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Media Advisory

November 22, 2017

Trenton, NJ – On Thursday, November 16, in Atlantic City 13 resolutions articulating the new legislative and policy priorities for the League of Municipalities were adopted at the Annual Business meeting held during the League’s 102nd Annual Conference.

These resolutions were proposed by officials who are currently in municipal office and are general in nature with demonstrable relation to municipal government interests. Previously, on Tuesday, November 14, the League Resolutions Committee screened these resolutions. The Committee was chaired by the newly elected League President James Cassella, Mayor of East Rutherford.

In the year to come, these resolutions will be key priorities for the League, and NJLM staff will be working with the sponsors of the resolutions to line up legislative sponsors, as well as taking other steps to see the implementation of these resolutions.

A title summary for each resolution is below.

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In Appreciation of League President Albert Kelly, Mayor of the City of Bridgeton

All the Resolutions can be viewed in full at <http://www.njslom.org/2017conf/2017-conf-resolutions.pdf>

Contact: Michael Cerra at mcerra@njslom.org or 609-695-43481, Ext. 120.

New Jersey State League of Municipalities Conference Resolution No. 2017-01

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

**Approved at the League Business Meeting, November 16, 2016
Approved by Resolution Committee, November 14, 2017**

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

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

WHEREAS, salary costs are a large part of the driver in the increases of local property taxes; and

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

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

WHEREAS, in June 2014, the Legislature unanimously approved and the Governor enacted an extension to December 31, 2017, for the 2% arbitration cap, however, the 2% property tax levy cap continues to remain permanent, without an exemption for police and fire arbitration contract awards; and

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

WHEREAS, we recognize that this change in arbitration reform needs a longer time to mature in order to see the benefits of the legislation and its actual impact on the cost of local government budgets and the impact on taxpayers; and

WHEREAS, the Police and Fire Public Interest Arbitration Impact Task Force, which was established in the December 2010 legislation, is not scheduled to issue the final report on its findings and recommendations until the same day of the expiration of the cap on interest arbitration awards, December 31, 2017; and

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

WHEREAS, if the cap on interest arbitration expires while the 2% levy cap remains in effect, municipalities will be forced to reduce or eliminate municipal services so to fund interest arbitration awards;

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, urges the State Legislature to extend the 2% cap on Police and Fire Arbitration Contract Awards for 5 more years, at which time the Legislature will have hard data to examine and then make a final decision as to whether this law should be made permanent; and

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

Sponsors:

The Hon. Albert B. Kelly
President, NJLM
Mayor, Bridgeton

The Hon. James L. Cassella,
First Vice President
Mayor, East Rutherford

The Hon. Colleen Mahr
Second Vice President,
Mayor, Fanwood

The Hon. James Perry
Third Vice President
Mayor, Hardwick Twp.

Co-Sponsors:

The Hon. James Cahill,
Mayor, New Brunswick

The Hon. Peter Cantu,
Mayor, Plainsboro Township
Past President, NJLM

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

The Hon. Al Smith.
Mayor, Scotch Plains

The Hon. Phil Greiner
Mayor, Borough of Flemington

The Hon. Frank Druetzler
Mayor, Morris Plains
NJLM Executive Board

The Hon. Michael Stanzilis
Mayor, Mount Arlington

The Hon. Jack A. Trotta
Mayor, Plumsted Township

The Hon. Michael McGowan
Mayor, Corbin City

The Hon. James Anzaldi
Mayor, Clifton
Past President, NJLM

The Hon. Melissa Lynch
Mayor, Pequannock

The Hon. Bruce Harris,
Mayor, Chatham Borough

The Hon. Paul Vallone
Mayor, Far Hills Borough

The Hon. Don Dietrich
Mayor, Woodstown

The Hon. Tom Andes
Mayor, Denville

The Hon. Peter Rustin
Mayor, Tenafly

The Hon. Dan Reiman
Mayor, Carteret

The Hon. Robert B. Woodruff
Mayor, Berkeley Heights

The Hon. Ed Piehler
Mayor, Northvale

The Hon. Jon Dunleavy,
Mayor, Bloomingdale
NJLM Executive Board

The Hon. Raymond Cywinski
Mayor, Demarest

The Hon. Sal Bonaccorso
Mayor, Clark

The Hon. Joseph Tempesta Jr.
Mayor, West Caldwell

The Hon. John Smart
Mayor, Haworth

The Hon. Frank T. Mazza
Mayor, Union Township

The Hon. Dana Redd,
Mayor, City of Camden

The Hon. Sam Morris
Mayor, Mine Hill

The Hon. Paul Medany,
Mayor, Deptford

The Hon. Ed Campbell
Mayor, Gibbsboro

The Hon. Nora Radest,
Mayor, Summit

The Hon. Janice Kovach
Mayor, Clinton Town

The Hon. Christine Dansereau
Mayor, Roselle

The Hon. Allen Morgan
Mayor, New Providence

The Hon. Edward Seely,
Mayor, Spotswood

The Hon. Kevin Ryan
Mayor, Verona

The Hon. John Kramer,
Mayor, Old Tappan

The Hon. Janet Hoven
Mayor, Chester Borough

The Hon. Donald Burden
Mayor, Shrewsbury Boro

The Hon. Paul Maticera
Mayor, North Brunswick

The Hon. Carmen Amato
Mayor, Berkeley Twp.

The Hon. Craig H. Wilkin
Mayor, Florence Twp.

The Hon. Russ Greuter
Mayor, Rockaway Borough

The Hon. Susan Cohen
Mayor, Manalapan

The Hon. John Glidden
Mayor, Closter

The Hon. BettyAnn Cowling-Carson
Mayor, Magnolia

The Hon. Stuart Patrick
Mayor, Glen Ridge

The Hon. Ellen B. Pompper
Mayor, Lower Alloways Creek Twp.

The Hon. Shing-Fu Hsueh
Mayor, West Windsor

The Hon. Susan Kinder
Mayor, Ridgewood

The Hon. Richard Turner
Mayor, Weehawkin

The Hon. Harry Shortway Jr.
Mayor, Midland Park

The Hon. Richard Goldberg
Mayor, Hawthorne

The Hon. Lauren Kremper
Mayor, Edgewater Park

The Hon. Dudley Lewis
Mayor, Washington

The Hon. Mark W. Tomko
Mayor, Wallington

The Hon. Daniel P. Teefy
Mayor, Twp. Of Monroe

The Hon. James Bilella
Mayor, Berlin Borough

The Hon. Brian Wahler
Mayor, Piscataway

The Hon. Robert Schaffer
Mayor, Rockleigh

The Hon. John Birkner
Mayor, Westwood

The Hon. Mattias Schroeter
Mayor, Glen Garnder

The Hon. Wilda Diaz
Mayor, City of Perth Amboy

The Hon. Leo McCabe
Mayor, Glassboro

The Hon. Josph A. Nametko
Mayor, Netcong

The Hon. Denis McDaniel
Mayor, Springfield

The Hon. Elie Y. Katz
Deputy Mayor, Teaneck

The Hon. Paul J. Kennedy
Mayor, Borough of Ocean Gate

The Hon. George W. Shivery, Jr.

The Hon. Joseph Stemberger

Mayor, Greenwich Twp.

The Hon. Mark Sokolich
Mayor, Fort Lee

The Hon. Michael Francis
Mayor, Hopatcong Borough

The Hon. Anthony Deluca
Mayor, Kenilworth

The Hon. Fred Tagliarini
Mayor, Aberdeen

The Hon. Eric A. Steeber
Mayor, Borough of Milltown

The Hon. Dennis Vaccaro
Mayor, Moonachie

The Hon. Erland Chau
Mayor, Northfield

The Hon. Bill Ryan
Mayor, Oxford Twp.

The Hon. Clarence F. Lear, Jr.
Mayor, Cape May City

The Hon. Joseph Wolk
Mayor, Mount Ephraim

The Hon. Victor DeLuca
Mayor, Maplewood

The Hon. John Krenzel
Mayor, South River

The Hon. James Kelly
Mayor, Dumont

The Hon. Janice Mironov
Mayor, East Windsor Twp.

The Hon. Donald Asay
Mayor, Mannington, Twp.

Mayor, Elmer

The Hon. Joseph Alessi
Mayor, North Caldwell

The Hon. Paul Muir
Mayor, Bethlehem Twp.

The Hon. Nick Russo
Mayor, Longport

The Hon. Domenick Stampone
Mayor, Haledon Borough

The Hon. Norman Schmelz
Mayor, Borough of Bergenfield

The Hon. Robert Conley
Mayor, Madison Borough

The Hon. William Curtis
Mayor, Bay Head

The Hon. Michael Mignogna
Mayor, Voorhees Twp.

The Hon. Gary Passante
Mayor, Somerdale

The Hon. Charles Daniel
Mayor, Califon

The Hon. William Parent
Vice Mayor, Millville

The Hon. Owen Henry
Mayor, Old Bridge

The Hon. Kevin D. Kuchinski
Mayor, Hopewell Twp.

The Hon. Janet Tucci
Mayor, West Long Branch

The Hon. Guy Piserchia
Committee Member, Long Hill Twp.

The Hon. Daniel Flynn
Councilman, Newton

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

The Hon. Jane Williams-Warren
Mayor, Paterson

New Jersey State League of Municipalities Conference Resolution No. 2017-02

Resolution Urging Congress to Protect the Deductibility of State and Local Taxes

Approved at the League Business Meeting, November 16, 2016
Approved by Resolution Committee, November 14, 2017

WHEREAS, the Federal Tax Code is incredibly complex and every one of its provisions was enacted for a reason. While some of those reasons may no longer serve the public's interest, others remain fair and effective tools that promote the general welfare; and

WHEREAS, the deduction for state and local taxes (SALT) has been a feature of the tax code for more than 100 years. In 1913, the first federal income tax form allowed taxpayers to deduct state and local taxes, one of only six deductions allowed at the time. Even the federal Civil War tax in 1862 included a deduction for SALT; and

WHEREAS, this provision ensures against double taxation and reflects mandatory tax payments, which support public services that benefit all citizens, such as K-12 schools, law enforcement and public safety, transportation and infrastructure, and vital community and public health services; and

WHEREAS, taxpayers in all 50 states – and in both Democratic and Republican congressional districts – benefit from the SALT deduction. The SALT deduction is claimed by taxpayers of all income levels. The deduction is especially important for middle-income homeowners, as fifty percent of the deductions claimed by taxpayers making \$50,000 to \$100,000 are for property taxes; and

WHEREAS, the SALT deduction does not unfairly benefit taxpayers in high tax states. To the contrary, low tax states are generally more dependent on the federal government, receiving more

in federal funding than they pay in federal taxes. According to one study, Mississippi, Alabama and Louisiana are among the most subsidized states, receiving about \$3 in federal spending for every \$1 contributed in taxes; while New Jersey, New York, and Illinois are among the states that receive less than \$1 from the federal government for every \$1 paid in federal taxes; and

WHEREAS, eliminating the SALT deduction would raise taxes on middle-class homeowners – even if the standard deduction were doubled. A recent study commissioned by the National Association of Realtors found that homeowners with adjusted gross incomes (AGI) between \$50,000 and \$200,000 would see an average tax increase of \$815 if SALT were eliminated and the standard deduction were doubled; and

WHEREAS, SALT is strongly tied to home ownership since the overwhelming number of itemizers who claim the deduction (44 million) deduct property taxes (40.7 million) and mortgage interest (35.4 million). Eliminating SALT will diminish the value of the mortgage interest deduction, resulting in a 10% decline in home values in the immediate term; now, therefore, be it

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, urges all members of the New Jersey Congressional Delegation to oppose, with voice and vote, any proposal to eliminate the fair and reasonable SALT deductibility provision from the Federal Tax Code; and,

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

Sponsor:

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

Co-Sponsor:

The Hon. Richard Goldberg
Mayor, Hawthorne

New Jersey State League of Municipalities Conference Resolution No. 2017-03

Resolution Calling for Legislation to Increase Criminal Penalties for Adult Street Gang Members Who Solicit or Recruit Minors to Actively Participate in a Criminal Street Gangs

**Approved at the League Business Meeting, November 16, 2016
Approved by Resolution Committee, November 14, 2017**

WHEREAS, there is a growing presence of criminal street gangs in municipalities throughout the State of New Jersey; and

WHEREAS, many adult criminal street gang members actively seek to solicit and/or recruit minors to join or participate in criminal activity on behalf of the criminal street gang; and

WHEREAS, pursuant to N.J.S.A. 2C:33-28, it is a second-degree crime for a person to solicit or recruit another who is under the age of 18, to join or actively participate in a criminal street gang with the knowledge that the person who is solicited or recruited will promote, further, assist, plan, aid, agree or attempt to aid in the commission of criminal conduct by a member of a criminal street gang; and

WHEREAS, generally second-degree crimes in New Jersey are punishable by up to 5-10 years in New Jersey State Prison; and

WHEREAS, setting a mandatory minimum sentence of five (5) years in New Jersey State Prison for a person convicted of soliciting or recruiting another who is under the age of 18, to join or actively participate in a criminal street gang, regardless of the setting or scenario, will ensure that such a defendant is not eligible for early parole, thus guaranteeing a strict punishment for those who prey on children while deterring others from engaging in this appalling behavior; and

WHEREAS, an adult defendant who is convicted of recruiting or soliciting a minor should be subject to the same criminal penalties as the minor so recruited or solicited when said minor is convicted of a first-degree offense which promotes, furthers, assists, plans, aids, agrees, or attempts to aid in the commission of such criminal conduct on behalf of the criminal street gang; and

WHEREAS, it is appropriate and necessary for the State to enact such legislation to provide an adequate response to such a pervasive public health, safety, and well-being issue.

NOW THEREFORE BE IT RESOLVED, that by the New Jersey State League of Municipalities in conference assembled, urges the passage of legislation that will increase the criminal penalties for those who recruit or solicit minors to join or actively participate in a criminal street gang, by setting a five (5) years minimum mandatory sentence in New Jersey State Prison, regardless of the setting or scenario; and

BE IT FURTHER RESOLVED, that the New Jersey State League of Municipalities further urges the passage of legislation that subjects an adult defendant who is convicted of recruiting or soliciting a minor to a first-degree sentence if the minor so recruited or solicited is also convicted of a first-degree offense which promotes, furthers, assists, plans, aids, agrees, or attempts to aid in the commission of such criminal conduct on behalf of the criminal street gang; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to the Governor of the State of New Jersey, the Lieutenant Governor of the State of New Jersey, Governor-elect, the Lieutenant Governor-elect of the State of New Jersey, the Attorney General of the State of New Jersey, the President of the New Jersey State Senate, the Speaker of the New Jersey General Assembly, all State Legislators, and all members of the New Jersey Congressional Delegation.

Sponsor:

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

Co-Sponsor:

Assemblyman Gary S. Schaer
Legislative District 36

The Hon. Joseph Tempesta, Jr.
Mayor, West Caldwell

New Jersey State League of Municipalities Conference Resolution No. 2017-04

Resolution Calling for the Restoration of Energy Taxes to Municipalities

**Approved at the League Business Meeting, November 16, 2016
Approved by Resolution Committee, November 14, 2017**

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

WHEREAS, when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; since, just as municipalities collect property taxes for the benefit of school districts, counties and other entities; the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

WHEREAS, for years, though, State budget makers have diverted funding from Energy Taxes to fund State programs; and instead of being spent on local programs and services and used to offset property taxes, the money has been spent as successive Legislatures and Administrations have seen fit; and

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

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

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

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

WHEREAS, in 2008, 2009 and 2010 (SFY 2009, 2010 and 2011), funding for municipal revenue replacement was slashed by about \$331 million; and

WHEREAS, that \$331 million has been continually diverted in each of the past six State budgets; and

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

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

NOW, THEREFORE, BE IT RESOLVED, that the League of Municipalities, in conference assembled, calls for the immediate restoration of funding diverted from Energy Taxes intended for local use; and

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

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

Sponsors:

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

The Hon. Albert B. Kelly
President, NJLM
Mayor, Bridgeton

The Hon. James L. Cassella,
First Vice President
Mayor, East Rutherford

The Hon. Colleen Mahr
Second Vice President,
Mayor, Fanwood

Co-Sponsors:

The Hon. Richard F. Turner
Mayor, Weehawken

The Hon. Joseph Tempesta, Jr.
Mayor, West Caldwell

The Hon. Paul J. Vallone
Mayor, Far Hills

The Hon. Mattias Schroeter
Mayor, Glen Gardner

The Hon. James Perry
Third Vice President
Mayor, Hardwick Twp.

The Hon. Janice Kovach
Mayor, Clinton Town

The Hon. Brian C. Wahler,
Mayor, Piscataway Township

New Jersey State League of Municipalities Resolution No. 2017-05

Resolution Supporting the Federal Tax Exemption on Municipal Bonds

**Approved at the League Business Meeting, November 16, 2016
Approved by Resolution Committee, November 14, 2017**

WHEREAS, the New Jersey State League of Municipalities is dedicated to ensuring local control and decision making through access to affordable capital; and

WHEREAS, tax-exempt municipal bonds finance infrastructure that touches the daily lives of every American citizen – the roads we drive on, schools and education for our children, affordable housing, water systems that supply safe drinking water, wastewater systems that keep our waterways clean, courthouses, hospitals and clinics to treat the sick, airports and ports that help move people and products domestically and overseas, and utility plants that power homes and businesses; and

WHEREAS, three-quarters of all infrastructure investments made in the United States are financed by state and local governments and their agencies through tax-exempt municipal bonds; and

WHEREAS, tax-exempt municipal bonds have, for 200 years, been the way that state and local governments can affordably access capital markets to meet the needs of their citizens; and

WHEREAS, interest on municipal bonds is exempt from Federal taxation under a principle of reciprocal immunity under which the Federal Government is exempt from State and local taxations and local governments are exempt from Federal taxation; and

WHEREAS, savings from affordable financing through tax-exempt bonds allows for greater infrastructure investments and savings passed directly to taxpayers and ratepayers in the form of reduced taxes and fees; and

WHEREAS, keeping infrastructure costs low is critical to job creation and to the infrastructure investments that are the backbone of our economy; and

WHEREAS, the American Society of Civil Engineers has given a grade of D+ for the condition and performance of the nation's infrastructure, and estimates an investment of \$3.6 trillion will be needed for the nation's infrastructure by 2020; and

WHEREAS, Congress and the Administration have proposed capping, limiting, eliminating or replacing tax-exempt bonds; and

WHEREAS, several studies have concluded convincingly that proposals to limit, eliminate or replace tax-exempt bonds would result in significantly higher borrowing costs for state and local government; and

WHEREAS, increased borrowing costs would translate to increased fees and increased taxation at the local level, or in the failure to meet core infrastructure needs; and

WHEREAS, limiting, eliminating or replacing tax-exempt bonds could shut many small issuers out of the bond market entirely; and

WHEREAS, tax-exempt municipal bonds are the financing tool that exists by and for local governments without federal interference; and

WHEREAS, federal mandates significantly increase state and local government infrastructure costs, with mandates related to the Clean Water Act placing an especially large burden on city governments; and

WHEREAS, state and local governments cannot and should not rely exclusively upon federal tax credits, federal reimbursement payments, federal grants and federal loans to finance infrastructure; and

WHEREAS, over the past few decades, funding for core federal government infrastructure grant programs for State and local governments has been stagnant at best and in many cases has declined precipitously; and

WHEREAS, in an era of increasing federal mandates and federal budget austerity, capping, limiting or eliminating tax-exempt bonds would essentially signal a divestment in infrastructure; and

WHEREAS, tax credit bonds and direct subsidy bonds are good complements to traditional tax-exempt municipal bonds but would be poor substitutes due to reliance on a federal subsidy and higher costs for smaller issuers; and

WHEREAS, in 2012, 2013 and 2016 the League of Municipalities approved a resolutions Expressing Support for and Defending the Continued Tax Exemption for Municipal Bonds, and because of the paramount importance of this issue to municipalities, it is both necessary and appropriate to reiterate the League's strong support for preserving the tax-exempt status of municipal bonds;

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities strongly urges the Administration and Congress, and that Administration and Congress preserve the current tax-exempt status of municipal bonds that have successfully provided trillions of dollars in low-cost financing for critical infrastructure investments that serve citizens in all states and local communities; and

BE IT FURTHER RESOLVED, copies of this Resolution are forwarded the Lieutenant Governor, Lieutenant Governor-elect, the Governor, the Governor-elect of the State of New Jersey, the members of the New Jersey State Legislature and the New Jersey Congressional Delegation.

Sponsors:

The Hon. Albert B. Kelly
President, NJLM
Mayor, Bridgeton

Co-Sponsors:

The Hon. Richard F. Turner
Mayor, Weehawken

The Hon. James L. Cassella,
First Vice President
Mayor, East Rutherford

The Hon. Joseph Tempesta, Jr.
Mayor, West Caldwell

The Hon. Colleen Mahr
Second Vice President,
Mayor, Fanwood

The Hon. James Perry
Third Vice President
Mayor, Hardwick Twp.

New Jersey State League of Municipalities Conference Resolution No. 2017-06

Opposes preemption of municipal authority over zoning, permitting, and rights-of-way regulations for the purposes of broadband deployment

**Approved at the League Business Meeting, November 16, 2016
Approved by Resolution Committee, November 14, 2017**

WHEREAS, On January 31, 2017 the Federal Communications Commission (“FCC” or “Commission”) announced the establishment of the Broadband Deployment Advisory Committee (“BDAC” or “Committee”) for the purpose of advising and making “recommendations to the Commission on how to accelerate the deployment of high-speed Internet access, or “broadband,” by reducing and/or removing regulatory barriers to infrastructure investment.”; and

WHEREAS, Issues to be considered by the BDAC include drafting a model code “covering local franchising, zoning, permitting, and rights-of-way regulations; recommending further reforms of the Commission’s pole attachment rules; identifying unreasonable regulatory barriers to broadband deployment; and recommending further reform within the scope of the Commission’s authority.”; and

WHEREAS, A majority of the members of the BDAC represent the telecommunications industry with very little voice given to local interests; and

WHEREAS, Much of the advice and recommendations coming from the BDAC call for the Federal preemption of local authority over zoning, permitting, and rights-of-way regulations; and

WHEREAS, Recent draft legislation has been circulated within the U.S. Senate Commerce Committee which would seek to ensure that the FCC has the legislative authority to preempt state and local regulatory authority over zoning, permitting, and rights-of-way regulations; and

WHEREAS, Local authorities are best suited for providing for zoning, permitting, and rights-of-way regulations that protect the health, welfare, and safety of the citizenry and preemption of local authority in these areas would compromise local residents health, welfare, and safety; and

WHEREAS, These local regulations do not create a barrier to the deployment of broadband but rather serve an important local purpose which should not be discounted; and

NOW, THEREFORE, BE IT RESOLVED, That the New Jersey State League of Municipalities, in conference assembled, urges all members of the New Jersey Congressional Delegation to oppose, with voice and vote, any proposals, either through legislative or regulatory action, to label local regulation as a

barrier to broadband deployment or/and preempt local authority over zoning, permitting, and rights-of-way regulations; and

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

Sponsor:

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

Co-Sponsors:

The Hon. Richard F. Turner
Mayor, Weehawken

The Hon. Joseph Tempesta, Jr.
Mayor, West Cladwell

The Hon. Paul J. Vallone
Mayor, Far Hills

New Jersey State League of Municipalities Conference Resolution No. 2017-07

**Urging the Governor and State Legislature to Adopt
Comprehensive Reforms to the Fair Housing Act**

**Approved at the League Business Meeting, November 16, 2016
Approved by Resolution Committee, November 14, 2017**

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

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

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

WHEREAS, the New Jersey State League of Municipalities and municipalities statewide have long called for comprehensive reforms to the Fair Housing Act to implement a reasonable and grounded state affordable housing policy which promotes rational planning, seeks to achieve results

with available housing funding and incentives, encourages partnerships, and protects the interests of taxpayers; and

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

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

WHEREAS, despite the expenditure of these exorbitant costs, only one case in the entire State has been tried in court that purports to determine a municipality’s affordable housing obligation, which case is still in litigation and far from being resolved; and

WHEREAS, although some municipalities have agreed, many under stress of continuing burdensome costs and extraordinary time and uncertainties, to a certain level of obligation within their communities by way of negotiated settlements of lawsuits, most municipalities in the State are still awaiting clear, definitive direction as to what their specific affordable housing obligation should be and what methods can be employed to meet those obligations; and

WHEREAS, the overwhelming majority of municipalities throughout the State are ready and willing to voluntarily comply with their affordable housing obligations without resort to protracted, costly litigation; however, that desire has been frustrated by the lack of action by COAH and the Legislature as well as the painfully slow progress and inconsistent rulings in the courts to resolve the issues surrounding affordable housing; and

WHEREAS, in order to expeditiously provide opportunities for affordable housing, municipalities must have clear, reasonable, achievable and realistic standards to guide municipal action; and

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

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, urges the New Jersey State Legislature and the Governor to adopt and sign into law comprehensive reforms to the Fair Housing Act to provide clear and realistic

standards to establish reasonable and achievable municipal affordable housing obligations as well as additional tools to satisfy those obligations; and

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

Sponsors:

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

The Hon. Joseph Camarota
Councilman, South Brunswick

The Hon. Paul Medany
Mayor, Deptford

Co-Sponsors:

The Hon. Joseph Tempesta, Jr.
Mayor, West Caldwell

The Hon. Paul J. Vallone
Mayor, Far Hills

The Hon. Mattais Schroeter
Mayor, Glen Gardner

The Hon. Janice Kovach
Mayor, Clinton Town

New Jersey State League of Municipalities Conference Resolution No. 2017-08

**Resolution Calling for Parity in the Thresholds of the
Local Public Contracts Law and Pay-to-Play Law**

**Approved at the League Business Meeting, November 16, 2016
Approved by Resolution Committee, November 14, 2017**

WHEREAS, the Local Public Contracts Law is the state law that determines the procurement process for local units of government, including municipalities, and establishes the dollar threshold at which a municipality must either solicit quotations or go out to bid; and

WHEREAS, there are various other state laws that impact the local procurement process with no consideration given to the Local Public Contracts Law triggering additional steps and/or documentation to the municipal procurement process; and

WHEREAS, unfortunately, the dollar thresholds for these laws vary and differ from the Local Public Contracts Law bid threshold; and

WHEREAS, one such law is the Pay-to-Play, administered by the Election Law Enforcement Commission, which pursuant to N.J.S.A. 19:44A-20.4, establishes their threshold at \$17,500; and

WHEREAS, as a result, there are now times, when a local unit could solicit quotes for a particular good or service, but because of the \$17,500 Pay-to-Play threshold there must be formal action by the governing body in the award of the quotation; and

WHEREAS, when Pay-to-Play law was enacted the Local Public Contracts Law bid threshold was \$17,500, therefore, the threshold in N.J.S.A. 19:44A-20.4 mirrored the \$17,500 bid threshold, however, what was overlooked was the statutory increase in the Local Public Contracts Law bid threshold increases every 5 years in direct proportion to the rise or fall of the index rate and rounded to the nearest \$1,000 (N.J.S.A. 40A:11-3 (c)); and

WHEREAS, since the enactment of the Pay-to-Play law the Local Public Contracts Law bid threshold has increased while the Pay-to-Play threshold remains the same;

NOW, THEREFORE, that the League of Municipalities, in conference assembled, calls for the enactment of common-sense legislation that links the Pay-to-Play threshold to mirror the Local Public Contracts Law bid threshold procurement thresholds while keeping the intent of each law intact; and

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

Sponsor:

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

Co-Sponsor:

The Hon. Richard F. Turner
Mayor, Weehawken

The Hon. Joseph Tempesta, Jr.
Mayor, West Caldwell

New Jersey State League of Municipalities Conference Resolution No. 2017-10

**Calling on the Legislature to Permit On-line News Platforms to Qualify As
Legal Newspapers for the Purpose of Municipalities Publishing Legal Notices**

**Approved at the League Business Meeting, November 16, 2016
Approved by Resolution Committee, November 14, 2017**

WHEREAS, various statutes require municipalities to publish legal notices in an official newspaper for numerous governmental actions such as meeting notices, ordinances, resolutions, municipal land use actions, or public bidding; and

WHEREAS, N.J.S.A. 35:1-2 requires that in order for a newspaper to qualify as a legal newspaper for the publication of official advertisements it must be printed and published in the English language within the state at least once a week for at least one year continuously; and

WHEREAS, N.J.S.A. 35:1-2.2 establishes the following qualifications for newspapers publishing official notices: newspapers must be printed entirely in the English language, be printed and published within the State, have a general paid circulation in the municipality where their publication office is situated for not less than two years and have been entered for two years as second class mail under US postal laws and regulations; and

WHEREAS, as technology has advanced, news publication has changed from voluminous newsprint to greater on-line reporting with fewer print pages; and

WHEREAS, this change has impacted municipalities, ranging from difficulties in having public notices printed, even though meeting print newspapers' deadlines, to fewer reporters covering local meetings and community events; and

WHEREAS, to fill the void, online news platforms have evolved to become the local source of news for many municipalities, however, they do not meet the statutory definition of legal newspapers and are unable to publish official notices; and

WHEREAS, at the same time a recent PEW Research Center survey on the news habits and attitudes of U.S. adults ages 18 and older, conducted in association with the John S. and James L. Knight Foundation, found that 81% get some of their news through websites, apps, or social media, in fact, about four in ten often get their news online;

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled; urges the State legislature to amend the various statutes to permit municipalities to use qualified on-line news platforms to publish official notices; and

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

Sponsor:

The Hon. Colleen Mahr,
Mayor, Fanwood
2nd Vice President, NJLM

Co-Sponsor:

The Hon. Joseph Tempesta, Jr.
Mayor, West Caldwell

New Jersey State League of Municipalities Conference Resolution No. 2017-12

Resolution Calling for Tort Reform in Claims Against New Jersey Municipalities

**Approved at the League Business Meeting, November 16, 2016
Approved by Resolution Committee, November 14, 2017**

WHEREAS, millions of tax dollars are wasted annually on frivolous litigation against New Jersey municipalities; and

WHEREAS, attorney fee shifting under statutes including, but not limited to, New Jersey's Law Against Discrimination, New Jersey's Conscientious Employer Protection Act, and similar laws, make it extremely difficult to defend government at all levels against employment liability lawsuits and other such claims; and

WHEREAS, these fee shifting statutes encourage frivolous litigation as municipalities feel compelled to settle claims rather than risk the exposure to shifting fees; and

WHEREAS, as fee shifting only affects municipal defendants and not plaintiff claimants, there is no disincentive to plaintiffs to prevent bringing frivolous claims; and

WHEREAS, as a result, the cost of employment litigation has steadily increased over the past decade with much of these increased costs being legal fees; and

WHEREAS, fee shifting statutes, such as those mentioned above, create an incentive for plaintiff's attorneys to make unreasonable demands, thus increasing the number of hours spent on cases; and

WHEREAS, under current laws there is no relationship between the fees awarded to attorneys and the damages awarded to plaintiffs which further tends to encourage frivolous litigation; and

WHEREAS, unlimited fee shifting is inappropriate in governmental employee claims as these plaintiffs have other numerous protections.

NOW, THEREFORE, BE IT RESOLVED, by the League of Municipalities, in conference assembled that legislation should be advanced that would address tort reform and limit the scope of fee shifting in claims against municipal governments, by possibly capping legal fees, which would encourage earlier resolution of claims; and

BE IT FINALLY RESOLVED, that copies of this resolution be forwarded to the Department of Community Affairs, and the members of the New Jersey State Legislature, the Lieutenant Governor, Lieutenant Governor-elect, the Governor and the Governor-elect of the State of New Jersey.

Sponsor:
The Hon. Paul Medany,
Mayor, Medford Township

Co-Sponsor:
The Hon. Joseph Tempesta, Jr.
Mayor, West Caldwell

The Hon. Paul Vallone
Mayor, Far Hills

New Jersey State League of Municipalities Conference Resolution No. 2017-13

**Resolution Requesting an Examination and Consideration of
Alternate Methods for the Funding of Public School**

**Approved at the League Business Meeting, November 16, 2016
Approved by Resolution Committee, November 14, 2017**

WHEREAS, the State of New Jersey consistently ranks at our among the top states in the country for the highest property taxes; and

WHEREAS, the largest portion of that tax burden is for the funding of public schools; and

WHEREAS, the funding of public schools falls disproportionately heavy upon property owners and is therefore, a fundamentally flawed method for the funding of public schools since the burden could be more fairly disbursed over a broader spectrum of taxpayers if other funding sources were to be utilized in place of taxes on real property; and

WHEREAS, it is in the best interest of the residents of New Jersey to request an examination of alternate methods for the funding of public school education;

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled; requests that the office of the State of New Jersey re-examine the method by which New Jersey public school are funded and develops and implements new methodologies which will better spread out the burden over the greatest number of sources which will be fair, just, and in the best interests of our citizens and children.

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

Sponsor:

The Hon. Gary Passanante
Mayor, Somerdale
NJLM Executive Board

Co-Sponsor:

The Hon. Joseph Tempesta, Jr.
Mayor, West Caldwell

The Hon. Mattias Schroeter
Mayor, Glen Gardner

New Jersey State League of Municipalities Conference Resolution No. 2017-15

**Resolution Urging Legislature to Amend N.J.S.A. 40A:14-178 to
Provide for Reimbursement to Municipalities for Police Recruit Training**

**Approved at the League Business Meeting, November 16, 2016
Approved by Resolution Committee, November 14, 2017**

WHEREAS, police officer recruits hired by municipalities are required to have extensive and costly training at police academies before being placed on active duty; and

WHEREAS, police recruits will undergo their training either through the Alternate Route program pursuant to N.J.S.A. 52:17B-69.1, in which the person who is not hired by a police department pays the cost, or by the municipality upon hiring, where the municipality pays the cost, and

WHEREAS, on occasion, police recruits, after completion of training, resign to transfer to another municipality for various reasons, including a higher starting salary or more generous contract; and

WHEREAS, the payment for the police training is currently governed by *N.J.S.A.40A:14-178*, which provides for reimbursement of the costs incurred by the former employee in the examination, hiring and training of the person, providing for total reimbursement where the position was held for 30 days or less and one-half reimbursement where the position was held or more than 30 days or less than two years; and

WHEREAS, this two-year time period should be expanded to allow for reimbursement paid by the employee to the municipality prorated over five years in accordance with the following formula:

Resign in Year 1	Reimburse Total Cost
Resign in Year 2	Reimburse 80% of Cost
Resign in Year 3	Reimburse 60% of Cost

Resign in Year 4	Reimburse 40% of Cost
Resign in year 5	Reimburse 20% of Cost

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, urges the State legislature to amend *N.J.S.A.40A:14-178* to require that the first appointing municipality be reimbursed by the transferred employee for the cost of police academy training in accordance with the above schedule; and

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

Sponsors:

The Hon. Joseph Kolodziej
Councilman, Clifton

The Hon. James Anzaldi,
Mayor, Clifton
Past President, NJLM

Co-Sponsors:

The Hon. Richard F. Turner
Mayor, Weehawken

The Hon. Joseph Tempesta, Jr.
Mayor, West Caldwell

New Jersey State League of Municipalities Conference Resolution No. 2017-16

In Appreciation of League President Albert Kelly, Mayor of the City of Bridgeton

Approved at the League Business Meeting, November 16, 2016

Approved by Resolution Committee, November 14, 2017

WHEREAS, after serving as Council President on the City Council, the Honorable Albert Kelly was elected as the first African-American Mayor of the City of Bridgeton in 2010; and,

WHEREAS the Honorable Albert Kelly was elected President of the New Jersey State League of Municipalities in November 2016 and is now completing his term; and

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

WHEREAS, President Kelly has been articulate voice on a host of issues important to municipal interests, such as continuation of the two percent cap on interest arbitration awards, the importance of preserving and value of urban enterprise zones, promoting a change in the culture of health in our communities, veterans issues and promoting youth involvement in public service; and

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

WHEREAS, President Kelly has a long and distinguished record of public service in addition to his service with the League, including founding and now serving as CEO of Gateway Community Action

Partnership, Inc.; a non-profit social service organization serving over 56,000 low and moderate income residents in the Cumberland, Gloucester, Salem tri-county area; and,

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

NOW THEREFORE BE IT RESOLVED, by the New Jersey State League of Municipalities, on the 16th day of November 2017 that we do extend to President Kelly sincere appreciation for years of dedicated administration, effective advocacy and untiring efforts to improve local government in New Jersey; and

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

Sponsors:

The Hon. James L. Cassella
First Vice President,
Mayor, East Rutherford

The Hon. Colleen Mahr
Second Vice President,
Mayor, Fanwood

The Hon. James Perry
Third Vice President,
Mayor, Hardwick Twp.

Co-Sponsors:

The Hon. Richard F. Turner
Mayor, Weehawken

The Hon. Joseph Tempesta, Jr.
Mayor, West Caldwell