

**New Jersey State League of Municipalities
2009 Conference Resolutions
Approved November 20, 2009**

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New Jersey State League of Municipalities Conference Resolution No. 2009 – 01
Approved at the League Business Meeting, November 20, 2009
Approved by the League Resolutions Committee, November 17, 2009

Resolution to Amend the Police and Fire Interest Arbitration Act to Bring Arbitration Awards in Step with the Fiscal Realities Facing the State of New Jersey and Taxpayers

WHEREAS, New Jersey property owners pay the highest property taxes in the nation; and

WHEREAS, while the new Property Tax Levy CAP Law seeks to provide some relief to the property taxpayers, New Jersey still faces a complex property tax crisis that requires more wide range action; and

WHEREAS, the costs of pensions, health benefits and utilities continue to escalate; and

WHEREAS, in addition to the aforementioned mandated expenditures, municipal budgets continue to grow at an alarming rate due to the increase in personnel and personnel related costs which represent, on average, 70% of a municipal budget; and

WHEREAS, one of the largest budget items for municipalities is Public Safety Salary and Wages; and

WHEREAS, the Police and Fire Interest Arbitration Act of 1995 was enacted to help unions arbitrate salaries and benefits for Police and Firefighters when and if negotiations fail by giving arbitrators the necessary tools and criteria to arrive at awards that are equitable to both unions and employers, binding arbitration continues to be a principal reason for the increase in public safety salaries, which in turn has a domino effect on the wage determinations for other employees who wish to receive equal treatment; and

WHEREAS, despite the economic guidelines established in the 1995 binding arbitration statute, arbitration awards statewide since 1996 have exceeded both the CAP laws limitation and the Consumer Price Index by almost 50%, increasing municipal property taxes throughout the State of New Jersey; and

WHEREAS, now that Police enjoy generous salaries and annual cost-of-living increases far exceeding other municipal wage earners – the time has come to place restraints on binding interest arbitration; and

WHEREAS, the New Jersey State League of Municipalities firmly believes that the Legislature must amend the binding interest arbitration laws to require a greater focus on municipal fiscal realities and the direct impact these awards have on the taxpaying public; and

WHEREAS, state government and municipalities need to act in unison with one voice and one mission to stop the unbridled growth of personnel costs, not only in salaries but also in health insurance and pension costs;

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

1. The Legislature and the Governor need to take decisive and assertive action to amend the Binding Interest Arbitration Law.
2. The Interest Arbitration Law must mandate greater emphasis on the fiscal impact that arbitration awards have on the taxpayers of New Jersey.
3. Arbitrators must take into account the limitations imposed by the property tax levy cap and the complications that arise when awards are excessive.
4. The Public Employment Relations Commission must take a greater role in educating arbitrators about the need for fiscal responsibility when issuing awards and to cease the practice of maintaining parity for all unions within a specific region.
5. The police and firefighter unions need to hold the line on demands for increased benefits and wages and put aside personal personnel interests for the greater public good.
6. New Jersey Legislators need to take a stance to put taxpayer interest above the interests of public employee unions.
7. The Interest Arbitration Law should be amended to be non-binding arbitration.
8. Arbitration should allow municipal government greater control of tax dollars.
9. Arbitration must allow municipalities' greater control over those costs related to the salary, wages and benefits granted to municipal employees.
10. Municipalities must pursue regional, non-partisan, fiscally disciplined strategies to contain the total cost of wage and benefit increases for all public employees to less than half the rate of inflation.

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

New Jersey League of Municipalities Conference Resolution No. 2009 – 02
Approved at the League Business Meeting, November 20, 2009
Approved by the League Resolutions Committee, November 17, 2009

Support of Organ and Tissue Donation

WHEREAS, because every human life has matchless value, we must reaffirm our commitment to raising awareness about the importance of organ and tissue donation.

WHEREAS, we wish to express our appreciation to those who have donated organs, tissue and bone marrow; and

WHEREAS, over 105,000 Americans are currently on waiting lists for organ transplants and thousands more need life enhancing tissue transplants; and

WHEREAS, we celebrate the life-saving work of organ procurement organization staff, medical professionals, researchers and the many others whose actions reflect our commitment to a brighter tomorrow. Individuals can visit www.DonateLifeNJ.org to register to become a donor, to learn the facts and to understand how their decision to give the gift of life can make a difference in the world of the many in need; and

NOW, THEREFORE, BE IT RESOLVED by the New Jersey State League of Municipalities, in conference assembled, we hereby resolve our communities' support of organ and tissue donation; and

BE IT FURTHER RESOLVED, that we call upon health care professionals, volunteers, educators, government agencies, faith-based and community groups and private organizations to assist in increasing the number of New Jersey residents registered to become organ and tissue donors; and

BE IT FURTHER RESOLVED, that we call upon New Jersey residents to register with the State's donor registry, say yes to organ and tissue donation on their driver's license and share their decision with family and friends. By taking these steps, citizens of New Jersey can save lives.

BE IT FURTHER RESLOVED, we are committed to strengthening organ and tissue donation programs and to increase the number of organs available for transplantation in order to save lives. The kindness and generosity of donors reflect the compassionate spirit of our state; and

BE IT FURTHER RESOLVED, that copies of this resolution be forward to the members of the New Jersey State Legislature, the members of the New Jersey Congressional Delegation, the Mayors of all of New Jersey's municipalities and the Governor of the State of New Jersey.

New Jersey State League of Municipalities Conference Resolution No. 2009 – 03
Approved at the League Business Meeting, November 20, 2009
Approved by the League Resolutions Committee, November 17, 2009

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

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

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

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

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

WHEREAS, pursuant to N.J.S.A. 11:9-2 a municipality may join Civil Service through the adoption of a public question by the voters of the municipality, and, to date, 195 municipalities participate in Civil Service; and

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

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

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

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

withdraw from the civil service system by the enactment of an ordinance approved by an extraordinary majority of the governing body; and

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

New Jersey State League of Municipalities Conference Resolution No. 2009-05
Approved at the League Business Meeting, November 20, 2009
Approved by the League Resolutions Committee, November 17, 2009

Regarding Maintenance of Municipal Roads

WHEREAS, local municipalities must provide for the maintenance of roads within their jurisdiction; and

WHEREAS, municipal road infrastructure has deteriorated throughout the State due to the inability to fund repairs without increasing the budget beyond the allowable percentage within any given year; and

WHEREAS, given the opportunity to determine where their tax dollars are spent, it would be in the best interest of the public to have a dedicated fund to be used to provide for the proper maintenance of local roads; and

WHEREAS, the State has allowed local voters to create by referendum local funded programs for certain defined purposes such as open space and farmland preservation, with the proceeds sequestered in a Dedication by Rider Trust Fund for a specific purpose; and

WHEREAS, voters should be given the right to chose this process for road repairs in their communities;

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey State League of Municipalities, in conference assembled, to appeal to the New Jersey State Legislature to allow for a Special Item of Revenue to be included as a permitted revenue that may be collected after a dedicated tax levy referendum is approved by the voters for local road improvements; and,

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

New Jersey State League of Municipalities Conference Resolution No. 2009– 06
Approved at the League Business Meeting, November 20, 2009
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Supporting the Department of Defense
Employer Support of the Guard and Reserve Organization

WHEREAS, Employer Support of the Guard and Reserve (ESGR) is a Department of Defense organization that seeks to promote a culture in which all American Employers support and value the military service of their employees, and

WHEREAS, ESGR was established in 1972 to gain and maintain employer support for Guard and Reserve service by recognizing outstanding support, increasing awareness; and

WHEREAS, supportive employers are critical to maintaining the strength and readiness of the nation's National Guard and Reserve units; and

WHEREAS, the New Jersey State League of Municipalities is committed to support of all members of the of the United States military both abroad and at home.

NOW, THEREFORE, BE IT RESOLVED, the New Jersey League of Municipalities wholeheartedly supports Employer Support of the Guard and Reserve (ESGR), a Department of Defense organization; and

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

New Jersey State League of Municipalities Conference Resolution No. 2009-07
Approved at the League Business Meeting, November 20, 2009
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**Amendment of Current NJDOT Regulations Permitting Issuance of Conditional Permits
for Billboards Along New Jersey's Highways Without Notice to or Consent of Affected
Municipalities**

WHEREAS, Chapter 41C of Title 16 of the New Jersey Administrative Code (NJAC) requires and provides for the issuing of licenses for roadside signs and outdoor advertising and the establishment, use, maintenance and removal of such signs; and

WHEREAS, The Commissioner of the New Jersey Department of Transportation (NJDOT) is authorized to promulgate rules pertaining to the issuance or denial of permits for the erection or maintenance of outdoor advertising signs along limited access and non-limited access highways, including spacing, size, lighting, number and locations and may delineate the conditions under which outdoor advertising signs may be erected and maintained; and

WHEREAS, NJAC 16:41C-8.7 allows the erection of off-premises signs (billboards) with a maximum advertising surface area of 1,000 square feet that are visible to the main-traveled way of any portion of a non-limited access highway; and

WHEREAS, NJAC 16:41C-8.7 provides that conditional permits may be issued by NJDOT for such off-premises signs subject to obtaining all relevant approvals of the municipality in which the land is located in accordance with ordinances adopted pursuant to the Municipal Land Use Law (NJSA 40:55D-1 et seq.); and

WHEREAS, nowhere in NJAC 16:41C-8.7 is there any requirement that the municipality where an off-premises sign is proposed receive notice of such NJDOT application from either the applicant or the NJDOT, either prior to or subsequent to, the issuance of such a conditional permit; and

WHEREAS, the issuance of a conditional sign permit by NJDOT is often a prelude to the filing of litigation against the affected municipality by the holder of the permit based upon various allegations of defects in the municipal sign regulations or the enforcement thereof, without prior notice to the targeted municipality; and

WHEREAS, the issuance of a conditional permit by NJDOT for a sign in excess of 672 square feet which may be prohibited by local zoning or sign regulations may lend an impression of legitimacy to an application for a billboard which is completely contrary to the municipal zoning and master plan, and which would not normally be approved by the municipality; and

WHEREAS, as of March 17, 2009 the NJDOT had issued 365 conditional sign permits for locations in 140 municipalities, of which 285 permits (more than 75%) are for signs with a total sign area of 672 or more square feet, without requiring any notice whatsoever of either the applications or the issuance of such permits having been given to the affected municipalities; and

WHEREAS, a summary listing of conditional permits for off-premises signs in excess of 672 square feet issued by NJDOT without notice to the affected municipalities as of March 17, 2009 is attached to this resolution as Exhibit A; and

WHEREAS, the clandestine issuance of conditional permits to billboard companies by NJDOT for massive advertising billboards of up to 1,000 square feet on structures which may be up to a 100 feet tall or more is inimical to sound municipal land use planning, contemptuous of the principals of home rule existing in New Jersey and contrary to the best interests of the citizens of New Jersey in general;

NOW, THEREFORE, BE IT RESOLVED that New Jersey State League of Municipalities, in conference assembled, strongly objects to the present regulations of the NJDOT which allow the issuance of conditional state permits for billboards in excess of 672 square feet without notice to or prior approval from the affected municipality; and

BE IT FURTHER RESOLVED that the League calls upon NJDOT to rescind or amend all regulations which allow for the issuance of conditional permits for billboards along limited access highways without prior notice to or consent from the affected municipality; and

BE IT FURTHER RESOLVED that the League calls upon the NJDOT to adopt new rules and standards providing for an opportunity for adequate public notice and public comment on any conditional permit for privately owned signs and billboards proposed to be erected along the public highways in New Jersey, and requiring notice to all affected municipalities from which said billboard would be visible, and further requiring that no such permits shall be issued by the NJDOT without the prior consent or approval of the municipalities affected by such proposed signage; and

BE IT FURTHER RESOLVED that a copy of this resolution as adopted by this governing body shall be forwarded to the Commissioner of the Department of Transportation, the members of the New Jersey State Legislature and the Governor of the State of New Jersey.

New Jersey League of Municipalities Conference Resolution No. 2009 – 08
Approved at the League Business Meeting, November 20, 2009
Approved by the League Resolutions Committee, November 17, 2009

**Resolution Objecting to State's Failure to Sufficiently Utilize
the State 9-1-1 Fund for State 9-1-1 and Local 9-1-1 Purposes**

WHEREAS, the Wireless Communications and Public Safety Act of 1999 provided the groundwork for state 9-1-1 fees by directing the Federal Communications Commission to “encourage and support efforts by states to deploy comprehensive end-to-end emergency communications infrastructure and programs”, thereby prompting states to create dedicated 9-1-1 funds; and

WHEREAS, the Wireless Communications and Public Safety Act of 1999 did not set requirements as to how those funds should operate; and

WHEREAS, pursuant to this Act, owners of cell phones in New Jersey pay a 90 cent monthly surcharge on their bill; and

WHEREAS, according to a July 22, 2009 report by the Federal Communications Commission, New Jersey is one of a dozen states collecting funds for enhanced 9-1-1 services and using the money for other purposes, with New Jersey spending the most, more than \$100,000,000 last year, on services other than 9-1-1; and

WHEREAS, since creating the 9-1-1 fee in 2004, New Jersey has collected approximately \$629,900,000 in E9-1-1 fees, with only approximately \$60,000,000 going to local law enforcement for 9-1-1 center improvements over the past four years (with a similar amount being spent on the statewide 9-1-1 system), with the remainder going to a variety of public safety initiatives; and

WHEREAS, the Governor suspended the local grant program for the 2009 fiscal year in order to balance the state budget, cutting more than \$12,000,000 to local 9-1-1 call centers; and

WHEREAS, because of the suspension of the local grant program, none of the estimated \$137,000,000 collected this year from New Jersey cell phone users for the state “9-1-1- System and Emergency Response” fee will go to local 9-1-1 call centers, with all the funds being spent on other public safety initiatives; and

WHEREAS, if the State had followed its practice since 2004 of giving 20% of New Jersey's 9-1-1 fees to 9-1-1 services, approximately one-half of \$25,000,000 would have funded the state 9-1-1 system, with the other half funding grants for local 9-1-1 call centers; and

WHEREAS, in New Jersey there are dozens of local 9-1-1 call centers, both county and municipality operated; and

WHEREAS, local law enforcement agencies indicate they need these monies to upgrade emergency call systems, including the ability to identify locations of phone callers, the ability to receive text messages, photos and video streams via cell phones, and other ‘next generation’ capabilities; and

WHEREAS, this is an extremely important public safety issue;

NOW, THEREFORE, BE IT RESOLVED, the New Jersey State League of Municipalities, in conference assembled, expresses strong opposition to the State’s failure to sufficiently utilize the state 9-1-1 fund for state 9-1-1 and local 9-1-1 purposes and request that such funds be utilized in the future for state and local 9-1-1 purposes, in greater proportion that the state has allotted in the past; and

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

New Jersey League of Municipalities Conference Resolution No. 2009-09
Approved at the League Business Meeting, November 20, 2009
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**Calling for the State and Counties to Provide Notice and Require a Local Public Hearing
Prior to Executing an Agreement to Acquire or Fund the Acquisition of Property in a
Municipality**

WHEREAS, the State of New Jersey, through its Green Acres Program, has funded the acquisition of Open Space and preservation of lands for thousands of acres of property throughout the State of New Jersey; and

WHEREAS, the acquisitions provide protection of the State's most environmentally sensitive lands as well as the preservation of natural resources; and

WHEREAS, Open Space acquisitions can also be awarded to purchase private lands from developers, local governments and other non-profit entities; and

WHEREAS, presently the State of New Jersey, through its Green Acres Program, may acquire property from a developer or private land owner without ever notifying or receiving input from the public and/or local municipality or governing body in which the land is located; and

WHEREAS, the acquisition of such land should involve input from the public and the local governing body notwithstanding that a municipality is required by law to provide for a Master Plan and Re-examination Report and set forth goals and objections for appropriate planning considerations throughout a community; and

WHEREAS, the goals of Open Space Funding should be addressed in conjunction with the goals of a municipality to avoid conflict whenever possible; and

WHEREAS, the failure to include the governing body and members of the community in the Open Space Acquisition process may circumvent the planning process and preclude a community from participating in the expenditure of Open Space Trust Funds; and

WHEREAS, it is critical to this process that a municipality and its residents be made aware of and have an opportunity to provide comment relevant to the funding of Green Acres money, the preservation of land and the removal of said property from the municipal tax ratables; and

NOW, THEREFORE, BE IT RESOLVED that in order to achieve the goals of Open Space funding, the New Jersey State League of Municipalities, in conference assembled, calls for the Legislature to amend the laws of the State of New Jersey so that when funding is being considered for the purchase, acquisition, lease or easements of land, the State of New Jersey shall first notify the local governmental entity where the land is located for the consideration of such acquisition; and

BE IT FURTHER RESOLVED, that under such circumstances, the State of New Jersey shall also be required to provide adequate notice to all residents within 200 feet of such properties and to conduct a public hearing to gather any and all comments from members of the public as well as the governing body of said local community prior to making a determination to proceed with the acquisition of such land; and

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

New Jersey League of Municipalities Conference Resolution No. 2009 – 10
Approved at the League Business Meeting, November 20, 2009
Approved by the League Resolutions Committee, November 17, 2009

**Resolution to Provide for Exemption from the Highlands Act
for Municipal or Public Improvement Projects**

WHEREAS, the Highlands Water Protection and Planning Act provides for protection and planning to protect drinking water for over 5.4 million people by helping to preserve New Jersey's critical watershed lands; and

WHEREAS, as part of the Act, there are specific activities that are exempt from meeting Highlands Regulatory standards as implemented by the Department of Environmental Protection; and

WHEREAS, the exemptions range from the construction of single family homes, extension of trails, improvements to houses of worship and public or private schools, or hospitals that were in existence on August 10, 2004; and

WHEREAS, although municipalities in the Highlands Preservation Area continue to serve the needs and provide essential municipal services and recreational opportunities for residents of their communities, the Highlands Act does not provide for an exemption for municipalities for projects that are for the benefit of the public; and

WHEREAS, despite the development restrictions of the Highlands Preservation Area, the needs of these municipalities will continue to expand and evolve, as will the services offered to their residents; and

WHEREAS, it is urged that the New Jersey Legislature amend the Highlands Act to include an exemption for activities that are initiated, owned and operated by municipalities or public entities and such exemption shall include but not be limited to libraries, recreational facilities and structures, community centers, senior citizen centers, accessory structures, fields and outdoor recreational facilities and municipal complexes; and

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey League of Municipalities, in conference assembled, that the New Jersey Legislature is urged to act and amend the Highlands Water Protection and Planning Act to include an appropriate exemption for municipalities or public entities and such exemption shall include but not be limited to libraries, recreational facilities and structures, community centers, senior citizen centers, accessory structures, fields and outdoor recreational facilities and municipal complexes; and

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

New Jersey State League of Municipalities Conference Resolution No. 2009–11
Approved at the League Business Meeting, November 20, 2009
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**Calling Upon the State Legislature to Address the Inequity in the Court Decision of
Riya Finnegan LLC v. Township of South Brunswick**

WHEREAS, on December 22, 2008, the New Jersey Supreme Court in the case of Riya Finnegan LLC v. the Township Council of the Township of South Brunswick reversed a decision by the Appellate Division by invalidating a rezoning ordinance which was adopted by the governing body, which had fully complied with the requirements of the Municipal Land Use Law for rezoning property; and

WHEREAS, in response to a development application, surrounding residents petitioned the governing body for a zone change, presenting detailed testimony and analysis of how the character of the area had changed since the property was initially zoned, and why a rezoning to a new zone would best protect the health, safety and welfare of the community at large and residential neighborhood immediately adjacent to the property; and

WHEREAS, in response, the municipality exercised its statutory authority to rezone the property in full compliance with the Municipal Land Use Law (N.J.S.A. 40:55D-62 (a)); and

WHEREAS, despite this, the New Jersey Supreme Court overturned the rezoning ordinance by substituting its own view of how land should develop in place of the governing body's lawfully-enacted zoning ordinance addressing public safety and quality of life issues of concern to residents of the municipality; and

WHEREAS, the Supreme Court's decision ignored a detailed land use analysis presented to the governing body of more than a three-mile stretch of highway affected by the property, which showed that the highway was already overdeveloped with more than 100 commercial establishments; and

WHEREAS, the Supreme Court's decision ignored detailed findings articulated in a resolution of support that were grounded on precise (not generic) information provided by the local residents as well as the common sense inferences drawn by the governing body members who were familiar with the area to be developed; and

WHEREAS, even though the governing body acted to further the general welfare of the community with a comprehensive plan in mind when it rezoned the property, the Supreme Court reversed the rezoning by substituting its own policy choices in place of that of the members of the governing body in determining what is best for the local community rather than determining if the ordinance comports with the requirements of the Municipal Land Use Law and the New Jersey Constitution; and

WHEREAS, this exercise of extra-judicial authority serves to undermine the clear authority granted to local government to determine the best course for development of local lands, even though, as indicated by the dissenting opinion, the governing body "faithfully

followed every dictate of N.J.S.A. 49:55D-62 (a) in passing the zoning amendment and presented rationally-based findings in a resolution to support the amendment”; and

WHEREAS, as stated by the dissenting opinion, the New Jersey Supreme Court “cannot as a Court take away authority statutorily granted to municipalities based on [its] own concepts of fairness. So long as the zoning amendment was rationally based, even though inconsistent with the Master Plan, as permitted by N.J.S.A. 40:55D-62 (a), [the] Court has no power to remake the law in its own image”; and

WHEREAS, the Legislature should take all steps necessary to remedy the decision of the Supreme Court so as to maintain the separation of powers of different branches of government and ensure that municipal legislative bodies retain their inherent authority to act to further the health, safety and welfare of the community and its residents so long as those actions are consistent with the Municipal Land Use Law and the New Jersey Constitution; and

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey State League of Municipalities, in conference assembled, the State Legislature should immediately pass legislation to correct the Riya Finnegan decision by providing that a municipality, acting in its legislative capacity, may rely upon the objections of residents to certain land uses in order to protect the health, safety and welfare of the community, so long as the decision of the municipality is consistent with the Municipal Land Use Law and the New Jersey Constitution.

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

New Jersey League of Municipalities Resolution No. 2009-12
Approved at the League Business Meeting, November 20, 2009
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Building Safer Communities through Police Deployment of Electronic Control Devices

WHEREAS, the New Jersey State League of Municipalities is a voluntary association made up of representatives from all 566 municipalities in the Garden State and created to help communities do a better job of self-government through pooling information resources; and

WHEREAS, the New Jersey State League of Municipalities provides information and assistance to mayors and police chiefs on a variety of community policing and other criminal justice issues by convening meetings of mayors and police chiefs and disseminating information on innovative crime prevention and enforcement programs; and

WHEREAS, New Jersey is the only state in the United States to prohibit the use of electronic control devices for law enforcement to use in protecting their communities; and

WHEREAS, for more than three years, the Attorney General of New Jersey has reviewed, studied and considered the possibility of New Jersey law enforcement officers being permitted to use electronic control devices; and

WHEREAS, for more than three years, the New Jersey State Legislature has held hearings and considered legislation to permit law enforcement officers in New Jersey to use electronic control devices; and

WHEREAS, electronic control devices have been demonstrated to be one of the safest and most effective less-lethal options available to law enforcement; and

WHEREAS, more than 14,000 federal, state and local law enforcement agencies throughout the United States and in more than 45 countries worldwide currently deploy electronic control devices; and

WHEREAS, statistical data has shown dramatic decreases in officer and subject injuries in communities where electronic control devices are deployed; and

WHEREAS, statistical data has shown that a reduction in injuries to both suspects and law enforcement officers translates directly into communities saving through fewer lost wages, workman's compensation claims and lawsuits; and

WHEREAS, improving law enforcement, saving taxpayer dollars and reducing officer and citizen injuries furthers the goals of community oriented policing by building community ties with law enforcement to make our communities safer;

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, believes safer communities begin with well-trained and

properly equipped local law enforcement officers working in concert with the local community;
and

BE IT FURTHER RESOLVED that the New Jersey State League of Municipalities supports giving local law enforcement agencies the option of deploying the tools necessary to keep our communities and the officers who protect them safe; and

BE IT FURTHER RESOLVED that the New Jersey State League of Municipalities calls on the Attorney General of New Jersey to allow local municipalities and law enforcement agencies to decide whether or not to acquire and deploy new law enforcement technologies, including life-saving technologies such as electronic control devices; and

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

New Jersey League of Municipalities Conference Resolution No. 2009-13
Approved at the League Business Meeting, November 20, 2009
Approved by the League Resolutions Committee, November 17, 2009

Introduce Legislation to Provide Medical Coverage to All September 11 First Responders

WHEREAS, the valiant efforts of the September 11 First Responders is a testament to the true spirit and heritage of the United States of America; and

WHEREAS, on that fateful day of September 11, 2001, hundreds of police officers, firefighters and EMS workers risked life and limb to aid their fellow citizens and many paid the ultimate sacrifice; and

WHEREAS, many private citizens became part of the rescue and recovery efforts as well and have since died of various ailments and for others the challenges of poor health is a daily struggle; and

WHEREAS, those who had medical insurance are facing expenditure caps in their coverage and those who had no medical insurance are required to pay their own medical expenses, causing financial hardship for them and their families and limiting any meaningful prospects of recovery.

NOW, THEREFORE, BE IT RESOLVED, that New Jersey State League of Municipalities, in conference assembled, salutes our September 11 heroes and hereby supports and ask the United State Congress to introduce legislation to provide medical coverage to all September 11 First Responders; and

BE IT FURTHER RESLOVED, no Greater act of Congress could express the gratitude of the United States of America to those who entered a virtual “war zone” without hesitation;

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

New Jersey State League of Municipalities Conference Resolution No. 2009 – 14
Approved at the League Business Meeting, November 20, 2009
Approved by the League Resolutions Committee, November 17, 2009

The Impact of the Digital Conversion on Municipalities in the State of New Jersey

WHEREAS, the Digital Television (DTV) transition was a change mandated by the United States Congress that required full-power broadcast TV stations to switch from an analog to digital format on or before June 12, 2009; and

WHEREAS, Congress passed, and President Obama signed, legislation that officially changed the date of the broadcast digital transition from February 17, 2009 to June 12, 2009 in an attempt to assist all parties; and

WHEREAS, the broadcast digital transition affected those who watch free, over the air, television via a rooftop antenna or “rabbit ears” on an older analog television; and

WHEREAS, since approximately 2.6 million households in NJ have cable service, it was stated that if residents already subscribed to cable, that residents would not need to worry about the broadcast digital transition. For cable subscribers, the transition was to be seamless because cable companies would automatically convert the signals from full-power broadcast TV stations to the analog format; and

WHEREAS, many municipalities in the state have negotiated as part of their franchise agreement with the cable operator some version of public, educational or governmental access channels, the purpose of which is to provide vital information to the residents of the municipalities, especially in emergency situations, at little or no cost to the residents; and

WHEREAS, the residents of the municipalities have come to rely on these channels for information on their local governments and services being provided in the communities; and

WHEREAS, cable operators have moved the access channels from the lower tier of channels which are easier for the residents to find and may also require additional equipment that carries an additional charge; and

WHEREAS, it appears that the impact on the digital transition has been that the cable operators have executed the digital transition in such a manner that it has negatively impacted their customers and the municipalities who have come to rely on the access channels; and

NOW, THEREFORE, BE IT RESOLVED, the New Jersey State League of Municipalities, in conference assembled, objects to the manner in which the digital transition has been executed and resolves to forward this objection to the appropriate federal authorities for appropriate administrative relief; and

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

New Jersey League of Municipalities Conference Resolution No. 2009-15
Approved at the League Business Meeting, November 20, 2009
Approved by the League Resolutions Committee, November 17, 2009

**Resolution Calling for a CAP Exception for Increases in Health Care Costs in Excess of 4%
of the Total Health Care Costs of the Prior Year**

WHEREAS, NJSA 40A:4-45.45 places a CAP on increases in health care costs equal to the portion of the actual increase in total health care costs for the budget year that is in excess of four percent of the total health care costs in the prior year, but that is not in excess of the product of the total health care costs in the prior year and the average percentage increase of the State Health Benefits program, (NJSA.52:14-17.25 et seq.), as annually determined by the Division of Pensions and Benefits in the Department of Treasury; and

WHEREAS, each year local government units using private health benefits plans have paid 100% of the increase inside the CAP while local government units participating in the State plan have paid the increase in health care costs outside the CAP; and

WHEREAS, the disparate treatment of local government units using private health benefits plans places an undue burden on local budgets;

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, calls for all municipalities be granted an exception to the expenditure CAP and a waiver from the levy CAP equal to the change in the increase in health care costs; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the director of the Division of Local Government Services, the members of the Local Finance Board, the Commissioner of the Department of Community Affairs, the members of the New Jersey State Legislature and the Governor of the State of New Jersey.

**New Jersey League of Municipalities Resolution No. 2009 – 16
Approved at the League Business Meeting, November 20, 2009
Approved by the League Resolutions Committee, November 17, 2009**

**Urging the Legislature to Amend the Open Public Records Act
to Address Various Technical and Practical Issues**

WHEREAS, Governor Donald T. DiFrancesco signed the Open Public Records Act (OPRA), N.J.S.A. 47A:1A-1 et seq., into law on January 8, 2002 to increase public access to state government records, stating that the bill is about access and what open government should be: Government of the people; and

WHEREAS, Governor DiFrancesco stated at the bill signing that the bill was not perfect, and acknowledged the hard work and negotiations between legislators and the many interested parties, including the New Jersey League of Municipalities, that went into the compromise; and

WHEREAS, elected and appointed municipal officials recognize the importance and virtue of access to public records for all citizens, as it encourages openness and transparency in government and increases confidence in the operation of government; and

WHEREAS, along with transparency of government comes the responsibility to safeguard citizens' reasonable expectation of privacy; and

WHEREAS, the law granting access to public records also created a 13 member Privacy Study Commission whose mission was to study the privacy issues raised by the collection, processing, use, and dissemination of information by public agencies in light of the recognized need for openness in government, and to recommend specific measures, including legislation, the commission may deem appropriate to deal with these issues and to safeguard the privacy rights of individuals.

WHEREAS, in the course of its study, the commission reviewed the current and proposed means used for the collection, processing, use and dissemination of information by state and local government agencies; and

WHEREAS, the Privacy Study Commission studied three (3) specific areas: the disclosure of home addresses and telephone numbers, commercial use of public information held by public agencies and the impact of technology on privacy concerns; and

WHEREAS, although municipal officials and municipal clerks have embraced OPRA and support the fundamental purpose of OPRA, compliance with OPRA is a problem for municipalities due to conflicting decisions, requestors testing both the

records custodian and OPRA, and a loss of efficiency and out-of-pocket costs to municipalities; and

WHEREAS, municipal officials and municipal clerks believe that OPRA needs to be reformed to create standardization in providing records to the public while protecting citizens' reasonable expectation of privacy and to prevent individuals, attorneys and businesses from profiting from the provisions of OPRA where they have no legitimate interest in the records they are requesting;

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey State League of Municipalities, in conference assembled, that the Governor and State Legislature are urged to review the provisions of OPRA and consult with municipal officials, municipal clerks, the Government Records Council, the New Jersey Press Association and the New Jersey League of Municipalities to reform OPRA to:

1. Adoption of the following recommendations of the Privacy Study Commission:
 - a. Home telephone numbers, including cell phone numbers, should not be disclosed.
 - b. Individuals should be permitted to opt-out of disclosure of their home addresses.
 - c. E-mail addresses provided by individuals to government entities should be accorded the same protection as telephone numbers and remain confidential.
 - d. Exemption from access from the commercial use of information should be contained in legislation, regulations or by Executive Order.
 - e. Consideration of the proposition that when the secondary or derivative use of a public record is a commercial/profit-making use, the commercial user should be expected to contribute to the cost of recovery of developing and maintaining such records.
2. Amending the current fee schedule to a uniform per page rate and clarifying the term "actual costs" for Special Service Charge to include the cost of labor.
3. When agencies adopt regulations exempting certain records from disclosure, those agencies need to recognize the impact of technology on the ability to search records and make the regulations comprehensive enough to ensure that the adopted regulation cannot be circumvented by technology.
4. The Governor should immediately fill the two vacant public seats on the Government Records Council in order to best protect the interest of all parties involved in the proper implementation of the OPRA statute.
5. Clear authorization for the Records Custodian to bill for time spent organizing data, researching documents or translating documents to a different medium. An example is scanning documents to provide them electronic copies. Records

Custodians should not be required to create a document that is not typically maintained by the municipality.

6. A distinction should be made between those who seek a record for their own personal use and those who intend to make a secondary commercial use of the information, as recommended by the Privacy Study Commission.
7. The municipality should be entitled to receive a seven (7) day extension for any large or complicated requests. Currently, the requestor must agree. This particularly affects small municipalities with a small or part-time staff.
8. The requestor should be required to pick up their records within a week so that the Records Custodian does not have to keep them indefinitely. If the records are not picked up within one week, the request should be considered fulfilled.
9. Direct the Government Records Council or Office of Administrative Law as to when attorney's fees should be awarded to requestors under OPRA to limit the award of attorney's fees to situations where there was a willful violation of OPRA that resulted in the requestor failing to receive a legitimately requested document.
10. Create regulations to prevent a requestor from repeatedly using OPRA to request the same documents as this creates an unnecessary and unreasonable burden on the taxpayers of the community who must underwrite the costs of these repeated responses.
11. Documents which are already available to the public on a municipality's website should be excluded from OPRA.
12. The Government Record Council should have mandatory mediation for all complaints. Currently, mediation takes place only where both parties agree.

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

New Jersey State League of Municipalities Conference Resolution No. 2009 – 17
Approved at the League Business Meeting, November 20, 2009
Approved by the League Resolutions Committee, November 17, 2009

**Objecting to the Model Highlands Septic System Maintenance Ordinance and
Model Highlands Potential Contaminant Source Management Ordinance**

WHEREAS, the New Jersey Legislature enacted the Highlands Water Protection and Planning Act (Highlands Act) in 2004 establishing the Highlands Council, a regional planning entity, to develop, adopt and periodically revise a Regional Master Plan (RMP); and

WHEREAS, the Highlands Act mandates conformance with the RMP for any portion of a municipality and county located wholly or partially in the Preservation Area and provides an opportunity for municipalities within the Planning Area to voluntarily conform to the RMP; and

WHEREAS, as part of this plan conformance the Highlands Council is requiring that conforming municipalities revise their municipal master plan and development regulations as may be necessary to conform with the goals, requirements and provisions of the RMP; and

WHEREAS, the Highlands Council adopted the RMP on July 17, 2008; and

WHEREAS, on January 2, 2009, the Highlands Council notified municipalities that a Petition for Plan Conformance must be submitted to the Highlands Council on or before December 8, 2009 to comply with the requirement of the Highlands Act, and such petition was to consist of seven “Modules”; and

WHEREAS, on August 4, 2009, more than one year after adoption of the RMP, the Highlands Council released instructions for completing the Highlands Regulation Module 6 as part of plan conformance which consisted of three model ordinances including a Land Use Ordinance, a Septic System Maintenance Ordinance and a Potential Contaminant Source Management Ordinance to be included in a conformance petition; and

WHEREAS, the model ordinances previously released by the Highlands Council were not previously included in the RMP, had not been previously released for public comment nor have they been formally adopted by the Highlands Council prior to being sent to Highlands municipalities for inclusion in a conformance petition; and

WHEREAS, on September 23, 2009, the Highlands Council amended guidelines for completing Municipal Highlands Regulation Module 6; and

WHEREAS, the revised Highlands Module 6 guidelines continue to require that a conforming municipality be required to adopt the Land Use Ordinance, Septic System Maintenance Ordinance and Potential Contaminant Source Management Ordinance as part of Full Plan Conformance; and

WHEREAS, with little more than two months remaining before a municipality is required to submit a conformance petition, the Highlands Council has still not released for public review and comment the final details of what the requirements will be for a Septic System Maintenance Ordinance or Potential Contaminant Source Management Ordinance; and

WHEREAS, the previously released draft Model Highlands Septic System Maintenance Ordinance prohibited the owner or occupant of any property with an existing septic system from using or operating the septic system unless they obtain a license to operate the system every one to three years; and

WHEREAS, the previously released draft Model Highlands Septic System Maintenance Ordinance also required “any person, partnership, firm or corporation who installs, alters, repairs, inspects, constructs, services, or pumps out all or a portion of an individual sewage disposal” to obtain a Septic System Service Provider license each year; and

WHEREAS, the previously released draft Model Highlands Septic System Maintenance Ordinance obligated a conforming municipality to license and inspect existing septic systems and service providers; and

WHEREAS, the previously released draft Model Highlands Potential Contaminant Source Management Ordinance required certain owners of property to prepare and implement an Operations & Contingency Plan for property that includes or proposes one or more of the following: Above and below ground storage tanks, septic leaching field, sewer line, storm water conveyance line, dry well, stormwater retention–recharge basin and livestock operation; and

WHEREAS, the previously released draft Model Highlands Potential Contaminant Source Management Ordinance obligated a conforming municipality to review and approve all Operations & Contingency Plans and conduct annual inspections of certain facilities; and

WHEREAS, neither the previously released draft Model Highlands Septic System Maintenance Ordinance nor the previously released draft Model Highlands Potential Contaminant Source Management Ordinance, nor any amendments thereto, have been adopted or the subject to any public hearings by the Highlands Council; and

WHEREAS, the previously released draft Model Highlands Septic System Maintenance Ordinance and previously released draft Model Highlands Potential Contaminant Source Management Ordinance will impose substantial administrative and financial burdens on conforming municipalities, and will create significant, and in many cases severe, financial hardships for existing homeowners and businesses in the Highlands Region during the present major economic recession in the United States, and in particular in the State of New Jersey; and

WHEREAS, the Highlands Council has still not provided municipalities with any information regarding the ultimate requirements and associated cost of the ordinances that will be required for full plan conformance;

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, strongly objects to the Septic System Maintenance and Contaminant Source Management Ordinances on the grounds that they are both administratively impractical and economically imprudent; and

BE IT FURTHER RESOLVED, that municipalities do not have the staff or resources necessary to effectively administer such a program, and any program that regulates the licensing and inspection of septic systems, service providers and/or potential contaminant sources should be administered directly by the Highlands Council and not imposed as an unfunded State mandate on the local Board of Health; and

BE IT FURTHER RESOLVED, that the League further objects to the prospect that a conforming municipality would have to adopt any ordinance before it has been formally adopted by the Highlands Council; and

BE IT FURTHER RESOLVED, that the League strongly objects to the forced imposition of having to file a petition to conform to the RMP before the Highlands Council has released and formally adopted all of the requirements for conforming municipalities prior to the deadline established for filing a conformance petition; and

BE IT FURTHER RESOLVED, that the League calls upon the Highlands Council to rescind the requirement that the above ordinances be included as a requirement for either basic or full plan conformance; and

BE IT FURTHER RESOLVED, that the League calls upon the Highlands Council to follow the administrative rule making process in formally adopting all rules and standards contained in any model ordinances before mandating that conforming municipalities adopt same, providing an opportunity for adequate public notice and public comment, and to perform an economic analysis, prior to the adoption of such model ordinances, to determine the administrative costs and economic burden that will be imposed as a result of the adoption of this ordinance; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded, to the New Jersey Highlands Council, the Commissioner of the Department of Environmental Protection, the members of the New Jersey State Legislature and the Governor of the State of New Jersey.

**New Jersey League of Municipalities Resolution No. 2009-18
Approved at the League Business Meeting, November 20, 2009
Approved by the League Resolutions Committee, November 17, 2009**

**Resolution Calling Upon the State Legislature to Address the Inequity
in the Court Decision of Homes of Hope v. Township of Eastampton**

WHEREAS, on Monday, August 24, 2009, an Appellate Division panel affirmed a lower court ruling that a developer can still argue affordable housing is "inherently beneficial", and compel a municipality to accept more than its fair share of regional need, even if the municipality has satisfied its regional need; and

WHEREAS, this action was brought against Eastampton even though the township had met and exceeded its affordable housing obligations; and

WHEREAS, in a concurring opinion it was stated that the Legislature may need to act to correct the apparent conflict between the concept of "inherently beneficial uses" under the Municipal Land Use Law and the Fair Housing Act;

WHEREAS, the Legislature should take all steps necessary to remedy the decision of the Court and address the conflict in the existing law;

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey State League of Municipalities, in conference assembled, that the State Legislature should immediately pass legislation providing that no municipality may be compelled through variance or otherwise to provide more than its fair share of affordable housing; and

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

New Jersey State League of Municipalities Resolution No. 2009-19
Approved at the League Business Meeting, November 20, 2009
Approved by the League Resolutions Committee, November 17, 2009

Resolution Requesting Immediate Action by the State Treasurer to Provide Financial Relief to Senior Citizens for Cable Television

WHEREAS, N.J.S.A. 48:5A-30(d) provides that cable television companies in municipalities where a system-wide franchisee is capable of serving 60% or more of the households within such municipality, pay to the State Treasurer, on behalf of persons residing in the municipality who are eligible for the “Pharmaceutical Assistance to the Aged and Disabled” program, established (N.J.S.A 30: 4D-20 et seq.), a sum equal to the amount that such eligible persons pay as charges or fees to the company for providing basic cable service to such persons, provided that the yearly total of such payments from the company shall not exceed one half of one percent of the gross revenues, as the term is defined in N.J.S.A 48:5A-3, that the company derives during the calendar year from cable television service charges or fees paid by subscribers in the municipality to the company and further provides that the State Treasurer shall establish a “CATV Universal Access Fund” to deposit such monies for the purpose of providing payment to subscribers residing in the municipality; and

WHEREAS, the regulations promulgated pursuant thereto further provide that the State Treasurer shall be responsible for administering the program; and

WHEREAS, senior citizens around the State have been anxiously awaiting further information as to how this financial relief will be implemented; and

WHEREAS, immediate action should be taken by the State Treasurer as these monies have been accumulating with no mechanism for disbursement;

NOW, THEREFORE, BE IT RESOLVED that the New Jersey State League of Municipalities, in conference assembled, hereby requests the State Treasurer to take immediate action to provide financial relief to senior citizens in connection with their cable television bills out of the CATV Universal Access Fund; and

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

**New Jersey State League of Municipalities Conference Resolution 2009-20
Approved at the League Business Meeting, November 20, 2009
Approved by the League Resolutions Committee, November 17, 2009**

**Resolution in Support of Property Tax Relief Through
State Assumption of Per Pupil Student Educational Costs**

WHEREAS, the burden of regressive property taxes continues to plague our State's citizens, businesses and hopes for economic recovery; and

WHEREAS, the property tax burden inevitably falls inequitably on those least able to pay; and

WHEREAS, property taxes levied to support public education consistently represent more than half of the property tax burden; and

WHEREAS, New Jersey's Constitution calls for the State to ensure a 'thorough and efficient' system of public education for children between the ages of 5 and 18; and

WHEREAS, such a system can be achieved without further burdening our beleaguered property tax payers, if the State assumes the per pupil costs methodology proposed by the Joint Legislative Committee on School Funding that takes into account such factors as grade level, geographic location, special educational needs and other criteria affecting the cost of educating each child; and

WHEREAS, such funding can be derived from some modification of the State's broad-based taxing authority, ensuring greater progressivity based on ability to pay;

NOW, THEREFORE, BE IT RESOLVED by the New Jersey State League of Municipalities, in conference assembled, does hereby endorse the effort of the Mayors' Task Force for School Funding Reform to develop and promote remedial legislation to accomplish this goal and advocates removing all educational funding from the property tax and seek out other state revenue sources to assure our school children receive a thorough and efficient education; and

BE IT FURTHER RESOLVED, that we call on all Mayors to support this effort by signing a "Statement of Support for a Major Reform in the Manner of Funding Public Education"; and

BE IT FURTHER RESOLVED, that we encourage the Task Force to work with the Administration, the Legislature and other interested parties and citizens' groups to develop and enact these reforms in a timely manner.

New Jersey State League of Municipalities Conference Resolution No. 2009-21
Approved at the League Business Meeting, November 20, 2009
Approved by the League Resolutions Committee, November 17, 2009

In Appreciation of League President Timothy McDonough

WHEREAS, Mayor Timothy C. McDonough, the Mayor of the Township of Hope, is completing his exemplary term as the President of the New Jersey State League of Municipalities; and

WHEREAS, President McDonough 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 McDonough is an articulate and powerful voice on a wide range of issues critical to municipalities, such as economic and community development, ethics, state aid to municipalities, unfunded state mandates, property taxes and volunteerism; and

WHEREAS, he worked alongside League staff and advocated on behalf of municipalities statewide, including testimony at legislative hearings, one-on-one meetings with Cabinet members, Legislators, the Governor, and to press and the public on issues ranging from the need for property tax reform to economic development and fiscal responsibility; and

WHEREAS, President McDonough has worked tirelessly on behalf of the New Jersey State League of Municipalities and all local officials in hosting the League's 94th Annual Conference; and

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

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, on the 20th day of November 2009, does extend to President Timothy C. McDonough 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 McDonough and that a copy of this resolution be transmitted herewith to him.

**New Jersey League of Municipalities Conference Resolution 2009-22
Approved at the League Business Meeting, November 20, 2009
Approved by the League Resolutions Committee, November 17, 2009**

Resolution to Gain Property Tax Relief through Mandates Relief

WHEREAS, with the loss of close to \$200 million in revenue replacement funding from the State over the last two years, municipalities all around New Jersey are struggling to contain property taxes, while continuing to deliver quality local programs and services; and

WHEREAS, unfunded state mandates drive up local government costs and force local budget-makers to address a laundry list of state priorities before, and often to the detriment of, local needs for vital municipal programs and services; and

WHEREAS, these mandates, which do not take into consideration existing municipal budget laws, include state required training for local officials and employees, state required reporting and permitting requirements and state required services and programs; and

WHEREAS, these mandates have built up, over the years, with no attention paid at the State level, to a point at which they have a cumulative impact on local budgets; and

WHEREAS, in testimony presented to the Legislature's budget committees earlier this year, Mayor McDonough, our League President, had asked the Legislature to consider:

1. A dramatic reform of the State's binding arbitration law, which forces local officials to submit police and fire contract disputes to the decision of an independent arbitrator; an expedited process for evaluation of local permit applications, as delays increase costs;
2. A relaxation of certain local training and certification requirements;
3. A moratorium on State enforcement of various land use and environmental regulations, until such time as the State can meet its statutory responsibility to fully fund the Consolidated Municipal Property Tax Relief Fund and the Energy Tax Receipts Property Tax Relief Program; and
4. A relaxation of the inordinate steps and time limits with which municipalities must comply to institute layoffs; and

WHEREAS, repealing unfunded state mandates will act as a means to achieving property tax relief for taxpayers all across our state; and

WHEREAS, we understand, better than most, the State's current revenue problems, but at this time, the State does not have to spend a penny to give our taxpayers real relief through the relaxation of unfunded state mandates; and

WHEREAS, immediate mandates relief will benefit all property taxpayers around our Garden State;

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey State League of Municipalities, in conference assembled, that we do call on Governor-elect Christie, Lieutenant Governor-elect Guadagno and all Members of the Two Hundred Fourteenth Legislature of the State of New Jersey to advance immediate mandates relief initiatives; and

BE IT FURTHER RESLOVED, that copies of this resolution be transmitted to Governor-elect Christie, to Lieutenant Governor-elect Guadagno and to all Members of the Two Hundred Fourteenth Legislature of the State of New Jersey.

New Jersey League of Municipalities Conference Resolution 2009-23
Approved at the League Business Meeting, November 20, 2009
Approved by the League Resolutions Committee, November 17, 2009

**Resolution Requesting the State Establish Municipal Service Fees to be paid by
Students Attending Colleges and Universities within the Municipality**

WHEREAS, many municipalities are having difficulty coping with the fact that a large percentage of the property within their boundaries is tax exempt; and

WHEREAS, municipalities are realizing the erosion of their tax bases when colleges universities and other nonprofits purchase additional property within the municipality; and

WHEREAS, because of New Jersey's allowance for tax exempt property, the average municipality loses approximately 13 percent of the taxes it could collect if all property within its borders were taxed; and

WHEREAS, the unequal distribution of tax exempt properties within the State of New Jersey exacerbates the problems posed by tax exempt properties since exempt property is concentrated in relatively few municipalities; and

WHEREAS, the cost of providing municipal services such as police, fire, emergency medical services, street lighting, and road maintenance are continually increasing; and

WHEREAS, residents are unfairly shouldering the burden of higher taxes by paying a greater amount for municipal services than they would pay if everyone using the services shared the burden of paying for said services; and

WHEREAS, it is well known fact that college and university students frequently utilize municipal services, especially those of public safety: police, fire, and emergency medical services; and

WHEREAS, the New Jersey State League of Municipalities deems it vital and crucial to alleviate the tax burden of the residents and businesses of said municipalities communities replete with tax exempt universities and colleges; and

WHEREAS, the New Jersey State League of Municipalities asserts that all colleges and universities utilizing municipal services should pay for them;

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey State League of Municipalities, in conference assembled, hereby requests the establishment of municipal service fees to be paid by students attending colleges and universities within said municipalities; and

BE IT FURTHER RESOLVED that full time students should be assessed a fee of \$100 per year, and part time students a fee of \$50 year, and the aforementioned fees should be adjusted annually by the municipal tax rate; and

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to all members of New Jersey's Two Hundred and Fourteenth Legislature.