to undergo training on the prevention of human trafficking and the reporting laws with respect thereto;

BE IT FURTHER RESOLVED, that it should be the public duty of every New Jersey resident to report human trafficking suspicions. Current 24-hour helplines are the National Human Trafficking Resource Center (888-3737-888 or text HELP or INFO to BeFree), a national, toll-free hotline, available to answer calls and texts in 175+ languages and the New Jersey Human Trafficking Hotline (855-END-NJ-HT).

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to the Governor and Lieutenant Governor of New Jersey, the New Jersey Attorney General's Office, the NJ Commission on Human Trafficking, the NJ Coalition Against Human Trafficking, the 565-member municipalities of the New Jersey State League of Municipalities, and members of the New Jersey Congressional Delegation.

New Jersey State League of Municipalities Resolution No. 2015 – 04

Approved at the League Business Meeting, November 19, 2015
Approved at the League Resolutions Committee Meeting, November 17, 2015

**Resolution Supporting Extension of Employee
Health Benefits Contribution Required by P.L. 2011, c. 78**

WHEREAS, P.L. 2011, c. 78 requires that all public employees and certain public employee retirees contribute toward the cost of health benefit coverage based upon a percentage of the cost of coverage and their salary; and

WHEREAS, c. 78 requires that all active public employees pay a percentage of the cost of health benefits coverage for themselves and any dependents based on a sliding scale; and

WHEREAS, lower compensated employees pay a smaller percentage and more highly compensated employees pay a higher percentage, but at no time will an employee pay less than 1.5% of their base salary; and

WHEREAS, similar provisions in c. 78 apply to retirees of the State, employers other than the State, and units of local government who accrue 25 years of service after c. 78's effective date, or on or after the expiration of an applicable collective bargaining agreement in effect on that date, and retire after that, who will be required to contribute a percentage of the cost of health care benefits coverage in retirement, based on their retirement benefit. These provisions do not apply to public employees who, on the effective date of c.78, have 20 or more years of service in one or more State or locally administered retirement systems. A 1.5% "floor", for those retirees to whom the 1.5% contribution in current law applies, will also be applicable to these retirees; and

WHEREAS, c. 78 took effect on June 28, 2011 with the provision that public employee health benefit contributions would expire four years after the effective date as a result the effective date varied for each public employee; and

WHEREAS, based on that provision, mandated employee health benefit contributions have begun to expire on June 28, 2015 making health benefit contributions subject to the collective bargaining process;

NOW, THEREFORE, BE IT RESOLVED that the New Jersey State League hereby supports the extension of the mandatory employee health benefits contribution; and

BE IT FURTHER RESOLVED, that certified copies of this Resolution be forwarded to the Governor and Lieutenant Governor of New Jersey, the State Treasurer, Director of Division of Pensions and Health Benefits and all members of the New Jersey State Legislature

New Jersey State League of Municipalities Resolution No. 2015 – 05

Approved at the League Business Meeting, November 19, 2015
Approved at the League Resolutions Committee Meeting, November 17, 2015

Calling for Affordable Housing Reform

WHEREAS, on October 20, 2014 the Council on Affordable Housing (COAH) met and was unable to adopt new regulations due to a 3-3 vote, after a September 2013 New Jersey Supreme Court decision directed the adoption of new “third round” regulations; creating more uncertainty and turmoil for municipalities; and

WHEREAS, over 300 municipalities met the July 8, 2015 deadline to seek declaratory judgements from the Court in order to voluntarily comply with the State imposed affordable housing requirements; and

WHEREAS, this proliferation of these costly court actions has resulted in confusion and uncertainty, the likelihood of prolonged litigation and the lack of reasonable guidance for municipalities; further demonstrating the need for a new State housing policy based on good planning, incentivizing participation and the provision of additional affordable housing; 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 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. 2015 – 06

Approved at the League Business Meeting, November 19, 2015

Approved at the League Resolutions Committee Meeting, November 17, 2015

**Resolution Urging Transportation Trust Fund Reauthorization and
Increased Funding for Local Transportation**

WHEREAS, local officials know that investments in our rapidly deteriorating transportation infrastructure must be made, since failure to do so can compromise the safety of the public, the economic vitality of our communities and the security of our neighborhoods; and

WHEREAS, the New Jersey Department of Transportation (DOT) reports that New Jersey's municipalities are responsible for 64 percent (28,539 center line road miles) of our roads, county governments are responsible for another 22 percent (6,649 center line road miles), and together, local governments are responsible for 39 percent of our bridges; and

WHEREAS, local roadways and bridges carry about 55 percent of all of New Jersey's traffic; and

WHEREAS, the American Society of Civil Engineers has reported that 651 of the 6,554 bridges in New Jersey (9.9%) are considered structurally deficient and 1,717 (26.2%) are considered functionally obsolete, and that driving on roads in need of repair costs New Jersey motorists \$3.476 billion a year in extra vehicle repairs and operating costs – \$601 per motorist, and that 66% of New Jersey's roads are in poor or mediocre condition; and

WHEREAS, in the first year of the Transportation Trust Fund (FY 1985), Local Aid funding represented almost 22 % of total Transportation Capital funding, but over the years, the Local Aid portion was reduced to 16% in FY 1997, 12% in FY 2004, and 15% in FY 2013, so that the average Local Aid funding over the first 29 years of the Transportation Trust Fund was just under 15%, and

WHEREAS, the need for investments in local roads and bridges has not decreased since 1985, and no one has suggested that it will decrease in the future; and

WHEREAS, this year, the New Jersey Transportation Trust Fund is living on borrowed time and State, county and municipal transportation projects are relying on borrowed money, which will only get us through the next 7 months, as a result of which, long term transportation planning, which is absolutely essential to our State's and our municipalities' economic well-being, will have to wait; and

WHEREAS, given the extent of the local infrastructure, and given the need for strong and steady investment in that infrastructure, we have called for assurances that Local Aid will represent, at a minimum, 25% of annual Transportation Capital spending, and we will call for adjustments in funding, to account for the effects of inflation: and

WHEREAS, we appreciate the fact that Senate President Sweeney and Assembly Speaker Prieto are strong advocates of increased local aid; now therefore be it

NOW THEREFORE BE IT RESOLVED, that the New Jersey League of Municipalities, in conference assembled, supports the "Forward New Jersey" coalition, and we call on State policy-makers to:

1. Reauthorize the Transportation Trust Fund to ensure adequate and reliable funding to meet State and local transportation infrastructure funding needs for the next 10 years;
2. Increase Local Aid funding to ensure adequate and reliable funding to meet all local transportation infrastructure needs; and
3. Increase the municipal share of Local Aid funding and ensure fair funding for all municipalities; and be it, further,

RESOLVED, that given the extent of the local infrastructure, and given the need for strong and steady investment in that infrastructure, we will call for assurances that Local Aid will represent, at a minimum, 25% of annual Transportation Capital spending, and for adjustments in funding, to account for the effects of inflation; and be it, finally,

RESOLVED, that certified copies of this Resolution be forwarded to Governor Chris Christie, Commissioner of the Department of Transportation nominee Hammer, all State Senators, and each Member of the General Assembly.

New Jersey State League of Municipalities Resolution No. 2015 – 07

Approved at the League Business Meeting, November 19, 2015

Approved at the League Resolutions Committee Meeting, November 17, 2015

Calling For the Restoration of Energy Receipts Funding to Municipalities

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, from \$72 million in State Fiscal Year 2005, to \$505 million in State Fiscal Year 2011, the State's diversion of Energy Taxes has continued to grow; and

WHEREAS, in 2008, 2009 and 2010 (SFY 2009, 2010 and 2011), funding for municipal revenue replacement was slashed by about \$26 million in 2008 and \$32 million in 2009, followed by losses of about \$271 million in 2010; 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 for these resources, which were always intended to fund local programs and services;

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey State League of Municipalities again calls for the immediate restoration of funding diverted from Energy Taxes intended for local use; and

BE IT FURTHER RESOLVED, that we, respectfully, call on State policy makers to end the diversion of our municipal resources to cover State spending and to provide us 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 FINALLY RESOLVED, that copies of this Resolution be forwarded to the Governor of the State of New Jersey, the Lieutenant Governor of the State of New Jersey, the President of the New Jersey State Senate, the Speaker of the New Jersey General Assembly and all State Legislators.

New Jersey State League of Municipalities Resolution No. 2015-08

Approved at the League Business Meeting, November 19, 2015
Approved at the League Resolutions Committee Meeting, November 17, 2015

**Regarding the Provision of Reliable Telephone, Wireless and Wired Broadband Service to
All Residents in All New Jersey Municipalities**

WHEREAS, access to high speed internet provided through wired broadband is an absolute necessity for any community to participate in the 21st century;

WHEREAS, businesses need access to high speed internet through wired broadband to compete economically;

WHEREAS, students need access to high speed internet through wired broadband as a core component of their education;

WHEREAS, all citizens need access to reliable telephone service with a wireless overlay for safety and other reasons;

WHEREAS, all citizens deserve access to high speed internet through wired broadband regardless of their economic status, their race or where they live;

WHEREAS, these issues directly implicate the health, safety and welfare of the residents of every municipality in the state.

WHEREAS, certain telecommunications companies have received a statewide cable television franchise pursuant to N.J.S.A. 48:5A-25.2 and were required to provide such services in many municipalities;

WHEREAS, this law removed municipal consent to a local franchise;

WHEREAS, high speed internet access is a component of this franchise;

WHEREAS, certain telecommunications companies have evaded their obligations to build out under this law;

WHEREAS, certain telecommunications companies may be abusing their ability to petition the Board of Public Utilities for “waivers” to build out in certain municipalities;

WHEREAS, there is a concern that certain telecommunications companies are exploiting this loophole to write off many of the state’s poorest areas.

WHEREAS, certain telecommunications companies have been given an alternative form of regulation pursuant to N.J.S.A. 48:2-21.16 *et seq* and in return these companies were required to build out high speed broadband to 100% of the state;

WHEREAS, certain telecommunications companies that are operating under an alternative form of regulations have reaped benefits from this form of regulation;

WHEREAS, certain telecommunications companies have provided wired broadband through DSL and fiber optic service;

WHEREAS, under a recent Board of Public Utilities order, certain telecommunications companies have been held to meet their obligations by providing wireless service instead of DSL or fiber optic service;

WHEREAS, wireless service has a per-gigabyte price that is many times that of wired broadband;

WHEREAS, wireless service is less dependable than wired broadband as was exhibited in South Jersey during a June 2015 storm;

WHEREAS, certain telecommunications companies suggest that wireless service should be substituted for wired broadband in the most rural areas of the state;

WHEREAS, wireless service is necessary but only as an overlay on top of wired broadband service;

WHEREAS, these areas are economically depressed and need economic development;

WHEREAS, businesses and small farmers cannot compete in the global economy due to the lack of wired broadband with an overlay of wireless service;

WHEREAS, certain telecommunications companies are the carrier of last resort (COLR), must provide basic telephone service and have service quality requirements to maintain that service under N.J.A.C. 14:10-1A.6;

WHEREAS, certain telecommunications companies provide their COLR service through deteriorating copper landlines;

WHEREAS, in rural areas there are reports that these lines provide inadequate service, including but not limited to, crackling and distortions when it is raining or humid;

WHEREAS, the poor state of the copper landlines impedes the use of DSL and thus also impinges on certain telecommunications companies obligations under an alternative form of regulation pursuant to N.J.S.A. 48:2-21.16 et seq;

WHEREAS, such neglect could be considered an “impairment of service” and “de facto” retirement by the Federal Communications Commission (FCC) and thus would violate 47 U.S.C. § 214(a). GN Docket NO.13-5 (08/07/15).

WHEREAS, the FCC has set the benchmark for Broadband under the Internet Protocol (IP) transition at 25 Mbps download speed, a standard which is not met currently by wireless or DSL service. GN Docket No. 14-26 (1/29/15)

WHEREAS, certain telecommunications companies have used the IP transition to justify switching from copper to fiber in some communities but not in other similarly situated communities.

WHEREAS, these are essentially statewide utility issues.

WHEREAS, the League has historically been involved with statewide utility issues, beginning with the Public Service Railways Case of 1918, because these issues are of incredible local importance.

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

Urge the state legislature to reexamine whether certain telecommunications companies have met their obligations under state law and if said telecommunications companies have not met their obligations, to work with the League of Municipalities to amend the law to force compliance;

Urge the Board of Public Utilities to better advocate for the interests of the citizens of New Jersey in relation to its obligations to regulate certain telecommunications companies;

Urge the legislature to enhance the ability of municipalities to build their own municipal wired broadband networks by providing certain financial or regulatory incentives;

Urge our state's congressional delegation to review these issues as they pertain to federal law and work with the League of Municipalities to come up with solutions that would help all New Jersey citizens gain access to high speed internet through wired broadband.

Urge the League to create a special task force to study these issues and make recommendations to the BPU, the Legislature and our state's Congressional delegation on ways to make sure telephone and wired broadband services can be provided to all New Jersey residents.

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

New Jersey State League of Municipalities Resolution No. 2015 –09

Approved at the League Business Meeting, November 19, 2015
Approved at the League Resolutions Committee Meeting, November 17, 2015

**Resolution Urging Governor and Legislature to Provide Timely
State Property Tax Relief Funding Calculations to Municipalities**

WHEREAS, most municipalities in the State of New Jersey budget on a calendar year basis, which is January 1 to December 31; and

WHEREAS, State property tax relief funding figures are not determined until well into the first quarter of most municipalities' budget year or later; and

WHEREAS, this delay in funding certainty unnecessarily complicates the municipal budgeting process by delaying the adoption of the municipal budget until the second quarter of the year; and

WHEREAS, adopting the municipal budget halfway through the calendar year makes it very difficult to appropriately prepare and if necessary make reductions, since theoretically approximately half the budget may have already been committed or expended; and

WHEREAS, any reductions that municipalities must make due to loss of state property tax relief funding would not be known until the second quarter of the municipalities' budget year thereby causing an undue hardship upon the operation of the municipal government;

NOW, THEREFORE, BE IT RESOLVED that the New Jersey State League hereby requests on behalf of calendar year municipalities that the State Legislature and Governor committee to the State property tax relief funding distribution to municipalities no later than February 1; and

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, and all members of the New Jersey State Legislature.

New Jersey State League of Municipalities Resolution No. 2015 – 10

Approved at the League Business Meeting, November 19, 2015

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Advocating for a 21st Century Water Infrastructure

WHEREAS, water infrastructure is critical for the economic vitality, environmental health and quality of life within New Jersey municipalities; and

WHEREAS, inadequate sewer and stormwater systems generate stormwater runoff that pollutes streams, lakes rivers and bays, and causes localized flooding of streets and properties; and

WHEREAS, inadequate drinking water systems can rupture, interrupting service and causing flooding; and

WHEREAS, aging and degraded drinking water, wastewater and stormwater infrastructure threaten to disrupt daily life, commerce and industry in communities; and

WHEREAS, budget constraints and expensive capital requirements and ongoing operating costs to address these issues can pose major financial challenges; and

WHEREAS, critical investments in the State's water infrastructure will:

- **Protect public health and the environment** and enhance its attractiveness and livability while making it more resilient to extreme weather events and natural disasters; and
- **Enable economic growth** by delivering, reliably and efficiently, safe and adequate drinking water, wastewater and stormwater management services that meet the needs of local residents and businesses today and into the future; and
- **Leverage modern practices** by employing state-of-the-art technologies and best management practices that generate multiple benefits: economic, including but not limited to cost savings, job creation, and new business creation; environmental, including but not limited to improved water quality; and social, including but not limited to better quality of life; and
- **Reduce flooding and energy use**, including reduction of localized flooding from storms and water-main breaks, and enhancing energy efficiency in order to reduce water utility costs and air pollution; and
- **Draw on multiple funding sources and maintain affordability** by establishing adequate, sustainable funding streams to support improved water infrastructure and services while ensuring affordable rates over time for residents and businesses.

NOW THEREFORE BE IT RESOLVED, by the New Jersey State League of Municipalities in conference assembled, that we urge state and federal leaders to support our efforts to upgrade our drinking, sewer and stormwater systems and to promote investments in water infrastructure nationwide through financial and technical assistance; and

BE IT FURTHER RESOLVED, that local governments should share solutions, success stories and annual progress with the League Municipalities, other municipalities and sewer utilities; and

BE IT FINALLY RESOLVED, that copies of this Resolution be forwarded to the Governor of the State of New Jersey, the Lieutenant Governor of the State of New Jersey, the Commissioner of the Department of Environmental Protection, the Board of Public Utilities, the President of the New Jersey State Senate, the Speaker of the New Jersey General Assembly, all State Legislators and all members of the New Jersey Congressional Delegation.

New Jersey State League of Municipalities Resolution No. 2015 – 11

Approved at the League Business Meeting, November 19, 2015
Approved at the League Resolutions Committee Meeting, November 17, 2015

**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 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 Conference Resolution No. 2015-12

Approved at the League Business Meeting, November 19, 2015

Approved at the League Resolutions Committee Meeting, November 17, 2015

**Calling for Legislation to Mandate the Relocation of Utility Facilities
When a Street or Highway is Altered**

WHEREAS, N.J.S.A 40:67-7 requires the governing body of a municipality, after a public hearing with notice, to formally adopt a resolution prior to requiring the removal and replacement of utility structures when the street or highway, within which such utility structures are located, is being changed or altered; and

WHEREAS, the procedure requiring a resolution and public hearing is cumbersome and unnecessary because a municipality is in regular contact with utility companies when the municipality plans to change or alter a street or highway; and

WHEREAS, municipalities have experienced a growing refusal by public utilities to remove and relocate their utility facilities out of a municipal right-of-way;

NOW, THEREFORE, BE IT RESOLVED that the New Jersey State League of Municipalities, in conference assembled, strongly recommends that the New Jersey State Legislature amend N.J.S.A 40:67-7 to eliminate the requirements of the adoption of a resolution and the holding of a public hearing with notice, and clearly mandate that the owner of a utility facility located within a municipal right-of-way is obligated to remove and relocate its utility facilities at the utility's sole cost and expense, when a municipality changes or alters a municipal street or highway; 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 Lieutenant Governor and the Governor of the State of New Jersey.

New Jersey State League of Municipalities Resolution No. 2015-13

Approved at the League Business Meeting, November 19, 2015

**Amended and Approved at the League Resolutions Committee Meeting,
November 17, 2015**

**Regarding the Siting and Construction of
Interstate Oil Pipelines in the State of New Jersey**

WHEREAS, certain companies are proposing to build certain pipelines to transport crude oil and refined petroleum projects to and from New Jersey;

WHEREAS, the route for certain projects crosses environmentally sensitive areas;

WHEREAS, certain proposed pipelines raise safety concerns for the municipalities along their planned route;

WHEREAS, certain proposed pipelines raise concerns about the impact of these projects, and a possible spill, on the drinking water quality for millions of New Jersey citizens;

WHEREAS, the siting of interstate oil pipelines is not preempted by the Federal Energy Regulatory Commission (FERC);

WHEREAS, consequently, such projects are subject to a full environmental review by the New Jersey Department of Environmental Protection (DEP);

WHEREAS, state law appears to provide pipeline companies with the authority of eminent domain pursuant to N.J.S.A. 48:10-2;

WHEREAS, it is unclear whether these pipeline companies are subject to Municipal Land Use Authority, nor is it clear that N.J.S.A. 48:10-2 is constitutional;

WHEREAS, there continues to be real and serious public safety, health and welfare concerns about interstate oil pipelines;

NOW, THEREFORE, BE IT RESOLVED that the New Jersey State League of Municipalities, in conference assembled, urges the DEP to do a thorough and thoughtful review of any proposed interstate oil pipeline, keeping in mind the immense risk to the health, safety and welfare of the communities that abut the oil pipeline and also of the millions of residents who rely on the water from the region in which the pipeline is being built; and

BE IT FURTHER RESOLVED, that the League of Municipalities create a task force to review the myriad of issues associated with these projects and make recommendations to the legislature to help clarify the legal authority of municipalities to protect the public interest; and

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

New Jersey State League of Municipalities Resolution No. 2015 – 14

Approved at the League Business Meeting, November 19, 2015

Approved at the League Resolutions Committee Meeting, November 17, 2015

Resolution Supporting Equity for Charter Schools and Public Schools Funding

WHEREAS, a strong public school district helps keep property values stable and strong, which, in turn, provides a foundation from which a vibrant and engaged community can flourish; and

WHEREAS, the Charter School Program Act (the “Act”) requires public school districts to pay charter schools located in their geographic boundaries ninety percent (90%) of the prior year’s per-pupil amount for each student who attends those charter schools; and

WHEREAS, the New Jersey Department of Education (“NJDOE”) has implemented the Act by requiring all public school districts to pay the 90% funding amount for students from their districts who attend charter schools regardless of the location of those charter schools; and

WHEREAS, the State’s fiscal 2016 budget provides no additional funding for public school districts above what they received for the 2014-2015 year, even in cases of increasing enrollment, while directing further funding to charter schools; and

WHEREAS, municipalities and school districts are limited to an increase of two percent (2%) over the previous year’s final appropriations, subject to certain exceptions; and, as per a report recently released by the Education Law Center, many charters schools are carrying unrestricted fund balances well over the 2% public schools and municipalities are traditionally allowed to carry; and

WHEREAS, these surpluses are inconsistent with the Legislative intent of the 2% limit, particularly when a school district or municipality is forced to either raise local property taxes or cut services to balance those respective budgets;

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, calls on State Budget makers to advance the legislative intent of both the Charter School Program Act and the 2% levy cap, to provide funding equity to both public and charter schools, and to require charter schools to exercise the same fiscal discipline as public schools and adhere to a 2% cap.

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

New Jersey State League of Municipalities Conference Resolution No. 2015-15

Approved at the League Business Meeting, November 19, 2015

Approved at the League Resolutions Committee Meeting, November 17, 2015

In Appreciation of Former League Executive Director Bill Dressel

WHEREAS, on September 1, 1974, William G. Dressel, Jr. joined the staff of the New Jersey State League of Municipalities, having earned a Bachelor's Degree in Political Science from Elon College and a Master's Degree in Public Administration from West Virginia University

WHEREAS, over the next two decades, Mr. Dressel held progressive staff positions, including Assistant Executive Director and Chief Lobbyist, culminating in his appointment as League Executive Director on July 1, 1995; and

WHEREAS, in his capacity as Executive Director, Mr. Dressel managed the broad spectrum of programs and services for the New Jersey State League of Municipalities, which represents all of the State's 565 municipalities and a membership of over 13,000 elected and appointed municipal officials. These services include, but are not limited to, the monthly magazine, New Jersey Municipalities, seminars and educational workshops on a wide range of subjects, numerous survey documents, almanacs, directories, legislative and regulatory advocacy on behalf of municipal governments and an the largest annual municipal conference in the country which, attracts nearly 20,000 registrants; and

WHEREAS, on June 30 2015, William G. Dressel retired after forty-one years of service to the New Jersey State League of Municipalities, including twenty years as its Executive Director, and was succeeded by Michael J. Darcy, who himself served the League for over two decades as the Assistant Executive Director; and

WHEREAS, it is most appropriate in a year of transition in which we also celebrate the 100th Anniversary of the League and a very bright future, to honor the past Executive Directors of the League, including Bill Dressel, Jack Trafford, Robert Fust, Madeline Frost Freeman, James J. Smith, S.S. Kenworthy, Barrett L. Crandall, Sedley H. Phinney, Homer Talbot, Edward Paxton, Claude H. Anderson and Lashley, G. Harvey; and

WHEREAS, the service of Bill Dressel and all the Executive Directors of the League has been distinguished, honorable and benefitted generations of local elected and appointed officials, as well the as the taxpayers they serve.

NOW THEREFORE BE IT RESOLVED, by the New Jersey State League of Municipalities, on the 19th day of November 2015, that we do extend our sincere appreciation and wishes for continued success in all future endeavors to Bill Dressel, his wife Iris and his entire family and a copy of this resolution transmitted to him.

New Jersey State League of Municipalities Conference Resolution No. 2015-16

Approved at the League Business Meeting, November 19, 2015

Approved at the League Resolutions Committee Meeting, November 17, 2015

In Appreciation of League President Brian Wahler of Piscataway Township

WHEREAS, the Honorable Brian C. Wahler is completing his term as the President of the New Jersey State League of Municipalities; and

WHEREAS, President Wahler has been a strong advocate on a host of issues important to municipal interests, such as continuation and replenishment of the State Transportation Trust Fund, as well as securing federal transportation funding, economic development, providing needed resources for municipalities seeking court immunity from builders remedy litigation, and securing the local funding for pension and health benefits; and

WHEREAS, President Wahler has well-served the municipal community as a spokesperson and advocate, carrying its concerns and issues to the Christie Administration, to the State Legislature and to the New Jersey Congressional Delegation, including his testimony before a US Senate Committee hearing on transportation funding; and

WHEREAS, President Wahler has led the League through its centennial year, including his leadership in organizing the League's 100th Anniversary dinner in May, the 100th Annual conference and his stewardship through a transition process for the League in which the long-time Executive Director retired and new leadership was appointed; and

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

NOW THEREFORE BE IT RESOLVED, by the New Jersey State League of Municipalities, on the 19th day of November 2015, that we do extend to President Wahler 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 Wahler, his wife Paulette and his entire family and that a copy of this resolution be transmitted herewith to him.