

RESOLUTIONS PASSED AT ANNUAL BUSINESS MEETING

Submitted by:

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November 25, 2008

At the League's annual business meeting, which concluded the 93rd Annual Conference, 17 resolutions were considered and approved. The resolutions had previously been screened and amended by the League's Resolution committee.

In total, 18 resolutions were considered on a wide range of issues impacting local government administration and quality-of-life issues for our citizens. Ultimately, 17 resolutions were passed, while one (#2008-08) was referred to the League's Taxation and Finance Committee for consideration. The list resolution includes 16 action items for the League, which will comprise, in large part, our pro-active legislative agenda for 2009, and a ceremonial resolution honoring the service of League Immediate Past President Robert L. Bowser, Mayor of the City of East Orange.

Below is the title and summary for each of the passed resolutions. The full texts of these resolutions are available on the League's website <http://www.njslom.org>.

2008 -01

Calling for Legislative Action to Encourage the Use of Solar Power

2008-02

Protecting Military Servicemen, Servicewomen and Veterans At-Risk of Losing Their Home to Mortgage Foreclosure

2008-03

Resolution Recommending Amendment Regarding Tax Levies for Free Public Libraries

2008-04

Resolution Regarding Unmuffled Engine Braking

2008-05

Opposing Forced Mergers through State Aid Cuts Based on Population

2008-06

Resolution Requesting that the Legislature bring Fairness to those Communities that Foster the Responsibility to Maintain and Protect Watershed Lands

2008-07

Resolution Protesting State-Mandated 4% Tax Levy CAP as Inconsistent with State-Mandated Binding Arbitration

2008-09

Resolution Requesting the Legislature to Restructure and Bring Fairness to Tax and Franchise Fees Imposed on Telecommunications and Cable Telecommunications Service Providers in New Jersey.

2008-10

Resolution Calling for a CAP Exception for PFRS Costs

2008-11

Resolution Calling for Comprehensive Reform to the Fair Housing Act and the State Planning Act

2008-12

Resolution Urging More Effective Emergency Preparedness and Response and Action on Related Issues

2008-13

Resolution Seeking Housing Finance System Reform

2008-14

Urges Legislature to Maintain the Current Homestead Rebates for Eligible Senior Citizens

2008-15

Property Tax Relief Funding Formula Facts Resolution

2008-16

Resolution Calling for Changes to the Open Public Records Act (OPRA)

2008-17

Resolution on Home Rule

2008-18

In Appreciation of League President Robert L. Bowser

New Jersey State League of Municipalities Conference Resolution No. 2008 –01

Approved at the Annual League Business Meeting, Friday, November 21, 2008

Approved by the League Resolutions Committee, Tuesday, November 18, 2008

Calling for Legislative Action to Encourage the Use of Solar Power

WHEREAS, it has become increasingly evident that businesses and residents of the State of New Jersey should be encouraged to maximize the use of solar power as a means of conserving energy and protecting the environment; and

WHEREAS, modern technology has made it economically advantageous to make the investment in the use of solar power in residences and in business facilities; and

WHEREAS, there are various legal impediments to the installation of solar panels to enable residents and businesses to take advantage of solar power, including ordinances, along with private restrictions by deed or by homeowner association restrictions; and

WHEREAS, it is important to modify existing restrictions so that the use of solar power and the installation of solar panels can be encouraged, regardless of deed and other restrictions that would prevent such installation.

NOW, THEREFORE, BE IT RESOLVED that The New Jersey State League of Municipalities, assembled in its 2008 Annual Conference, hereby urges the Legislature of the State of New Jersey to enact legislation to make it reasonably possible for residents and businesses to install solar panels on their homes and business locations regardless of deed restrictions and homeowner association regulations, subject to compliance with applicable construction and safety codes; and

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

New Jersey State League of Municipalities Conference Resolution No. 2008 – 02

Approved at the Annual League Business Meeting, Friday, November 21, 2008

Approved by the League Resolutions Committee, Tuesday, November 18, 2008

**Protecting Military Servicemen, Servicewomen and Veterans
At-Risk of Losing Their Home to Mortgage Foreclosure**

WHEREAS, municipalities across New Jersey are continuing to struggle with a mortgage foreclosure crisis that is impacting millions of homeowners nationwide; and

WHEREAS, a large number of New Jersey servicemen and servicewomen are currently deployed and away from their homes and families for significant periods of time; and

WHEREAS, military and financial aid groups have identified a rising number of troops who say they are falling behind on their mortgage payments and struggling to keep their homes, and the Army and VA regional loan centers have seen an increase in calls from soldiers, military families and veterans seeking foreclosure prevention assistance; and

WHEREAS, one of the most effective ways to prevent the foreclosure of a home is to negotiate a refinancing or loan modification with the borrower's mortgage servicer; and

WHEREAS, veterans and active servicemen and servicewomen have limited foreclosure protections and an unfair disadvantage while they are away from home, requiring them to negotiate with their lender from the battlefield; and

WHEREAS, current law makes it difficult for soldiers and veterans to refinance costly mortgages into VA-guaranteed loans, and the maximum VA-backed home loan available for refinancing makes it nearly impossible to help those struggling to escape high-interest loans; and

WHEREAS, currently, lenders can seek a court order to foreclose on a home, even if a soldier is in combat.

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, supports increasing the loan amount eligible for VA-guaranteed refinancing and supports increasing the amount of an original VA-guaranteed home loan, expanding options available to veterans and servicemen and servicewomen seeking to avoid foreclosure; and

BE IT FURTHER RESOLVED that the New Jersey State League of Municipalities supports time-limited restrictions on lenders from foreclosing on active-duty soldiers, giving them more time to find a solution and prevent foreclosure of their home; and

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

New Jersey State League of Municipalities Conference Resolution No. 2008 – 03

Approved at the Annual League Business Meeting, Friday, November 21, 2008

Approved by the League Resolutions Committee, Tuesday, November 18, 2008

**Resolution Recommending Amendment to N.J.S.A. 40:54-8
Regarding Tax Levies for Free Public Libraries**

WHEREAS, N.J.S.A. 40:54-8 requires the Governing Body of every municipality which is governed by the law concerning free public libraries to annually appropriate, and raise by taxation, an amount equal to one third of a mill on every dollar of assessable property within the municipality, based on the equalized valuation of such property; and

WHEREAS, this law was first enacted in 1944 and has only been amended once, that being in 1985; and

WHEREAS, the last amendment was over 23 years ago, and the initial law is now 64 years old; and

WHEREAS, the equalized value of property within New Jersey in 1944, as well as in 1985, was substantially less than the equalized value of property today, considering the rate of inflation and the boom in the real estate market in the mid-to-late 80's and again in the early-to-mid 2000's; and

WHEREAS, though the equalized values of real estate have increased many times over – perhaps as much as 50 times the equalized values in 1944, and as much as two or three-fold since 1985 --- the state law (40:54-8) has not changed the fractional obligation of each municipality to contribute toward its free public library; and

WHEREAS, the amount each municipality is required to contribute under the current statute far exceeds the reasonable needs and requirements of the free public libraries in the municipalities governed by this law.

NOW, THEREFORE, BE IT RESOLVED that the New Jersey State League of Municipalities, assembled in its 2008 Annual Conference, hereby urges the Legislature to revise the statutory requirements, in order to reduce the mandated financial obligation on the municipalities and their taxpayers under 40:54-8; and

BE IT FURTHER RESOLVED, that the New Jersey State League of Municipalities urges that N.J.S.A. 40:54-8 be amended to read as follows:

“The governing body or appropriate board of every municipality governed by this article shall annually appropriate and raise by taxation an amount of not less than one-sixth of a mill on every dollar of assessable property within such municipality based on the equalized valuation of such property as certified by the Director of the Division of Taxation in the Department of the Treasury. Nothing

herein shall prevent the municipality from appropriating a greater amount where the governing body, in its discretion, determines that such amount is appropriate,” and

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

New Jersey State League of Municipalities Conference Resolution No. 2008 – 04

Approved at the Annual League Business Meeting, Friday, November 21, 2008

Approved by the League Resolutions Committee, Tuesday, November 18, 2008

Resolution Regarding Unmuffled Engine Braking

WHEREAS, unmuffled engine braking noise from diesel trucks travels for long distances throughout the day and night, disturbs the repose and well being of taxpayers and adversely affects the quality of life of many New Jersey residents; and

WHEREAS, truck, engine and equipment manufacturer studies have consistently found that improperly muffled vehicles are the root cause of the noise issue with engine braking; and

WHEREAS, unmuffled engine braking is currently not enforced on interstate highways in New Jersey; and

WHEREAS, truck traffic (and resulting noise) on interstate highways has greatly increased over the past 10 years and is expected to continue to increase; and

WHEREAS, New Jersey is the most densely populated state in the United States and therefore has many residents living within audible proximity to interstate highways; and

WHEREAS, new trucks are required to be equipped with effective mufflers when first sold; and

WHEREAS, many truckers have purposely modified their muffler systems after purchase to make them ineffective; and

WHEREAS, New Jersey law forbids the use of ineffective muffler systems on any motor vehicle; and

WHEREAS, Federal EPA regulations specifically prohibit tampering with, removing or rendering inoperative any truck noise control device; and

WHEREAS, federal noise regulations require trucks to meet specific noise emission standards; and

WHEREAS, many communities in New Jersey have enacted local ordinances to ban unmuffled engine braking; and

WHEREAS, many states have passed laws banning unmuffled engine braking, but New Jersey has no such state law; and

WHEREAS, local ordinances and New Jersey-specific laws are NOT enforceable on interstate highways, because only federal regulations are enforceable on interstate highways; and

WHEREAS, many local municipalities are reluctant to adopt laws banning unmuffled engine braking due to concerns about enforceability and potential litigation; and

WHEREAS, the New Jersey Department of Environmental Protection (NJDEP) is responsible for adopting federal noise regulations for interstate highways; and

WHEREAS, NJDEP has not yet adopted any federal noise regulations for interstate highways; and

WHEREAS, the use of engine brakes should not be banned outright, because engine braking serves to enhance public safety; and

WHEREAS, trucks are “self-inspected” and therefore not subject to the ongoing routine independent inspections that automobiles are subject to. Trucks may however be inspected when passing through a New Jersey State Police (NJSP)-administered weight station; and

WHEREAS, NJSP-staffed truck weight stations are not open 24 hours per day.

NOW, THEREFORE, BE IT RESOLVED that the New Jersey State League of Municipalities, assembled in its 2008 Annual Conference, hereby calls upon:

- (1) the NJDEP to immediately adopt all federal regulations regarding truck noise and mufflers system modifications,
- (2) the Legislature to adopt a law similar to laws in other states to ban unmuffled engine braking and impose a \$500 fine for violations,
- (3) the NJDEP to work with the New Jersey Motor Vehicle Commission to establish a simple state roadside noise test procedure that requires the engine brakes to be activated during the test, that can be enforced by local and state police with minimal training and equipment and that will stand up in court,
- (4) the NJSP to immediately and vigorously enforce all applicable state and federal truck noise and muffler laws (including at all truck weigh/inspections stations).

BE IT FURTHER RESOLVED, that a copy of this resolution shall be sent to all members of the New Jersey Legislature, to the Governor, to the Commissioners of the Departments of Environmental Protection and Transportation, to the Superintendent of the New Jersey State Police and to the NJ Motor Vehicle Commission.

New Jersey State League of Municipalities Conference Resolution No. 2008 – 05

Approved at the Annual League Business Meeting, Friday, November 21, 2008

Approved by the League Resolutions Committee, Tuesday, November 18, 2008

Opposing Forced Mergers through State Aid Cuts Based on Population

WHEREAS, in 2008 Governor Corzine, one week before state law required municipalities to introduce their budget and without any input from the New Jersey State League of Municipalities, proposed \$189 million in local aid reductions from the State; and

WHEREAS, more than 350 towns in New Jersey were targeted solely based on their smaller populations; and

WHEREAS, the Governor's initial proposal reduced aid to towns with populations of 5,000 to 10,000 by 50% and towns with populations under 5,000 received no aid at all; and

WHEREAS, no evidence has been presented proving that small towns are less efficiently operated than larger ones, while facts indicate that small towns are actually more cost-effective; and

WHEREAS, records show that the 15 towns in New Jersey with the lowest per capita spending are towns with populations under 10,000, and 27 of the 30 lowest and 72 of the lowest 100 also have populations under 10,000; and

WHEREAS, these smaller towns already receive less state aid and have to face the same costly state mandate, such as binding arbitration, COAH obligations and escalating pension costs that their larger counterparts face.

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

- population should not be used as the basis for state aid reductions,
- the State Legislature should strongly oppose any attempt to force the consolidation or merger of municipalities through financial coercion such as state aid cuts,
- any major changes in state aid programs should be discussed first with the New Jersey State League of Municipalities and should not be made in the "eleventh hour" of the municipal budget process,
- any agreed upon changes should be phased in and made effective for future budget years to allow for prudent planning,

- 2009 state aid to municipalities should be structured to reward, not penalize, towns -- regardless of size -- that have already shared or consolidated services with neighboring towns, their school board and/or county governments, and

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

New Jersey State League of Municipalities Conference Resolution No. 2008 – 06

Approved at the Annual League Business Meeting, Friday, November 21, 2008

Approved by the League Resolutions Committee, Tuesday, November 18, 2008

Resolution Requesting that the Legislature bring Fairness to those Communities that Foster the Responsibility to Maintain and Protect Watershed Lands

WHEREAS, the State of New Jersey in 2004 adopted the “Highlands Water Protection and Planning Act,” which further imposed development restrictions on lands deemed critical to protecting the State’s water supply; and

WHEREAS, municipalities in the Highlands Region supply 379 million gallons of drinking water per day to half the residents of the State of New Jersey; and

WHEREAS, since 2004 and the inception of the Highlands Act, the critical and environmentally sensitive watershed lands have been constrained and protected by the Highlands Act; and

WHEREAS, those Highlands communities serve as stewards for such watershed lands by providing municipal services, including health and safety for such drinking water while tax paying residents provide maintenance and economic support to the numerous private lake communities which feed reservoirs of the Highlands; and

WHEREAS, since the inception of the Highlands Act, communities that are located within this region have experienced relatively stagnant levels of ratables, while in turn enduring escalating operational expenses which include health benefits and pension costs that increase municipal budgets over the same period of time a total of thirty-five percent (35%); and

WHEREAS, in order to sustain protection of the State’s water supply and successfully support the Highlands Act, the economic need for equity is critical for the 88 communities that serve as local protection agencies of the State’s drinking water supply which results in a need for equitable revenue regeneration for such Highland municipalities; and

WHEREAS, Highland municipalities, wherein such critical lands are located, forgo significant local tax revenues from their lands in order to protect the State of New Jersey’s public drinking water; and

WHEREAS, the State’s water protection policies benefit all residents of the State by the protecting public drinking water and environmentally sensitive lands and the State’s natural resources; however the costs of protecting the water supplies, in the form of reduced revenues, are borne primarily by a few municipalities where such lands are located; and

WHEREAS, the costs of protecting these environmentally critical lands could be reallocated if the Legislature were to impose a modest surcharge on public water system users

throughout the entire state and distribute such revenue directly to those counties, municipalities and school districts bearing the economic responsibility of the State's water protection policies.

NOW, THEREFORE, BE IT RESOLVED that The New Jersey State League of Municipalities, assembled in its 2008 Annual Conference, hereby calls upon the Legislature to establish a "Highlands Equity Study Commission" to review and evaluate the economic equities that must be addressed for those municipalities to sustain and achieve the goals of the Highlands Water Protection and Planning Act, including appropriate fairness to allocate the costs of maintaining watershed lands for the benefit all consumers that benefit from such lands; and

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

New Jersey State League of Municipalities Conference Resolution No. 2008 –07

**Approved at the Annual League Business Meeting, Friday, November 21, 2008
Approved by the League Resolutions Committee, Tuesday, November 18, 2008**

**Resolution Protesting State-Mandated 4% Tax Levy CAP
as Inconsistent with State-Mandated Binding Arbitration**

WHEREAS, the Legislature has imposed a 4% tax levy cap upon municipalities; and

WHEREAS, the Legislature has also imposed binding arbitration in connection with municipal collective bargaining agreements; and

WHEREAS, the arbitrators, pursuant to such state-mandated arbitration, have consistently rendered arbitration awards, which result in actual costs to municipalities which far exceed 4%; and

WHEREAS, this results in an unjust and inconsistent scenario year after year where municipalities are forced to take drastic measures, including cuts and layoffs, in order to fund the excess amounts beyond the 4% attributable to the collective bargaining arbitration awards.

NOW, THEREFORE, BE IT RESOLVED that the New Jersey State League of Municipalities, assembled in its 2008 Annual Conference, hereby expresses strong opposition to and protests the inconsistent state-mandated binding arbitration process that permits collective bargaining arbitration awards in excess of the state-mandated 4% tax levy cap; and

BE IT FURTHER RESOLVED, that three copies of this resolution shall be forwarded to all members of the New Jersey Legislature with a request for legislation to limit the amount of arbitration awards.

New Jersey State League of Municipalities Conference Resolution No. 2008-09

Approved at the Annual League Business Meeting, Friday, November 21, 2008

Approved by the League Resolutions Committee, Tuesday, November 18, 2008

Resolution Requesting the Legislature to Restructure and Bring Fairness to Tax and Franchise Fees Imposed on Telecommunications and Cable Telecommunications Service Providers in New Jersey.

WHEREAS, the convergence of telecommunications technologies and regulatory reform has blurred the distinctions among the service providers as each provides a full range of voice, data and video service; and

WHEREAS, the Public rights-of-way are an asset held in trust for the people of the State of New Jersey by state and local government; and

WHEREAS, taxpayers are entitled to compensation when private corporations use the public rights-of-way to generate profits; and

WHEREAS, telecommunication providers including but not limited to, direct broadcast satellites, open video system and cable television, employing various technologies and offering multiple services, play an increasingly important role in the life of corporate and individual citizens in New Jersey; and

WHEREAS, tax and right-of-way franchise fee policies, however, should not bias competition among service providers nor distort the efficient use of public properties; and

WHEREAS, the current state system of compensation to municipalities for the use of the public rights-of-way distorts efficient use of these public assets; and

WHEREAS, comparable telecommunication competitors face major anomalies in financial obligations to the state; and

WHEREAS, service revenue continues to shift from traditional telecommunication services, such as, local and long distance to advanced services such as wireless/mobile, cable, broadband, and high speed internet access. This shift will continue to intensify over the next decade, further distorting the financial obligations to the state among competing telecommunication service providers; and

WHEREAS, the current situation has proven inequitable, among telecommunication competitors or between taxpayer-owners of the rights-of-way and telecommunication companies.

NOW, THEREFORE, BE IT RESOLVED, the New Jersey State League of Municipalities, in conference assembled, calls upon the legislature to restructure and bring fairness to tax and franchise fees imposed on telecommunication and cable telecommunication service providers in New Jersey; and

BE IT FURTHER RESOLVED, the New Jersey State League of Municipalities calls upon the Legislature to ensure consumers of telecommunication services receive competitively priced, high quality services which are taxed equitably; and

BE IT FURTHER RESOLVED, the New Jersey State League of Municipalities calls upon the legislature to ensure municipalities are held harmless from the shifts in consumption of telecommunication services from traditional services to more advanced services; and

BE IT FURTHER RESOLVED, the New Jersey State League of Municipalities calls upon the legislature to ensure tax revenue associated with the provision of telecommunications services be paid directly from the service providers to the local governments; and

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

New Jersey State League of Municipalities Conference Resolution No. 2008 – 10

Approved at the Annual League Business Meeting, Friday, November 21, 2008

Approved by the League Resolutions Committee, Tuesday, November 18, 2008

Resolution Calling for a CAP Exception for PFRS Costs

WHEREAS, the New Jersey Division of Pensions, based upon the actuarial analysis and approved by the various Boards of Trustees, has posted on their website the Employer pension billing due April 2009; and

WHEREAS, payments of the employer portion of benefits costs will be due on April 1, 2009 without interest; and

WHEREAS, the Police and Fire Retirement System (PFRS) was subject to the phase in legislation (Chapter 108 P.L. 2003) and has reached 100% for municipalities in 2008, and the 2009 billing increase is \$56,734,552 and falls on the property taxpayer; and

WHEREAS, the total 2009 employer contribution required from local governments is \$696,476,702, compared to the 2008 levy of \$639,742,150, a 8.87% increase that is subject to both the “Property Tax Levy Cap” and the “Expenditure Cap”; and

WHEREAS, each year local governments have paid 100% of the employer billing from the State Division of Pensions but the accrued liability developed by the phase in legislation has caused the employer contribution to be 36.5% higher and is a major portion of the 8.89% increase; and

WHEREAS, the 2009 increase of 8.87% must be absorbed as part of the 4% levy increase, placing 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 2009 PFRS employer 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 State League of Municipalities Conference Resolution 2008 -11

Approved at the Annual League Business Meeting, Friday, November 21, 2008

Approved by the League Resolutions Committee, Tuesday, November 18, 2008

Resolution Calling for Comprehensive Reform to the Fair Housing Act and the State Planning Act

WHEREAS, the New Jersey State Legislature passed the “Fair Housing Act” (PL 1985, c. 222) creating the Council on Affordable Housing (COAH) as a alternative to the Courts for municipalities to comply with its affordable housing obligation; and

WHEREAS, the New Jersey State Legislature also passed the “State Planning Act” (PL 1985, c. 398) which established the State Planning Commission, the Office of State Planning (now the Office of Smart Growth) and the inclusionary and voluntary process of cross-acceptance to create the State Plan; and

WHEREAS, COAH’s adopted “third round regulations” have resulted in significant municipal opposition to the punitive property tax impact, flawed methodology, retroactive assessment of third round growth, decreases in the flexibility of tools used for compliance, inadequate funding, inconsistency with smart growth and environmental protection policies and its anti-economic development thus resulting in litigation being brought forth by the New Jersey State League of Municipalities, with financial support of over two hundred fifty municipalities; and

WHEREAS, these failures are compounded by subsequent state legislative action which underscores the failure of the agencies of state government to work cooperatively and toward compatible goals among themselves and with local municipal officials; and

WHEREAS, hundreds of municipalities face a December 31, 2008 deadline to file COAH plans and this deadline does not allow enough time for a process to implement sound planning principles in an open and transparent manner; and

WHEREAS, the voluntary, inclusionary and bottom-up approach embraced in the original “Fair Housing Act” and the “State Planning Act” was the major reason the New Jersey State League of Municipalities and local governments in general supported both pieces of legislation.

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey State League of Municipalities, in conference assembled, that the League and municipal governments support the provision and intent of affordable housing, support sound planning strategies and believe that the two are not mutually exclusive; and

BE IT FURTHER RESOLVED, that the Council of Affordable Housing should reform its housing regulations to address the punitive property tax impact, flawed methodology, retroactive assessment of third round growth, decreases in the flexibility of tools used for compliance, inadequate funding, inconsistency with smart growth and environmental protection policies and its anti-economic development thrust to provide a six month extension from the current December 31 filing deadline faced by hundreds of municipalities; and

BE IT FURTHER RESOLVED, that the New Jersey State Legislature should conduct a thorough review of the Fair Housing Act and the State Planning Act, and engage necessary reforms to assure the planning efforts of the State of New Jersey are consistent, reasonable and fiscally responsible,

allowing for rational growth, the provision of housing for all income levels, including low and moderate income households, adequate funding for transportation infrastructure priorities and the preservation of natural resources; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to the Governor of the State of New Jersey, the Commissioner of the Department of Community Affairs, the members of the Council on Affordable Housing, the members of the State Planning Commission and the members of the State Legislature.

New Jersey State League of Municipalities Conference Resolution No. 2008-12

Approved at the Annual League Business Meeting, Friday, November 21, 2008

Approved by the League Resolutions Committee, Tuesday, November 18, 2008

**Resolution Urging More Effective Emergency Preparedness and
Response and Action on Related Issues**

WHEREAS, there is an urgent need for significant improvements in emergency preparedness and response capabilities at the local, state and federal levels before future natural disasters or acts of terrorism; and

WHEREAS, since 1991 the U.S. Government Accountability Office (GAO) has issued 120 reports on preparedness and response including a 1993 report that predicted that local and state first responders would be overwhelmed by future catastrophic natural disasters, so that immediate federal help would need to be coordinated by the Federal Emergency Management Agency (FEMA); and

WHEREAS, emergency response was improved significantly after the 1993 GAO recommendations were implemented, but then the lessons were forgotten and many of the changes were undone and there is significant evidence that the need to focus attention and resources on preventing and responding to acts of terrorism resulted in a shift away from traditional disaster management; and

WHEREAS, effective disaster preparedness and mitigation measures are vastly preferable to and less costly than avoidable disaster recovery, and best achieved through effective communication and transparency; and

WHEREAS, our nation's municipalities need solid assurance and demonstrated actions that our federal government partner is ready and able to provide swift and effective emergency assistance; and

WHEREAS, the creation of the Department of Homeland Security (DHS) was intended to better coordinate our nation's preparedness, readiness and response to all hazards, regardless of the cause; and

WHEREAS, since the creation of DHS there have been several internal reorganizations within the Department which separated the preparedness and response functions, which have led to a weakening of Federal Emergency Management Agency's (FEMA) response and recovery capabilities.

NOW, THEREFORE, BE IT RESOLVED that The New Jersey State League of Municipalities, assembled in its 2008 Annual Conference, hereby calls on the Administration, members of Congress, state and local government leaders, other state and local government organizations and interested private and non-profit sector entities to work together constructively and in good faith on these issues as a matter of national urgency; and

BE IT FURTHER RESOLVED that the nation's emergency response system must be repaired and strengthened; and

BE IT FURTHER RESOLVED that the New Jersey State League of Municipalities believes that FEMA could best serve municipalities free of the operational and administrative constraints imposed on it by DHS; and

BE IT FURTHER RESOLVED that the New Jersey State League of Municipalities urges prompt and meaningful action in Congress, including appropriating sufficient funding to accomplish these objectives:

- better coordinated and effective local, state and federal natural disaster preparedness plans, with special attention to evacuation procedures, emergency transportation, emergency medical resources and availability of large shelters with emergency power, adequate supplies and staff in charge and in control;
- giving FEMA the competent leadership, structure, funding, authority, clear mandate and flexibility it needs to respond quickly and effectively;
- clear and appropriate division of responsibilities between local, state and federal governments in presidentially-declared disaster areas, with clear channels and protocols for communications between local, state and federal leaders, including maintaining the appropriate role of U.S. military forces in supporting emergency response to natural disasters;
- measures to assure that federal authorities do nothing to impede efforts by first responders and state and local authorities, or create unnecessary obstacles;
- more pre-positioning of basic emergency supplies and logistical arrangements to deliver them quickly;
- faster and better coordination of mutual assistance under the existing interstate Emergency Management Assistance Compact (EMAC);
- action by Congress and the Federal Communications Commission to develop comprehensive and interoperable emergency communications and set equipment with open standards, fund the purchase of emergency and interoperable communications equipment, and provide additional radio spectrum that will allow first responders to communicate over long distances using the same radio frequencies and equipment;
- reinstatement of a federal disaster preparedness and mitigation program like the former "Project Impact," based on effective incentives without burdensome mandates;
- better technology and resources for planning, including timely and adequate flood and seismic mapping, land use planning and local disaster preparedness and mitigation programs to prevent structures from being built in high risk areas;
- sufficient federal funds to rebuild and improve damaged or destroyed infrastructure and restore protective natural conditions;
- measures to assure continued access by all local governments to tax-exempt borrowing for infrastructure improvements to make our communities more disaster resistant, temper impacts of natural disasters and reduce recovery time;
- action to enhance the financial soundness and integrity of the National Flood Insurance Program and other FEMA programs, including effective but non-cumbersome measures

regarding contract award and administration, fiscal control and accountability and safeguards to assure that funds go only to affected citizens and communities;

- create detailed fiscal controls, accountability and safeguards to ensure that funds awarded in response to a natural or man-made disaster are disbursed only to impacted citizens and communities;
- necessary action at the federal and state levels to assure continued availability of adequate property and casualty insurance and excess insurance coverage to all regions of the nation, at affordable rates and without unreasonable exclusions or geographic redlining;
- support of the Federal Citizen Corps program to encourage individual disaster plans;
- adequate funding for the initiatives and capabilities outlined above; and

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to all members of the New Jersey Congressional delegation.

New Jersey State League of Municipalities Conference Resolution No. 2008 – 13

Approved at the Annual League Business Meeting, Friday, November 21, 2008

Approved by the League Resolutions Committee, Tuesday, November 18, 2008

Resolution Seeking Housing Finance System Reform

WHEREAS, the housing finance system has undergone changes in recent years that helped to foster a record rate of homeownership; and

WHEREAS, federal regulation to protect the interests of homeowners in the mortgage process failed to keep pace with the market; and

WHEREAS, as a result, millions of families are losing and could lose their homes to foreclosure; and

WHEREAS, municipalities, in turn, are being forced to maintain housing now vacant due to foreclosures, losing property tax revenues due to declining home values and incurring higher issuance costs for municipal bonds to fund worthy public projects due to the effects the subprime crisis is having on the broader financial markets; and

WHEREAS, homeownership is the foundation for stable communities and a strong economy, as for every 1000 single-family homes under construction, 2,100 full-time jobs are created; and

WHEREAS, in 2005 the housing sector accounted for 16 percent of national economic activity, while in 2006 the drop in homebuilding shaved more than a full percentage point off national economic growth; and

WHEREAS, unsound and predatory lending continues to threaten family self-sufficiency. Unsound and predatory lending practices continue to place financial burdens on families that are impossible to overcome and strip families of equity that has been built over years; and

WHEREAS, predatory mortgage lending costs Americans more than \$9.1 billion each year, and the social costs are likely higher; and

WHEREAS, foreclosures are rising and neighborhoods are in distress; for example, in the first six months of 2007, foreclosures increased more than 55 percent over the same period in 2006, reflecting one home foreclosure for every 134 U.S. households; and

WHEREAS, in addition to driving down real estate values, vacant housing also creates an unsafe and unhealthy environment; and

WHEREAS, municipalities around the nation stand to lose an estimated \$6.6 billion in tax revenues due to foreclosures; moreover, local budgets will need to be adjusted to

accommodate the increase in crime-prevention and sanitation needs associated with vacant housing; and

WHEREAS, losses on Wall Street due to mortgage default drive up interest rates and make it more expensive and difficult for cities to raise the necessary capital in the form of low-interest municipal bonds.

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, does hereby ask the NJ Congressional Delegation to join with their colleagues to enact legislation that would protect homebuyers from predatory lending by ensuring that mortgage loans are well-suited to the financial means of the homebuyer; and

BE IT FURTHER RESOLVED, that they also work to enact legislation that would ensure the availability of capital for mortgage financing and refinancing and continue to encourage lenders and loan servicers to work-out unsound loans as an alternative to foreclosure; and

BE IT FURTHER RESOLVED, that they likewise work to fully fund programs that will help our municipalities minimize the damage caused by the national foreclosure crisis, such as the Community Development Block Grant program; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to New Jersey's Congressional Delegation.

New Jersey State League of Municipalities Conference Resolution No. 2008-14

Approved at the Annual League Business Meeting, Friday, November 21, 2008

Amended and approved by the League Resolutions Committee,

Tuesday, November 18, 2008

Urges Legislature to Maintain the Current Homestead Rebates for Eligible Senior Citizens

WHEREAS, the current international financial crisis is likely to have a significant impact on all New Jersey residents and especially the senior citizens, one of our most vulnerable and cherished demographic, will be affected to a degree unlike others, and

WHEREAS, many residents of the state may be able to wait out the current home sale recession and wait out cashing in on programs like their 401(k)'s until the stock market recovers, many seniors will not be able to do so and thus need economic assistance now.

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey State League of Municipalities, in conference assembled, that it hereby urges the State Legislature to assist our senior population by maintaining the existing Homestead Property Tax Rebates for eligible senior citizens for the state 2008 – 2009 fiscal year of budget; and

BE IT FURTHER RESOLVED, that it recommends spending cuts elsewhere in the State Budget be implemented in order to not increase the tax burden to all the State's resident; and

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

New Jersey State League of Municipalities Conference Resolution 2008 –15

Approved at the Annual League Business Meeting, Friday, November 21, 2008

Approved by the League Resolutions Committee, Tuesday, November 18, 2008

Property Tax Relief Funding Formula Facts Resolution

WHEREAS, New Jersey Legislatures and Governors have, historically, expressed an interest in providing property tax relief to the people of our Garden State; and

WHEREAS, few have been as articulate in their promotion of the cause of property tax relief as the current Governor and Legislative Leadership; and

WHEREAS, even given New Jersey's chronic over-reliance on regressive and anachronistic property taxes, the need for relief has become even more pronounced as a result of our current economic crisis; and

WHEREAS, there are two main formula-driven general municipal property tax relief programs currently on the books in our Garden State; and

WHEREAS, The Energy Tax Receipts Property Tax Relief program is the direct descendant of the Public Utility Gross Receipts and Franchise Tax (PU-GRAFT), which was a tax on regulated public utilities originally assessed and collected at the municipal level; and

WHEREAS, in the early 1980's, when, at the request and for the convenience of the tax paying utilities, the State became the collection agent for this assessment, the law that effected this change promised that the proceeds would be distributed back to the municipalities, which provide services to utility facilities and from whence come utility profits; and

WHEREAS, the State of New Jersey never honored that commitment, immediately diverting large and growing portions of the proceeds to its own general fund; and

WHEREAS, modernization and deregulation led to a major reform of utility taxes in the mid-Nineties, which validated and, supposedly, capped the State's annual skim, and which included a 'poison pill,' which required the State to annually increase the municipal distribution of Energy Tax proceeds or to risk the forfeiture of the State's authority to collect the tax; and

WHEREAS, around the same time, for its own convenience, the State decided to 'consolidate' a number of previously discrete municipal property tax relief programs into the Consolidated Municipal Property Tax Receipts Aid (CMPTRA), many of the component parts of which had been distributed according to state established formulas; and

WHEREAS, many of those parts were, like Energy Taxes, the lineal descendants of taxes that had once been assessed and collected at the municipal level, including the Financial Business Tax, the Business Personal Property Tax Replacement, the Railroad Class II Property Tax, the Insurance Franchise Tax, the Corporation Business Tax on Banking Corporations and a

big chunk of State PILOT payments, that had been under-funded for many years, prior to being folded into the Consolidation; and

WHEREAS, these are, or were, like the Energy Tax, all *municipal revenue* replacement programs, not, properly speaking, *State* aid, since they were not meant to make things better for municipal property taxpayers, but only intended to keep things from getting worse; and

WHEREAS, in the late-Nineties, a law was passed that required both the Energy Tax and CMPTRA distributions to be annually increased by the rate of inflation, which requirement posed a special problem for future State budget makers; and

WHEREAS, as those budget makers viewed the matter, the problem was not how to comply with the requirement, rather the problem was how to evade compliance without invoking the Energy Tax 'poison pill;' and

WHEREAS, in order for the State to increase Energy Tax distributions by the rate of inflation for five straight years without providing municipalities with one new dollar in property tax relief, it reduced the CPMTRA distribution by the same amount that it increased the Energy Tax distribution; and

WHEREAS, though they may be ignored, formulas matter, if for no other reason than they give us a standard by which to judge an official's commitment to property tax reform; and

WHEREAS, we understand that while current distribution formulas, many of which have been around for years, might not best represent current State policy priorities; they are, however, State laws; and if we mean to change the formulas, then we ought to amend the laws; and

WHEREAS, the League of Municipalities stands ready to work with anyone seriously interested in meaningful, predictable and sustainable property tax relief, but since our current economic crisis makes it imperative for the state to publicly indicate that it intends to honor its statutory commitment to municipal property tax relief funding, so as to allow municipalities to rationally plan and budget for the upcoming year; now therefore be it

NOW, THEREFORE, BE IT RESOLVED that The New Jersey League of Municipalities, assembled in its 2008 Annual Conference, hereby urges the Legislature and the Governor to take affirmative action to insure program funding sufficient to honor state statutes and their stated commitment to the cause of property tax relief in all New Jersey municipalities; and be it further

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the Governor of the State of New Jersey, the State Treasurer, the President of the New Jersey State Senate, the Senate Minority Leader, the Speaker of the General Assembly, the Assembly Minority Leader, the Chairs and Members of the Senate and Assembly Budget and Appropriations Committees, and all members of the New Jersey State Senate and General Assembly.

New Jersey State League of Municipalities Conference Resolution No. 2008 –16

Approved at the Annual League Business Meeting, Friday, November 21, 2008

Approved by the League Resolutions Committee, Tuesday, November 18, 2008

Resolution Calling for Changes to the Open Public Records Act (OPRA)

WHEREAS, After many years of discussion and debate, the Open Public Records Act (OPRA) was approved by the Legislature and signed into law, as P.L. 2001, making significant changes in the law governing public records; and

WHEREAS, this law is generally regarded as successful in promoting open government and transparency in government procedures and proceedings; and

WHEREAS, despite this success, compliance with OPRA can place inordinate burden on governments, particularly smaller communities, which often have part-time individuals serving departments; and

WHEREAS, reforms can be made to OPRA to recognize the burden to local governments while honoring the intent of the Act.

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey State League of Municipalities, in conference assembled, that the State Legislature consider reforms to the OPRA, which eases time frames for compliance with requests, increases reimbursement costs and limits requests of a strictly commercial nature; and

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

New Jersey State League of Municipalities Conference Resolution No. 2008 – 17

Approved by the League Resolutions Committee, Tuesday, November 18, 2008

Resolution on Home Rule

WHEREAS, a municipality is a corporate body organized to provide local government services for the residents of a certain area; and

WHEREAS, a basic tenet of American political philosophy is that local governments have the inherent right to exercise authority to provide local services to its constituents and adopt ordinances and regulations for the good of the general public; and

WHEREAS, in New Jersey, municipalities are dubbed creatures of the State with the State exercising its supremacy in granting both implied and express powers to local governments while at the same time reserving unto itself the indispensable right to legislate mandates to be implemented by counties and municipalities; and

WHEREAS, during the past twenty-five (25) years, there has been a gradual yet intense movement by both the Executive and Legislative branches of the State to limit Home Rule and the sovereignty of municipalities to govern themselves by foisting upon municipalities un-funded mandates and stringent regulations such as the way in which municipalities will experience growth and development; and

WHEREAS, many of the policy initiatives formulated and implemented by the State are the direct result of special interest groups and their lobbyists who give little or no consideration as to how these policies have a detrimental impact on the administration of local government and especially on the residents who have chosen the municipality in which they live; and

WHEREAS, the new COAH regulations, the Highlands Regional Master Plan including Executive Order No. 114, the Pinelands regional plan, the Meadowlands regional plan, other regional planning efforts and new statewide amendments to the New Jersey Department of Environmental Protection's water quality management rules, are just a few examples of the efforts by the State of New

Jersey to manage and otherwise restrict the affairs of individual municipalities and impose long term costs on the residents of the impacted municipalities; and

WHEREAS, all of these mandates will cost the taxpayers of the State of New Jersey immense sums of money, substantially funded through the local property tax; and

WHEREAS, the imposition of state policies and related expenditures on municipalities means that the citizens who have chosen to reside in their respective municipalities are now facing a serious challenge in governing their destiny and in having the financial resources to provide essential services, including police, public works, schools, trash removal, recycling, recreation, etc.

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

1. The New Jersey State League of Municipalities re-affirms support for the principle that all municipalities have an inherent right to govern and shape the destiny of their communities and that the continued imposition of mandated policy initiatives and regulations on overburdened local governments are destructive of the principle of self-governance for citizens of the municipalities.

2. That copies of this resolution shall be forwarded to the Governor and to the members of the Senate and General Assembly.

New Jersey State League of Municipalities Conference Resolution No. 2008-18

Approved at the Annual League Business Meeting, Friday, November 21, 2008

Approved by the League Resolutions Committee, Tuesday, November 18, 2008

In Appreciation of League President Robert L. Bowser

WHEREAS, Mayor Robert L. Bowser, the Mayor of the City of East Orange, is completing his admirable term as the President of the New Jersey State League of Municipalities; and

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

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

WHEREAS, President Bowser has worked tirelessly on behalf of the New Jersey State League of Municipalities and all local officials to host the League's 93rd Annual Conference; and

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

NOW, THEREFORE, BE IT RESOLVED, by the New Jersey State League of Municipalities, in conference assembled, on the 21st day of November 2008, do extend to President Robert L. Bowser 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 Bowser and that a copy of this resolution be transmitted herewith to him.