

**Resolution No. 2007 – 01**

**Approved at League Business Meeting, November 16, 2007  
Amended and Approved by the League Resolutions Committee, November 13, 2007**

**Resolution Urging the Removal of Public Library Appropriations from CAP Limitation**

**WHEREAS**, the four percent (4%) levy cap imposed upon municipalities, coupled with the mandated milage rate contribution to the municipal public library, will make it more and more difficult, year after year, for municipalities that support a public library to continue that commitment while meeting all other needs; and

**WHEREAS**, without remedial legislation, the growth rate for mandated library contributions may threaten public safety, public health programs, senior services and other current vital priorities in municipalities throughout the State; and

**WHEREAS**, it is vital that legislation be immediately implemented providing a levy cap adjustment for public library funding;

**NOW, THEREFORE, BE IT RESOLVED**, by the New Jersey State League of Municipalities, in conference assembled, that the State Legislature be urged to immediately enact and implement legislation providing for a municipal levy cap adjustment for public library funding to ensure that adequate support can continue for the local public library, and at the same time enable municipalities to adequately meet all other local needs; and

**BE IT FURTHER RESOLVED**, that the New Jersey State League of Municipalities should establish a special committee within the League Legislative Committee to work with the Legislature and the Administration on the best means to resolve the problem presented by mandatory library appropriations and the impact on the municipal tax levy; and

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

**Resolution No. 2007 – 02**

**Amended and approved at the League Business Meeting, November 16, 2007**

**Approved by the League Resolutions Committee, November 13, 2007**

**Asks Parents, Guardians, Educators, Public Policy Makers and National Media Industry Executives to Evaluate the Effects of Marketing Messages of Violence and Exploitation on the Youth of America**

**WHEREAS**, on April 17, 2007, National League of Cities (NLC) President Bart Peterson, Mayor of Indianapolis, convened in his hometown a Summit on Media Violence and Interactive Roundtable Discussion on the Role of Cities, which brought together more than 100 municipal officials from across the country, along with representatives from the entertainment industry, nationally-recognized public health and media experts, and other key stakeholders; and

**WHEREAS**, the purpose of the Summit was to discuss the effect that exposure to media violence has on children and youth, to get diverse perspectives from industry representatives, law enforcement officials, city leaders and youth, and to focus on roles that municipal officials can play in raising public awareness and educating parents on protecting children and youth from graphic violence in television, movies, video games, music and the Internet; and

**WHEREAS**, later that month, the Federal Communications Commission (FCC) released a report on the issue of violent television programming and its impact on children, which, in part notes that while viewer-initiated blocking and mandatory ratings would impose lesser burdens on protected speech, and is skeptical that they will fully serve the government's interests in promoting parental supervision and protecting the well-being of minors, observes that cable operator-provided advanced parental controls do not appear to be available on a sufficient number of cable-connected television sets to be considered an effective solution at this time and believes that further action to enable viewer-initiated blocking of violent television content would serve the government's interests in protecting the well-being of children and facilitating parental supervision and would be reasonably likely to be upheld as constitutional, finds that studies and surveys demonstrate that the voluntary TV ratings system is of limited effectiveness in protecting children from violent television content, suggests that industry could on its own initiative commit itself to reducing the amount of excessively violent programming viewed by children (e.g., broadcasters could adopt a family hour at the beginning of prime time, during which they decline to air violent content), and observes that multichannel video programming providers could provide consumers greater choice in how they purchase their programming so that they could avoid violent programming; and

**WHEREAS**, a July 2000 "Joint Statement on the Impact of Entertainment Violence on Children," issued by the American Academy of Pediatrics, the American Academy of Child & Adolescent Psychiatry, the American Psychological Association, the American Medical Association, the American Academy of Family Physicians and the American Psychiatric Association, stated that "well over 1,000 studies – including reports from the Surgeon General's office, the National Institute of Mental Health and numerous studies conducted by leading

figures within our medical and public health organizations ... point overwhelmingly to a causal connection between media violence and aggressive behavior in some children. The conclusion of the public health community, based on over 30 years of research, is that viewing entertainment violence can lead to increases in aggressive attitudes, values and behavior, particularly in children:" and

**WHEREAS**, according to a December, 2006, Briefing Monograph, prepared by the Fred Rogers Center for Early Learning and Children's Media, "The business community has invested in the early recruitment of consumers, but there is no clear evidence in the literature to suggest that children learn good practices while being consumers. And corporations aren't currently in the business of teaching children how to be wise consumers;"

**NOW, THEREFORE, BE IT RESOLVED**, that the New Jersey State League of Municipalities does call on all New Jersey local officials be aware and cognizant of the effects of the marketing of violent and exploitative media on the youth of America, raise public awareness and educate parents on protecting children and youth from graphic violence and exploitation in television, movies, video games, music and the Internet; and

**BE IT FURTHER RESOLVED**, that copies of this resolution be forwarded to all New Jersey municipal clerks, for dissemination to elected officials.

**Resolution No. 2007 – 05**

**Approved at the League Business Meeting, November 16, 2007  
Resolution Approved by League Resolutions Committee, November 13, 2007**

**Resolution Urging Amendments to the Municipal Land Use Law to Require Municipal  
Approval of Public Offering Statements**

**WHEREAS**, municipalities routinely require that certain items be disclosed to potential buyers in all major residential subdivision and residential site plan applications; and

**WHEREAS**, municipalities also regularly require that an applicant for final major subdivision approval of final site plan approval submit a copy of the public offering statement as part of the application process; however, municipalities have no authority to ensure that the public offering statement accurately describes local conditions such as zoning, land use, area public facilities, maintenance of structures and other information related to local conditions, which information is required by N.J.A.C. 5:26-4.2; and

**WHEREAS**, a review of public offering statements reveals that they are often inaccurate or misleading in describing surrounding lands, zoning and the uses permitted upon those lands; and

**WHEREAS**, it frustrates the intent and purpose of both the Retirement Community Full Disclosure Act (N.J.S.A. 45:22A-1, et seq.) and its successor, the Planned Real Estate Development Full Disclosure Act (N.J.S.A.45:22A-21, et seq.), if public offering statements contain incorrect or misleading information on local conditions; and

**WHEREAS**, often purchasers do not find out about the incorrect or misleading information until after closing, sometimes not discovering that they were misled until over one year after closing; and

**WHEREAS**, although review and approval of the content of public offering statements is vested in the New Jersey State Department of Community Affairs, a determination of the accuracy of the description of local conditions is best done by the local municipality, which has the best knowledge of local conditions and can best ensure that accurate information is included prior to the start of construction; and

**WHEREAS**, in order to ensure that accurate information is contained in the public offering statement, it is necessary for municipalities to have the authority to require that the public offering statement be submitted for review and approval prior to the grant of any final major subdivision or final site plan application so that there is full and accurate disclosure of all relevant information to purchasers;

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

1. Amendment(s) be made to the Municipal Land Use Law (N.J.S.A. 40:55D-1, et seq.) to require that in all applications for final major residential subdivision approval and/or final residential site plan approval, a copy of the public offering statement for the project be submitted for review and approval by the municipality as to the accuracy of the description of local conditions contained therein; the municipality to review and approve or disapprove the description of local conditions in the public offering statement after the application is deemed complete; with any inaccuracies found corrected by the applicant prior to hearing or as a condition of final approval.
2. Amendment(s) be made to the Municipal Land Use Law (N.J.S.A. 40:55D-1, et seq.) to require that in all applications for final major residential subdivision approval and/or final residential site plan approval, prior to the dissemination of any copies of the public offering statement, the applicant submit to the code enforcement official evidence that the public offering statement has been reviewed and approved by the municipality and until such time, no copies be distributed to purchasers and/or potential purchasers and no certificates of occupancy be issued for any dwellings within the development.

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

**Resolution No. 2007 – 06**

**Approved at the League Business Meeting, November 16, 2007  
Resolution Approved by League Resolutions Committee, November 13, 2007**

**Calls on Federal and State Leaders to Join Local Officials in  
Developing a National Strategy to Repair, Maintain and Modernize our Aging  
Transportation and Environmental Infrastructure**

**WHEREAS**, The American Society of Civil Engineers (ASCE) in 2005 gave our nation's infrastructure an overall grade of 'D' and ASCE estimates that \$1.6 trillion is needed over a five-year period to bring the nation's infrastructure to a good condition; and

**WHEREAS**, with each passing day, aging and overburdened infrastructure threatens the economy and quality of life in every state, county and municipality in the nation, with problems ranging from increased commuting time and rail and flight delays, to dirty water and failing dams; and

**WHEREAS**, our transportation system, which was built and has been maintained through an innovative federal-state-local partnership, with major contributions from the private sector, continues to be a key to our nation's economic growth, business competitiveness, quality of life and national security; and

**WHEREAS**, our environmental infrastructure is, likewise, vital to the health and safety of all Americans and is, especially in older states and communities, desperately in need of attention; and

**WHEREAS**, the New Jersey Chapter of the American Society of Civil Engineers has offered a bleak assessment of the state's infrastructure in a "report card" that gave a D grade to New Jersey's roads, bridges, aviation and wastewater facilities, and a C-minus to parks and recreation; and

**WHEREAS**, the report, which gave the state an overall grade of C-minus, also says an additional \$60 million per year is needed to install, upgrade and replace the state's drinking water systems; and

**WHEREAS**, the New Jersey report card noted that 36 percent of the state's bridges are structurally deficient or functionally obsolete but current funding levels "are not enough to keep pace with the deterioration," and suggested New Jersey would have to increase the state-funded portion of its capital improvement program for bridges from at least \$266 million to \$675 million; and

**WHEREAS**, the report noted that some of the state's wastewater facilities -- similar to its bridges -- were constructed more than 40 years ago and "have reached the end of their useful lives," and estimated that the cost to repair the facilities statewide is \$15 billion; and

**WHEREAS**, as valuable as the report card is, it does not rate or evaluate New Jersey's mass transit rail and light rail infrastructure and, thus, underestimates needed investment; and

**WHEREAS**, the importance of sound infrastructure makes its upgrading and preservation critically important to the local, state and national economies;

**NOW, THEREFORE, BE IT RESOLVED** that the New Jersey State League of Municipalities does call on national and state leaders across the country, and all candidates for federal and state public office, to join local officials, the private sector and private citizens in recognizing the problem and in dedicating themselves to the development and implementation of a national strategy to bring our transportation and environmental infrastructure into the 21<sup>st</sup> Century, as quickly as possible; and

**BE IT FURTHER RESOLVED**, that copies of this resolution be forwarded to President Bush, Vice-President Cheney, Speaker of the House Pelosi, to all Members of the New Jersey Congressional Delegation, to all major party candidates for any of those offices, to Governor Corzine and to the Leadership of the New Jersey Senate and General Assembly during the First Session of our Two Hundred Thirteenth Legislature.

**Resolution No. 2007 – 08**

**Approved at the League Business Meeting, November 16, 2007  
Resolution Approved by League Resolutions Committee, November 13, 2007**

**Supports Legislation That Will Strengthen America's Housing Finance System**

**WHEREAS**, a 2007 study by the Woodstock Institute, a nonprofit community development research group, shows that even a single foreclosure has a negative impact on a neighborhood, as houses within an eighth mile of that foreclosure immediately lose one percent or more of their value; and

**WHEREAS**, the subprime mortgage market has expanded dramatically in the U.S., growing at an annual rate of 25 percent between 1994 and 2005, a tenfold increase in a decade; and

**WHEREAS**, in 2005, interest rates began to rise in the U.S. after a decade of stable or gradually declining rates, and as a consequence of rising interest rates, demand for homes fell and home sales began to slow, leading to falling home prices; and

**WHEREAS**, many homeowners with subprime mortgages were hit with a double blow, since they couldn't cope with payment increases, nor could they sell their homes or refinance their high-cost mortgages because of the slow real estate market and price depreciation; and

**WHEREAS**, in 2005, the number of homeowners defaulting on their subprime mortgages began to soar, with the Consumer Federation of America, a nonprofit pro-consumer advocacy and research organization, estimating that as many as 2.2 million of the 69 million homeowners in the US are at risk of defaulting on their subprime loans and losing their homes; and

**WHEREAS**, at least 8,000 of the 143,898 New Jersey borrowers who opted for subprime mortgages went into foreclosure in the first half of this year, and another 11,000 of those borrowers are up to three months behind on their mortgage payments; and

**WHEREAS**, of the 15,426 first-time foreclosures filed in New Jersey in the first six months of this year, 53 percent involve borrowers with adjustable rate mortgages, while the national average was 37 percent for the same period; and

**WHEREAS**, following a month of turmoil on Wall Street caused by rising mortgage defaults and home foreclosures, members of Congress returned to Washington, in September, with housing legislation high on their agenda, and the President greeted them with a housing agenda of his own; and

**WHEREAS**, immediate bipartisan attention to this problem will strengthen the American economy and the local economies of New Jersey municipalities;

**NOW THEEFORE BE IT FURTHER RESOLVED,** that the New Jersey League of Municipalities does call on national leaders, including our own Congressional delegation, to work together to support legislation that will strengthen America's housing finance system; and

**BE IT FURTHER RESOLVED,** that copies of this resolution be forwarded to President Bush, Vice-President Cheney, Speaker of the House Pelosi, to all Members of the New Jersey Congressional Delegation, and to all major party candidates for any of those offices in 2008.

**Resolution No. 2007 – 09**

**Approved at the League Business Meeting, November 16, 2007  
Resolution Approved by League Resolutions Committee, November 13, 2007**

**Resolution Urging Restrictions on Solicitations of Accident Victims**

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

**WHEREAS**, accident reports may contain the names and personal data of juveniles who were involved in accidents; and

**WHEREAS**, accident victims are often in a vulnerable state immediately following serious automobile or other accidents; and

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

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

**WHEREAS**, the names of juveniles on accident reports are not explicitly required to be redacted under the Open Public Records Act (OPRA); and

**WHEREAS**, this is a serious omission that needs to be corrected, particularly in light of the volume of accident report disclosure requests being received in connection with direct mail solicitations by lawyers, chiropractors and healthcare providers; and

**WHEREAS**, the Legislature should be urged to amend the Open Public Records Act (OPRA) to explicitly require the identities of juveniles to be redacted from accident reports so that only their initials are disclosed; and

**WHEREAS**, the appropriate regulatory agencies should be urged to prohibit the direct solicitation of juvenile accident victims; and

**WHEREAS**, there should be a reasonable waiting period for direct mail solicitation of victims following an accident so a person can make a reasonable, informed decision about the selection of an attorney or healthcare provider;

**NOW, THEREFORE, BE IT RESOLVED**, by the New Jersey State League of Municipalities, in conference assembled, that the State Legislature is urged to pass legislation to amend the Open Public Records Act (OPRA) to require the redaction of the names of juveniles in accident reports so as to permit the disclosure of only their initials, except for requests by parties involved in the accident and their insurance companies; and

**BE IT FURTHER RESOLVED**, that the appropriate regulatory agencies be urged to prohibit the direct solicitation of minors by attorneys, chiropractors and other healthcare providers; and

**BE IT FURTHER RESOLVED**, that there be a waiting period of at least ten (10) days to prohibit the direct solicitation of minors by attorneys, chiropractors and other healthcare providers; and

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

**Resolution No. 2007 – 10**

**Approved at the League Business Meeting, November 16, 2007  
Resolution Approved by League Resolutions Committee, November 13, 2007**

**Resolution Urging Creation of a Court Cost Security Surcharge to Cover Costly State  
Mandated Municipal Court Security Measures**

**WHEREAS**, under State law, municipalities are responsible for providing court facilities in their respective jurisdictions; and

**WHEREAS**, the Administrative Office of the Courts of the State of New Jersey has determined that security in the municipal courts is a component of the municipality's responsibility to provide court facilities as aforesaid; and

**WHEREAS**, recently, the New Jersey Supreme Court has adopted a Statewide Municipal Court Security Policy requiring each municipal court to develop a Municipal Court Security Plan to include the provision of costly facility features or modifications, technological equipment and devices and added security personnel, policy and procedures, such as:

- Armed law enforcement officer assigned to the courtroom,
- Weapons screening before entry into the courtroom,
- Duress alarm (silent) at the bench and at the payment window to summon law enforcement,
- Emergency egress route from the courtroom for the judge and court staff,
- Immediate response force identified to respond to municipal court emergencies,
- Ballistic shielding in the judge's bench,
- Ballistic shielding and bullet-proof glass for payment window,
- Window protection or coverings to prevent line of sight into the courtroom,
- Controlled light switches for the courtroom.

**WHEREAS**, while the safety of the municipal courts and court personnel is essential, without providing for the substantial costs to put these procedures into place, such costs will have to be borne by the already overburdened municipalities and ultimately its equally overburdened taxpayers; and

**WHEREAS**, the issue of funding for these proposed sweeping changes must be addressed, and the State Legislature should be urged to create a security surcharge to be added

to municipal court costs, providing funding for these expensive state mandated municipal court security measures;

**NOW, THEREFORE, BE IT RESOLVED**, that the New Jersey State League of Municipalities, in conference assembled, urges the creation of a security surcharge to be added to municipal court costs, providing funding for state mandated security measures; and

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

**Resolution No. 2007 – 11**

**Approved at the League Business Meeting, November 16, 2007  
Resolution Approved by League Resolutions Committee, November 13, 2007**

**Urging Board of Public Utilities to Compel Utilities to Better Maintain their Utility Lines**

**WHEREAS**, local governments across the state receive complaints from citizens that public utility lines, poles, etc. are not being maintained properly by the public utility companies; and

**WHEREAS**, these reports of hanging wires, loose wires and unsightly wires are not being adequately addressed by the public utilities; and

**WHEREAS**, under New Jersey law, more particularly *N.J.S.A. 48:2-23*, the Board of Public Utilities is vested with power to require any public utility to furnish “safe, adequate and proper service”; and

**WHEREAS**, although local units of government may provide for the health, safety and welfare of its residents, they are effectively preempted from enacting ordinances regulating the safety of utility wires; and

**WHEREAS**, despite promises for the provision of safe, reliable and quality service from the public utilities, potentially unsafe and unsightly conditions continue unabated;

**NOW, THEREFORE, BE IT RESOLVED**, the New Jersey State League of Municipalities **STRONGLY URGES** the Board of Public Utilities to compel the utilities under its supervision to adopt programs to provide better and more efficient maintenance of its services, including overhead wires, poles, gas lines, etc., so as to provide the citizens of New Jersey, safe, adequate and proper service; and

**BE IT FURTHER RESOLVED**, that the Board of Public Utilities is encouraged to develop an efficient procedure whereby a public utility and the Board can be given notice as to unsightly, potentially dangerous and/or unsafe conditions that exist so that the utility company can be compelled to take remedial action; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution be sent to the New Jersey General Assembly, the New Jersey State Senate, the Board of Public Utilities and the Governor of the State of New Jersey.

**Resolution No. 2007 – 12**

**Approved at the League Business Meeting, November 16, 2007  
Resolution Approved by League Resolutions Committee, November 13, 2007**

**Resolution Urging Public Referendum Concerning the Imposition of Developer Impact Fees and Timed Growth Legislation**

**WHEREAS**, the New Jersey State League of Municipalities has previously endorsed the enactment of legislation to authorize municipalities to collect impact fees from developers to offset the costs resulting from new residential development in order to protect existing property taxpayers from having to subsidize the cost of new and/or additional programs, services and/or infrastructural capabilities required by said development; and

**WHEREAS**, the New Jersey State League of Municipalities has also previously endorsed the enactment of legislation authorizing municipalities to enact timed growth ordinances that would control the suburban sprawl caused by new residential development so as to enable municipalities to manage growth in a manner consistent with local programmatic and infrastructural capabilities; and

**WHEREAS**, the Legislature has failed to protect local property taxpayers by enacting impact fee and timed growth ordinance legislation, despite the fact that such land use tools are needed now, more than ever; and

**WHEREAS**, the New Jersey State League of Municipalities believes this to be an issue of vital importance and wishes to urge the State Legislature to authorize a public referendum concerning the imposition of developer impact fees and timed growth legislation;

**NOW, THEREFORE, BE IT RESOLVED**, by the New Jersey State League of Municipalities, in conference assembled, that the State Legislature is urged to authorize a public referendum concerning the imposition of developer impact fees and timed growth legislation; and

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

**Resolution No. 2007 – 14**

**Approved at the League Business Meeting, November 16, 2007  
Resolution approved by League Resolutions Committee, November 13, 2007**

**Resolution Calling for Revisions to BPU Vegetation Management  
Regulations Which Dictate Utility Requirements Along Transmission Lines**

**WHEREAS**, the New Jersey BPU has proposed revisions in the provisions of N.J.A.C. 14:5 which address vegetation management in Electric Distribution Company (EDC) Rights of Way; and

**WHEREAS**, these revisions to N.J.A.C. 14:5 were published in the NJ Public Register on September 4, 2007 under BPU Docket No. EX070705111; and

**WHEREAS**, the vegetation management rules and regulations found in N.J.A.C. 14:5-8, as proposed, would permit EDCs to clear cut vegetation in the Rights of Way; and

**WHEREAS**, many EDCs have clear cut vegetation in its Rights of Way; and

**WHEREAS**, such clear cutting has impaired the property values and quality of life of residents whose properties adjoin or are located near the EDC Rights of Way; and

**WHEREAS**, maintenance of existing vegetation in the "Border Zone", as that term is defined in the proposed rules and regulations, by means of trimming, pruning and management techniques other than clear cutting will permit safe and reliable transmission of electric service to customers without the adverse impacts of clear cutting as set forth, herein, above;

**WHEREAS**, the sponsors support revisions of the proposed rules that will maintain reliability and protect the quality of life of surrounding property owners.

**NOW, THEREFORE, BE IT RESOLVED** by the New Jersey State League of Municipalities, in conference assembled, that it rejects the concept of clear cutting in EDC transmission line Rights of Way in favor of vegetation management which permits trees and other vegetation to grow in the "Border Zone" of said Rights of Way.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be sent to the New Jersey General Assembly, the New Jersey State Senate, the Board of Public Utilities and the Governor of the State of New Jersey.

**Resolution No. 2007 – 17**  
**Calling for the Establishment of a Flood Emergency Fund**

**Approved at the League Business Meeting, November 16, 2007**  
**Approved by Resolutions Committee, November 13, 2007**

**WHEREAS**, many New Jersey communities have been devastated by repeat flooding caused by overflowing rivers and streams; and

**WHEREAS**, these flood events are not predictable and cannot be reasonably planned for in annual budgets; and

**WHEREAS**, said municipalities face difficulties in providing extra services to their residents and businesses during a flood event such as emergency services, cleanup and debris removal; and

**WHEREAS**, these critical extra health and public safety services are not budgeted for under the normal budget process; and

**WHEREAS**, municipalities have gone into extra debt and emergency spending to provide these required services; and

**WHEREAS**, local budgets are restrained by the recently imposed budget caps that freeze the amount of local taxes that can be raised; and

**WHEREAS**, municipalities that flood have a need from time to time for these emergency funds to provide immediate services to their residents; and

**WHEREAS**, the State of New Jersey does not provide any funding to aid the local municipality until an emergency has been declared by the President of the United States and that funding may not be received in the same budget year as the emergency;

**NOW, THEREFORE, BE IT RESLOVED**, by the New Jersey State League of Municipalities, in conference assembled, that the State Legislature is requested to introduce a law that will allow a municipality to establish a “FLOOD EMERGENCY FUND” similar to P.L. 2001, Chapter 138, which permitted local units to establish snow removal funds; and

**BE IT FURTHER RESOLVED**, that all monies budgeted to be deposited in this fund be exempted from any and all Cap Laws that may exist; and

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



**Resolution No. 2007 – 18**

**Approved at the League Business Meeting, November 16, 2007  
Approved by League Resolutions Committee, November 13, 2007**

**Urge League Resolution to Change Telephone Pole  
Assessment Methods**

**WHEREAS**, in 1999 the State Department of Treasury allowed Verizon to use an IRS accelerated depreciation table instead of the traditional schedule from the State Board of Public Utilities; and

**WHEREAS**, this change resulted in a significant decrease in the company's property tax liability throughout the State; and

**WHEREAS**, in fact two important changes in Verizon's business model have actually caused wooden poles to increase not decrease in value, which are:

1. Competitors like Comcast, 4Connection, JCP&L, etc share some or all of the same network, with each paying a reported \$6.01 per pole to Verizon, creating a new profit center for Verizon with taxable value;
2. State-wide video franchise privileges may double or even triple the economic value of Verizon's infrastructure as fiber optic replaces copper cable; and

**WHEREAS**, there are no such things as "local exchange telephone companies" any more, which fact the state tax code should recognize; and

**WHEREAS**, to correct this situation, statutory amendments need to be made to NJSA 54:30A-49 *et seq* and to NJSA 54:30A-16 *et seq* so as to change the way local exchange telephone companies are assessed.

**NOW, THEREFORE, BE IT RESOLVED**, by the New Jersey State League of Municipalities, in conference assembled, that the State Legislature should pass amendments to NJSA 54:30A-49 *et seq* and NJSA 54:30A-16 *et seq* to change the way that "personal business property," classified "6.a" by local municipalities, is assessed; and

**BE IT FURTHER RESOLVED**, that such legislation should continue the policy that revenues are collected locally and not at the state level via a gross-receipts type tax; and

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

**Conference Resolution No. 2007-19**

**Approved at the League Business Meeting, November 16, 2007  
Amended and Approved by Resolutions Committee, November 13, 2007**

**Resolution Calling for Off-Road Vehicle Legislation**

**WHEREAS**, there has been a significant increase in the use of off-road vehicles on municipal, county and state owned properties, as well as adjacent private properties; and

**WHEREAS**, current law does not give local officials enough flexibility to adequately protect the safety of those under the age of eighteen who use ORV vehicles, thus creating the news for additional safety training; and

**WHEREAS**, it is an unfair burden for taxpayers to pay to repair the damage that is done to recreation areas, historic parks, trails, detention basins and other public facilities, and to private property owners who are also suffering costly property damage as a result of trespass by these vehicles, and increasingly calling upon local government to provide protection from same;

**NOW, THEREFORE BE IT RESOLVED**, that the New Jersey State League of Municipalities, in conference assembled, requests that the New Jersey State Legislature pass legislation to allow municipalities to issue higher fines and penalties for illegal off-road vehicle riding and establish a tagging and registration program for these vehicles and that such legislation should include highways and be consistent with the existing statutory provisions of Title 39;

**BE IT FURTHER RESOLVED THAT**, such legislation should include that the State handle the fees, registration, require insurance, allow for fines and penalties on both the State and municipal level violations, require certified safety training and include a surcharge for the establishment of a fund to establish legal places to ride; 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 New Jersey Department of Environmental Protection and the Governor of the State of New Jersey.

**Resolution No. 2007 – 20**

**Approved at the League Business Meeting, November 16, 2007  
Approved by Resolutions Committee, November 13, 2007**

**Resolution Recommending Amendment to N.J.S.A. 2B:12-1(c) Regarding Sharing of  
Municipal Courtrooms**

**WHEREAS**, the New Jersey Legislature has set forth the legislative intent behind Interlocal Services Agreements by enacting N.J.S.A. 40:8A-10, which specifically states: *“It is the intent of the Legislature to facilitate and promote Interlocal and regional service agreements, and therefore the grant of power under this act is intended to be as broad as is consistent with general law relating to local government.”*; and

**WHEREAS**, Governor Corzine and most, if not all, members of the New Jersey State Senate and General Assembly have spoken out on numerous occasions in favor of the sharing of services between governmental entities and, where feasible, regionalizing such services, all with a view toward conserving funds and reducing the financial impact upon the state’s taxpayers; and

**WHEREAS**, a problem has been brought to the attention of the New Jersey State League of Municipalities arising from the case of In the Matter of the Municipal Court of the Borough of East Newark, 390 N.J.Super. 513 (Law Div. 2006) in which the court held that subsection c. of N.J.S.2B:12-1 requires municipalities sharing municipal court services under that provision to also share a municipal court judge; and

**WHEREAS**, this decision focuses on drafting errors in the existing legislation, thereby resulting in an opinion contrary to sound fiscal planning and contrary to the prevailing thinking in the State that facilities and services should be shared, in order to save money; and

**NOW, THEREFORE, BE IT RESOLVED**, by the New Jersey State League of Municipalities, in conference assembled, that the State Legislature should immediately pass an amendment to **N.J.S.A. 2B:12-1(c)** to address the court decision referenced above; and

**BE IT FURTHER RESOLVED**, that the New Jersey State League of Municipalities recommends such amendment read as follows:

“Two or more municipalities, by ordinance or resolution, may agree to provide jointly for courtrooms, chambers, equipment, supplies or employees for their municipal courts; and may also agree to appoint the same persons as judges and administrators without establishing a joint municipal court. Where municipal courts share facilities in this manner, the identities of the individual courts shall continue to be expressed in the captions of orders and process.”

**Conference Resolution No. 2007-21**

**Approved at the League Business Meeting, November 16, 2007  
Approved by Resolutions Committee, November 13, 2007**

**In Appreciation of League President David M. DelVecchio**

**WHEREAS**, Mayor David M. DelVecchio is completing his laudable term as the President of the New Jersey State League of Municipalities; and

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

**WHEREAS**, President DelVecchio is an articulate and powerful voice on a wide range of issues critical to municipalities, such as economic and community development, fiscal responsibility and ethics; and

**WHEREAS**, he testified at numerous public hearings before the legislature on the need for property tax reform, appeared before the Joint Appropriations Committee this past Spring on the need for additional funding relief and met with the Governor and Legislative Leaders to help the municipal agenda; and

**WHEREAS**, President DelVecchio has worked tirelessly on behalf of the New Jersey State League of Municipalities and all local officials to host the League's 92<sup>nd</sup> Annual Conference; and

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

**NOW THEREFORE BE IT RESOLVED**, by the New Jersey State League of Municipalities, in conference assembled, on the 16<sup>th</sup> day of November 2007, do extend to President David M. DelVecchio sincere appreciation and gratitude for his years of dedicated administration, good counsel and untiring efforts to improve local government in New Jersey; and

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

**Resolution No. 2007-22**

**Approved at the League Business Meeting, November 16, 2007  
Approved by Resolutions Committee, November 13, 2007**

**Resolution Calling on the New Jersey State Police to Modify Its Policy  
On Processing Fingerprints for Background Checks to Continue to  
Allow the Fingerprints to be Submitted by Local Police Departments**

**WHEREAS**, the New Jersey State Police has adopted a new policy with regard to the processing of fingerprints for background checks under which the fingerprints will no longer be accepted from local police departments but will be required to be taken at limited locations by a third-party vendor; and

**WHEREAS**, the new policy will place an unacceptable burden on municipalities in conducting background checks on volunteer coaches and others by requiring those volunteers to travel to locations outside their communities in order to be fingerprinted before they can be approved to provide volunteer services; and

**WHEREAS**, the new policy by the New Jersey State Police is unreasonable and will discourage local volunteers from participating in youth related programs;

**NOW, THEREFORE, BE IT RESOLVED**, by the New Jersey State League of Municipalities, in conference assembled, that the New Jersey State Police be urged to change its policy with regard to the processing of fingerprints from local volunteers to allow those fingerprints to be taken and submitted by local police departments; and

**BE IT FURTHER RESOLVED**, that a copy of this Resolution be forwarded to the Superintendent of the New Jersey State Police, to the Attorney General of the State of New Jersey, to the Governor of the State of New Jersey and to the members of the New Jersey General Assembly and the New Jersey State Senate.

**Conference Resolution No. 2007-23**

**Approved at the League Business Meeting, November 16, 2007**

**In Appreciation of League First Vice President Mayor Gene Feyl.**

**WHEREAS**, Mayor Gene Feyl is completing his term as the First Vice President of the New Jersey State League of Municipalities and has, on this day, tendered his resignation from the League Board; and

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

**WHEREAS**, Mayor Feyl has a long and distinguished career in public service, including his tenure as Mayor of Denville and as a member of the State Clean Air Council; and

**WHEREAS**, Mayor Feyl has been an advocate for local government and taxpayers on important issues such as environmental protection, property tax reform and ethics in public service;

**WHEREAS**, while Mayor Feyl will not serve as the League President, he will continue his long and honored record of public service as a Freeholder in the County of Morris;

**NOW THEREFORE BE IT RESOLVED**, by the New Jersey State League of Municipalities, in Conference assembled, on the 16<sup>th</sup> day of November 2007, do extend to Mayor Feyl sincere appreciation for years of dedicated administration, good counsel and untiring efforts to improve local government in New Jersey; and

**BE IT FURTHER RESOLVED**, that we regretfully accept Mayor Feyl's resignation, and recognize that the League's loss is Morris County's gain and we offer our sincere wishes for continued success in all future endeavors be extended to Mayor Feyl and that a copy of this resolution be transmitted herewith to him.