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In Appreciation of League President Colleen Mahr, Mayor of Fanwood Borough

New Jersey State League of Municipalities Conference Resolution No. 2019-01

Supporting Local Governments' Rights and Efforts to Mitigate Climate Change Damages and Protect Taxpayers from Related Adaptation Costs

WHEREAS, scientific evidence is increasingly clear that human activities are largely responsible for the accelerating changes in the global climate, and such change poses a major threat to the health and livelihood of American communities, with impacts as wide-ranging as increased flooding, drought, reduced water supply, fire, public health impacts, habitat loss, and invasive species; and

WHEREAS, climate change, if unchecked, will have mounting impacts on human health, natural systems, and infrastructure, creating new costs for individuals, businesses, and governments with a disproportionate impact on low income and disadvantaged communities; and

WHEREAS, the Third National Climate Assessment, produced by a team of more than 300 experts guided by a 60-member Federal Advisory Committee and extensively reviewed by the public and experts, including federal agencies and a panel of the National Academy of Sciences, shows that municipalities will continue to bear the brunt of environmental, public health, and safety impacts associated with climate change, and the Environmental Protection Agency and Department of Energy have stated that climate-driven hazards will require tens of billions of dollars in investments to strengthen the nation's water, wastewater, and energy systems; and

WHEREAS, municipalities across the country are already having to invest billions of dollars annually in infrastructure and support services to deal with climate change's impacts of heat waves, droughts, and torrential rain event; and

WHEREAS, the Fourth National Climate Assessment, completed in November 2018, is a comprehensive and authoritative report on climate change and its impacts in the United States that reaffirms municipal concerns expressed in the Third Assessment and intensifies the urgency of both emission reductions and protective adaptations; and

WHEREAS, within the U.S., eight cities, six counties, and one state, collectively representing approximately 15,374,000 million people or 4.7% of the total population, have filed lawsuits over the past two years to protect their residents and taxpayers by holding fossil fuel companies accountable for costs of climate damages and adaptation measures; and

WHEREAS, the U.S. Conference of Mayors, together with the National League of Cities and the International Municipal Lawyers Association, has filed amicus briefs in support of many of those climate damages lawsuits because they "raise textbook claims under state law, seeking to allocate fairly a portion of the significant costs required to protect city and county residents from harms inflicted by Defendants' products;" and

WHEREAS, America's courts play a critically important role in our system of checks-and-balances, and state and federal legislative efforts to preempt local government access to the court system undermines the rights of individuals and their duly elected representative governments to

have access to state and federal judicial systems; and

WHEREAS, several major fossil fuel companies and related trade groups are advocating for legislation that would give fossil fuel companies immunity from lawsuits over climate change-related costs and damages or to "eliminate municipalities' power to bring suit or assert specific causes of action."

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities believes that the costs of measures to repair and adapt to current and future climate change-related damages should not fall solely on the residents, workers, and businesses in our communities; and

BE IT FURTHER RESOLVED, that the New Jersey State League of Municipalities calls for Congress to ensure that local governments have the resources to protect their residents from the impacts of climate change, with a special focus on the equitable distribution of resources for low income and disadvantaged communities, including the rights of municipalities to have access to the courts to resolve disputes over climate change-related damages and adaptation costs; and

BE IT FURTHER RESOLVED, that the New Jersey State League of Municipalities opposes any legislation, whether State or Federal, that attempts to limit or eliminate municipalities' access to the courts by overriding existing laws or in any way giving fossil fuel companies immunity from lawsuits over climate change-related costs and damages.

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to our representatives in Congress, the members of the New Jersey General Assembly and the State Senate, the New Jersey State Attorney General, the Lieutenant Governor and the Governor of the State of New Jersey.

Sponsor

The Hon. Colleen Mahr
Mayor, Fanwood Borough

New Jersey State League of Municipalities Conference Resolution No. 2019-02

**Resolution for an Amendment to the Municipal Land Use Law (“MLUL”)
Increasing the 10 Day Period for Giving Notice of an Application for Development**

WHEREAS, the MLUL in N.J.S.A. 40:55D-12 requires that notice of an application for development be given by an applicant by personal service or certified mail at least 10 days prior to the date of the hearing during which the application will be considered; and

WHEREAS, all documents, plans and maps associated with an application for development are required to be available for public inspection during this 10 day period prior to the hearing on the application; and

WHEREAS, applicants often make changes to plans and associated documents after an application for development has been deemed complete and the final plans that are made available for public inspection differ from those originally submitted and are only available for 10 days before the hearing on the application; and

WHEREAS, notices of hearings on applications for development are more frequently served by certified mail than personal service and are only required to be postmarked but not received by property owners within 200 feet of the proposed development a full 10 days before a hearing; and

WHEREAS, postal service delivery is not always consistent or reliable causing the certified mail notices of these hearings to be further delayed; and

WHEREAS, the delay in receiving notice coupled with the complexity of issues and voluminous quantity of application maps, plans and documents does not afford interested parties or the public adequate time to review and study an application for development before a hearing; and

WHEREAS, similarly, the 10 day period from the date notice is given does not give board members adequate time to review and study an application for development; and

WHEREAS, the New Jersey Court Rules are instructive and may serve as guidance in establishing a reasonable notice period for development applications in the MLUL; and

WHEREAS, the New Jersey Court Rules in R. 1:6-3 require a notice of motion to be filed 16 days prior to a motion hearing in order to allow adequate time for a response to the motion; and

WHEREAS, R. 1.6-3 also provides that time periods may be relaxed by court order and case law has interpreted the rule as being subject to relaxation by a court where failure to do so would deprive a litigant of procedural due process; and

WHEREAS, the 10 day notice requirement under the MLUL may serve to preclude certain members of the public from fully participating in the hearing process due to the short time period for study and review of applications for development; and

WHEREAS, the notice requirement is jurisdictional under the MLUL and there is no mechanism for its relaxation where the statute requires it or permits a municipality to require it by ordinance; and

WHEREAS, due to the voluminous nature of most applications for development and the relatively short time period afforded for review during the notice period, the MLUL should be amended to require notice to be given at least 21 days before an application for development is heard in order to give board members, interested parties, and the public adequate time for meaningful review of such an application.

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities in conference assembled, does hereby strongly urge the New Jersey State legislature to adopt legislation amending the MLUL to require notice for an application for development to be given at least 21 days before the scheduled hearing on the application; and

BE IT FURTHER RESOLVED, that the required notice for development applications under the MLUL should not, under any circumstances, be less than 16 days; and

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

Sponsor

The Hon. Cathy Wilson
Deputy Mayor, Morris Twp.

Co-Sponsor

The Hon. Amalia Duarte
Committeeperson, Mendham Twp.

New Jersey State League of Municipalities Conference Resolution No. 2019-03

Resolution Supporting Affordable Housing Preferences for First Responders and Public-School Teachers

WHEREAS, New Jersey municipalities continue to administer existing affordable housing programs while working with developers and other parties to create new realistic, fiscally and environmentally responsible affordable housing opportunities; and

WHEREAS, current law does not allow for preferences to be utilized for the occupancy of affordable housing units; and

WHEREAS, first responders such as law enforcement officers, paid or volunteer firefighters and emergency medical personnel, and public-school teachers serve a critical role in our communities; and

WHEREAS, many first responders, especially volunteers, and public-school teachers are in need of but find it difficult to obtain affordable housing within the communities they serve; and

WHEREAS, having first responders live in the communities they serve is an advantage to everyone as they are closer to emergency locations and more familiar with the area.

NOW, THEREFORE, BE IT RESOLVED that the New Jersey State League of Municipalities, in conference assembled, calls on the Governor and the State Legislature to advance and support legislation permitting municipalities to establish an affordable housing preference for eligible first responders and public-school teachers; and

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the President of the New Jersey State Senate, the Speaker of the New Jersey General Assembly, all members of the New Jersey State Legislature and the Governors and Lieutenant Governors of New Jersey.

Sponsor

The Hon. Anthony S. Perry
Mayor, Middletown Twp.

New Jersey State League of Municipalities Conference Resolution No. 2019-04

**Resolution Urging Legislative Action to Clarify the
Telecommunications Industry Corporate Tax Responsibilities**

WHEREAS, the 2012 Tax Court decision in Verizon New Jersey Inc. v. Borough of Hopewell incorrectly construed the plain meaning of the business personal property tax law, P.L. 1997, c. 162 (N.J.S.A. 54:10A-3 et al.); and

WHEREAS, this misinterpretation has resulted in hundreds of municipalities losing a significant property tax revenue source which is paid exclusively by certain telecommunication carriers; and

WHEREAS, tax court litigation in one municipality has so far taken ten years to ensure that Verizon would pay its 2008 business personal property taxes (BPPT), and further litigation will be needed to secure BPPT payments for each subsequent year in which the exemption was claimed, and

WHEREAS, every municipality faces the same prospect of costly annual tax court filings and appeals, adding to taxpayer burden, and

WHEREAS, legislative action is needed to clarify the intent to permanently apply the BPPT on local exchange telephone companies that were subject to the tax as of April 1, 1997 in order to rightly restore this significant source of property tax revenue and shield taxpayers from the costs of endless tax court litigation.

NOW THEREFORE BE IT RESOLVED, that the New Jersey State League of Municipalities in conference assembled, urges the State Legislature to take immediate action to clarify this costly ambiguity; and

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the President of the New Jersey State Senate, the Speaker of the New Jersey General Assembly, all members of the New Jersey State Legislature and the Governor and Lieutenant Governors of New Jersey.

Sponsor

The Hon. Paul Anzano
Mayor, Hopewell Borough

New Jersey State League of Municipalities Conference Resolution No. 2019-05

Resolution Urging the State Department of Health to Adopt Regulations that Would Permit Municipalities to Allow Pet Dogs in Certain Areas of Breweries

WHEREAS, there is an increased desire by New Jersey residents and visitors to bring their dogs with them when visiting breweries, and

WHEREAS, N.J.A.C. 8:24-6.5(k)2 already permits the presence of patrol dogs and service animals such as guide dogs that are trained to assist an employee or other person who is handicapped, and

WHEREAS, municipal officials wish to have greater flexibility to allow pet dogs in areas of breweries that are not used for food preparation such as dining and sales areas.

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, urges the State Department of Health to adopt regulations that would permit municipalities to adopt an ordinance to allow licensed pet dogs in areas of breweries that are not used for food preparation, which shall be controlled by the person accompanying the pet dog(s) and provided that such pet dog(s) not be allowed to be on seat or tables,

BE IT FURTHER RESOLVED, that copies of this resolution be transmitted to the Commissioner of the New Jersey Department of Health, the members of the New Jersey General Assembly and the State Senate, the Lieutenant Governor and the Governor of the State of New Jersey.

Sponsor

The Hon. James Anzaldi
Mayor, Clifton City

New Jersey State League of Municipalities Conference Resolution No. 2019-06

Resolution Supporting the Adoption of Legislation That Permits Municipalities to Establish Different Opening and Closing Hours for Retail Distribution and Retail Consumption Licenses

WHEREAS, for many years up until 1971, the permissible hours for retail sale of alcoholic beverages for off-premises consumption prohibited sales on Sunday and limited sales on other days to the hours of 9:00a.m. to 10:00 p.m.; and

WHEREAS, in 1971, the Legislature enacted N.J.S.A. 33:1-40.3, which provides that retail distribution license holders (i.e. liquor stores) are permitted to sell wine and malt beverage products in original containers (“package goods”) for off-premises consumption during the same days and hours that consumption license holders (i.e. bars and restaurants) are permitted to sell alcoholic beverages; and

WHEREAS, as a result, municipalities are precluded from establishing different opening and closing hours for retail distribution and consumption licenses and must permit liquor stores to remain open to sell package goods until bars and restaurants holding consumption licenses are required to close; and

WHEREAS, N.J.S.A. 33:1-40.2 contains exceptions for cities of the first class and provides such cities with greater latitude to enact ordinances which permit such cities to set different opening and closing hours for retail distribution and retail consumption license holders; and

WHEREAS, municipal leaders believe that in order to better provide for the health, safety and welfare of the residents of local communities and the State of New Jersey, all municipalities should be afforded the opportunity to establish different opening and closing hours for retail distribution and retail consumption licenses holders;

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, urges the State Legislature to adopt legislation that permits municipalities to establish different opening and closing hours for retail distribution and retail consumption license holders; and

BE IT FURTHER RESOLVED, that copies of this resolution be transmitted to the Director of the New Jersey Division of Alcoholic Beverage Control, all members of the New Jersey General Assembly and the State Senate, the Lieutenant Governor and the Governor of the State of New Jersey.

Sponsor

The Hon. James Anzaldi
Mayor, Clifton City

New Jersey State League of Municipalities Conference Resolution No. 2019-07

Renew and Fully Fund the Energy Efficiency and Conservation Block Grant (EECBG) Program

WHEREAS, energy challenges before municipalities, including sustained dependence on energy supplies from other areas of the nation and the world, uncertainty about reliability and costs as climatic events escalate, and how to cost-effectively accelerate energy efficiency and local renewable energy development, must be addressed to secure our future economic well-being and security; and

WHEREAS, the pace of federal investment in energy efficiency and renewable energy is now inadequate to support municipal and other efforts to confront these challenges which must be addressed to maintain and expand the nation's competitive position in the global economy, build livable and sustainable communities, and further the job and economic development benefits of a new technology energy economy; and

WHEREAS, the transportation and building sectors are the leading sources of energy consumption and associated emissions in the U.S., areas where sustained local action in these two sectors and others have shown that increased efficiency and renewable energy use can move communities toward less carbon intensity; and

WHEREAS, municipalities have been early leaders in reducing energy use and promoting renewable energy supplies; and

WHEREAS, these successful local initiatives could be expanded dramatically and yield much greater results if state and federal partnerships were strengthened to support and to accelerate such local action; and

WHEREAS, the Energy Independence and Security Act of 2007 (P. L.110-140) established the right mechanism to support such local efforts when it authorized \$10 billion in funding for the Energy Efficiency and Conservation Block Grant (EECBG) Program at the U. S. Department of Energy, which included providing for formula grants directly to municipalities, counties, and states to invest in new energy efficiency and renewable energy strategies; and

WHEREAS, local communities benefited from one-time funding of \$2.8 billion that was made available in 2009 to support such local efforts.

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, encourages Congress to reauthorize and appropriate full funding for the Energy Efficiency and Conservation Block Grant Program, including providing for increased authorization levels, and

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

Sponsors

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

The Hon. Colleen Mahr,
Mayor, Fanwood Borough

The Hon. J. Christian Bollwage
Mayor, Elizabeth City

The Hon. Timothy McDonough
Mayor, Hope Twp.

New Jersey State League of Municipalities Conference Resolution No. 2019-08

Resolution Urging the State of New Jersey to Provide Funding to Municipal Governments for the Enforcement of the “New Jersey Smoke Free Air Act” on Public Beaches and Parks

WHEREAS, Governor Phil Murphy signed P.L. 2018, c. 64, which extended the provisions of the “New Jersey Smoke Free Air Act,” that applies to public beaches and parks effective January 16, 2019; and

WHEREAS, New Jersey contains hundreds of thousands of acres of municipal parks, and over 130 miles coastline with the majority of beaches along our coastline patrolled and maintained by municipalities; and

WHEREAS, the New Jersey Smoke Free Air Act does not provide for State enforcement of the smoking ban, leaving municipal governments to bear the extra financial burden of policing the ban on their beaches and parks; and

WHEREAS, local enforcement of state laws should require that local governments be provided with adequate resources to enforce the law; and

NOW THEREFORE BE IT RESOLVED, that the New Jersey State League of Municipalities in conference assembled, urge the State Legislature to appropriate funding necessary for municipalities to enforce the new requirements of the New Jersey Smoke Free Air Act; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the President of the New Jersey State Senate, the Speaker of the New Jersey General Assembly, all members of the New Jersey State Legislature, Commissioner of Department of Health, Commissioner of the Department of Community Affairs, and the Governor and Lieutenant Governor of New Jersey.

Sponsor

The Hon. Don Cabrera
Mayor, Wildwood Crest Borough

New Jersey State League of Municipalities Conference Resolution No. 2019-09

**Resolution Supporting Legislation Authorizing the Use of Development Fees
To Help Fund Local Alternative Transportation Systems**

WHEREAS, the State of New Jersey is, like much of the United States, heavily dependent upon the passenger automobile as a mode of transportation; and

WHEREAS, many areas of the State are experiencing development activities and pressures due to market forces and government policies; and

WHEREAS, among the impact of these development activities are increased automobile traffic, including but not limited to traffic congestion, air pollution, noise and costs for roadway construction and maintenance; and

WHEREAS, it is often impracticable and/or undesirable to mitigate these impacts by building new roads, widening existing roads, adding or changing traffic controls; and

WHEREAS, it is often impracticable to reduce increased automobile traffic by locating and limiting development to areas that have convenient access to existing mass-transit facilities; and

WHEREAS, experience has shown that the expansion of mass transit facilities such as rail lines and stations, bus routes and stations, and so forth is extremely difficult to achieve; and

WHEREAS, alternatives to increased automobile usage or traditional mass-transit facilities exist, including but not limited to park-and-ride lots, local jitney services and local shuttle services; and

WHEREAS, the creation and operation of such services is fairly costly, discouraging their funding solely from local property taxes; and

WHEREAS, it is reasonable that development activities that generate increased automobile traffic should assist in efforts to mitigate the impacts from such traffic; and

WHEREAS, the New Jersey Municipal Land Use Law (“MLUL”) currently limits the ability of municipalities to impose contributions for off-tract improvements to street improvements and water, sewerage and drainage facilities, and easements therefor;

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities in conference assembled, respectfully urge the Legislature and the Governor to amend the MLUL to authorize the imposition of the pro rata contributions for improvements, in addition to street improvements, and programs, with appropriate guidelines, that would help mitigate the increased use of personal automobiles resulting from new development; and

BE IT FURTHER RESOLVED, that any such imposition of contributions should include contributions for improvements and programs should include, but not necessarily be limited to park-and-ride facilities, jitney and shuttle facilities, and local bus shelters and stops; and

BE IT FURTHER RESOLVED, that any such imposition of contributions should include contributions for improvements and programs that may be developed and used by more than one municipality or by a single municipality, as appropriate; and

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the President of the New Jersey State Senate, the Speaker of the New Jersey General Assembly, all members of the New Jersey State Legislature, Commissioner of the New Jersey Department of Transportation, Commissioner of Department of Community Affairs, and the Governor and Lieutenant Governor of New Jersey.

Sponsor

The Hon. Ronald F. Francioli
Mayor, Hanover Twp.

New Jersey State League of Municipalities Conference Resolution No. 2019-10

Resolution Urging the Creation of a Study Commission to Examine and Offer Solutions to the Shortage of Volunteer Firefighters and Emergency Medical Responders

WHEREAS, volunteer firefighters and emergency medical responders play a critical role ensuring the public's safety during emergency incidents such as fires, hazardous material spills, vehicle accidents, and other emergencies; and

WHEREAS, the U.S. Fire Administration reported that 87 percent of the country's fire departments are comprised of volunteer or mostly-volunteer firefighters, saving taxpayers millions each year; and

WHEREAS, according to the National Fire Protection Association (NFPA), in 2017 there were approximately 682,600 volunteer firefighters across the country, the lowest number of volunteer firefighters since 1986 when NFPA began reporting this statistic; and

WHEREAS, fire departments across the country are seeing an increase in emergency calls, at a time when many are having difficulties recruiting and retaining volunteers; and

WHEREAS, to recruit and retain volunteers, many emergency service departments provide benefits such as non-monetary gifts, training and equipment reimbursement, stipends, and retirement benefits; and

WHEREAS, additional resources at both the state and federal level must be dedicated to helping local governments attract and retain volunteer firefighters and emergency medical responders, in order to maintain the level of service needed to ensure the health and safety of our residents while keeping costs down.

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, appeal to the Legislature to set up a Study Commission comprised of interested stakeholders including local elected officials to review and examine the impact the decreasing number of volunteer firefighters and emergency responders has on local property tax payers, and identify the cause for the decrease and any barriers that stand in the way of individuals volunteering; and

BE IT FURTHER RESOLVED, that this Study Commission should offer solutions, legislative or otherwise, that reduce barriers to volunteering and increase volunteer participation; and

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

Sponsors

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

The Hon. Colleen Mahr,
Mayor, Fanwood Borough

The Hon. Timothy McDonough
Mayor, Hope Twp.

New Jersey State League of Municipalities Conference Resolution No. 2019-11

Resolution Supporting Local Cable Franchising Including Non-monetary Obligations

WHEREAS, municipal streets and highways are public property, obtained and maintained by municipalities at great expense to our taxpayers; and

WHEREAS, cable companies may use municipal streets and highways for their lines which provide service to customers, but only after obtaining permission to use this property for their lines; and

WHEREAS, such permission is normally contained in a franchise agreement obtained from local governments and include important provisions to protect the community and its residents such as:

- Managing the lines in the streets so that there is minimal disruption, safety codes are followed, and all types of users (cars, pedestrians, utilities) can use the streets with the least interference from others;
- Requiring providers to repair the streets they harm and relocate lines at their expense, if streets are straightened, widened, or otherwise improved on or maintained;
- Prohibiting redlining either directly or by delays in serving minority areas, which is especially offensive when public property is being used to provide service;
- Ensuring nondiscriminatory service, such as by requiring lines to be extended to all areas with a certain population density;
- Setting customer service standards, protections, and enforcement mechanisms; and

WHEREAS, such agreements call for providing rental payments in the form of franchise fees to the unit of local government in return for the providers' use of valuable public property for their lines; and

WHEREAS, such agreements often also call for providing, non-financial community benefits, protected by Congress in the Cable Act, for services that include:

- Public Education and Government (“PEG”) channels, and in some cases Video on Demand and in HD format;
- Financial support for the capital expenses associated with creating the programming run on such PEG channels;
- Inclusion of PEG programming on Electronic Programming Guide Service;
- Complimentary connections to city and school buildings and the provision of lines for municipal use (I-Net); and
- Broadcasting of local emergency alerts, which because they relate to local emergencies are typically not carried on the federal emergency alert system; and

WHEREAS, franchise provisions ensure cable service and use of the rights of way are tailored to the local needs of each municipality, having been Federal law and policy since 1984, and the policy of municipalities for 30 years before that; and

WHEREAS, the Federal Communications Commission (“FCC”) has adopted a proposal (05-311) that allows cable companies to establish a market value for the non-financial franchise obligations and then allow the cable operators to deduct that amount from the franchise fees owed under the franchise agreements; and

WHEREAS, the FCC, in the same proceeding is suggesting that a cable operator needs no additional permission nor needs to comply with any additional local or State requirements when the cable operator accesses municipal property to offer non-cable services; and

WHEREAS, these FCC proposals undermine local authority, turn public property over to private interests, and remove longstanding community benefits.

NOW, THEREFORE, BE IT RESOLVED that the New Jersey State League of Municipalities (the “League”) in conference assembled, affirms the importance of cable franchising in granting permission for cable companies to use valuable public property for their lines; in providing needed protections for municipalities, the public, and cable customers; and in tailoring franchise requirements and services to meet local needs; and

BE IT FURTHER RESOLVED , that the League opposes any regulatory proceeding or legislation that seek to alter the terms of existing franchises, including any effort to require that non-financial obligations be subject to offset against franchise fees; and

BE IT FURTHER RESOLVED, that the League opposes any regulatory proceeding or legislative effort that would give away to a cable, fiber, broadband or telephone provider the right to use the rights-of-way without obtain permission and paying fair market value for such use.

BE IT FURTHER RESOLVED, that a copy of this resolution be transmitted to our representatives in Congress, the members of the New Jersey General Assembly and State Senate, the President of the New Jersey Board of Public Utilities, the Lieutenant Governor and the Governor of the State of New Jersey.

Sponsors

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

The Hon. J. Christian Bollwage
Mayor, Elizabeth City

The Hon. Colleen Mahr,
Mayor, Fanwood Borough

The Hon. Timothy McDonough
Mayor, Hope Twp.

New Jersey State League of Municipalities Conference Resolution No. 2019-12

Resolution Urging Support for the 2020 Census

WHEREAS, the U.S. Census Bureau is required by the Constitution of the United States of America to conduct a count of the population every ten years; and

WHEREAS, the New Jersey State League of Municipalities is committed to ensuring that every resident of the United States is counted in the census, as the Constitution envisions; and

WHEREAS, more than \$880 billion per year in census-guided federal funding is allocated to states, cities, and communities; and

WHEREAS, mayors make vital decisions every day based on census-driven data that affect important services and assistance programs, including health care, community development, energy, housing, education, transportation, social and veterans services, and employment, to improve the well-being of all residents and the quality of life in all communities; and

WHEREAS, census data determine how many seats each state will have in the U.S. House of Representatives and the boundaries of voting districts, and guide the redistricting of state legislatures; and

WHEREAS, the 2020 Census will create hundreds of thousands of job opportunities across the nation; and

WHEREAS, a united voice from businesses, government officials at all levels, community-based and faith-based leaders, educators, the media, and other stakeholders will facilitate communication of the 2020 Census message to a broad audience, thus helping trusted advocates spark positive conversations about the safety and importance of participating in the 2020 Census.

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities supports the efforts of the Census Bureau to reach every resident of the United States, including historically hard-to-count populations, via its communications campaign, fully funded operations, and through its innovations to seek responses through hand-held technology and local partnerships; and

BE IT FURTHER RESOLVED, that the New Jersey State League of Municipalities supports the 2020 Census Mobile Response Initiative and strongly urges the Census Bureau to expand and strengthen its plan by increasing staffing levels and also by establishing questionnaire assistance centers, staffed by sworn census employees, at accessible, trusted host locations during the peak self-response operation; and

BE IT FURTHER RESOLVED, that the New Jersey State League of Municipalities urges the U.S. Congress to allocate at least \$7.5 billion for final census preparations and implementation of the census in the fiscal year 2020, and sufficient resources beyond that period to ensure timely tabulations and reporting of census data; and

BE IT FURTHER RESOLVED, that the New Jersey State League of Municipalities urges New Jersey lawmakers to allocate appropriate resources and funding in addition to federal funding, to ensure a thorough and accurate implementation of the Census in our state; 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, Secretary of State, the Lieutenant Governor, and the Governor of the State of New Jersey.

Sponsor

The Hon. James Cassella,
Mayor, East Rutherford

New Jersey State League of Municipalities Conference Resolution No. 2019-13

Resolution Seeking the Restoration of Open Space Payments in Lieu of Taxes Provided to Certain Municipalities Pursuant to the Garden State Preservation Trust Act.

WHEREAS, the Garden State Preservation Trust Act (hereinafter the “Act”) was established to preserve as much open space and farmland, and as many historic properties, as possible; and

WHEREAS, the Act established a sliding scale formula for Payments in Lieu of Taxes (“PILOT”) by the State for open space acquired and owned in fee simple by the State or other nonprofit organizations; and

WHEREAS, the Act provides for a 13-year declining payment schedule, with a municipality, in the first year following the acquisition of land, receiving 100% of the property taxes last assessed and paid by the taxpayer in the prior year and then declining each year thereafter by approximately 8% per year in each of the following 12 years; and

WHEREAS, after the 13th year, and for open space acquired prior to or after the implementation of the Act using other funding sources and owned in fee simple by the State or other nonprofit organizations, the PILOT is based on the total amount of open space owned in fee simple by the State or nonprofit organization in the municipality, using a sliding scale, as follows: \$2 per acre when the percentage of the total acreage in a municipality that is owned in fee simple by the State or nonprofit organizations for open space preservation purposes is less than 20%; \$5 per acre for 20% to less than 40% ownership; \$10 per acre for 40% to less than 60% ownership; and \$20 per acre for 60% or more ownership; and

WHEREAS, the Fiscal Year 2011 appropriations act reduced the appropriations for the PILOT by one-third, which resulted, in-part, in the elimination of payments to municipalities that received less than \$5,000 in the previous fiscal year; and

WHEREAS, properties that are exempt under the Act utilize many basic municipal services, including roads, police, fire and EMT services, often without contributing any funds towards the cost of such services through property tax payments; and

WHEREAS, municipal officials recognize that there are many benefits provided by preserving open space, farmland and historic properties, however the burden of subsidizing these benefits should not rest solely on municipal taxpayers.

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, calls on the Governor and the State Legislature to advance and support legislation requiring the State to pay annually each municipality subject to Garden State Preservation Trust Act an amount not less than its PILOT in Fiscal year 2010; and,

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

Sponsor

The Hon. Joseph Venezia
Mayor, City of Estell Manor

Co- Sponsor

The Hon. Robert Campbell
Mayor, Downe Twp.

The Hon. James J. Perry Sr.
Committeeman, Hardwick Twp.

New Jersey State League of Municipalities Conference Resolution No. 2019-14

Resolution Urging Congress to Restore the Full Deductibility of State and Local Taxes

WHEREAS, our tax obligation is an issue that concerns all residents in every municipality in the state of New Jersey; and

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

WHEREAS, this important 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, the SALT deduction is one of the few provisions in the federal tax code that recognizes the burden placed on states like New Jersey, which provide significantly more in federal tax revenue than they receive back in federal services and grants; and

WHEREAS, according to the New Jersey Society of Certified Public Accountants, in 2016 1.8 million, or 40 percent of New Jersey taxpayers, deducted from their federal income tax, their local property tax and state income taxes, averaging \$18,000 per deduction; and

WHEREAS, the federal Tax Cuts and Jobs Acts passed in 2017 capped the SALT deduction at \$10,000; and

WHEREAS, many New Jersey Families relied upon the federal SALT deduction to ensure tax fairness, and capping the SALT deduction has placed an unfair burden on New Jersey homeowners; and

WHEREAS, the SALT deduction cap present a barrier to affordable homeownership in New Jersey, impacting the ability of new, young families to prosper in the future.

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, urges Congress to restore the full SALT deduction and provide more equitable taxation once again to residents of New Jersey; and

BE IT FURTHER RESOLVED, that copies of the resolution be transmitted to our representatives in Congress, the President of the United States, all members of the New Jersey State Legislature, the Lieutenant Governor, and the Governor of the State of New Jersey.

Sponsor:

The Hon. Amalia Duarte,
Committee Member, Mendham Twp.

Co-Sponsor(s):

The Hon. Lauren Barnett
Mayor, Mountain Lakes

The Hon. Robert Connelly
Mayor, Madison

The Hon. Cathy Wilson
Deputy Mayor, Morris Twp.

The Hon. Paul Tomasko
Mayor, Alpine

The Hon. Nora Radest
Mayor, Summit

The Hon. Jeff Grayzel
Mayor, Morris Twp.

New Jersey State League of Municipalities Conference Resolution No. 2019-15

Support for the Celebration of the 100th Anniversary of Women's Suffrage

WHEREAS, the year 2020 marks the 100th anniversary of the passage of the 19th Amendment of Constitution of the United States, guaranteeing and protecting women's constitutional right to vote; and

WHEREAS, this historic centennial offers an opportunity to commemorate a milestone of democracy; that the right of citizens of the United States to vote shall not be denied or abridged by the federal or state governments on account of gender; and

WHEREAS, New Jersey has had a long storied history in the suffrage movement with New Jersey women playing a crucial role in pursuing the rights of women to vote; and

WHEREAS, in 1776 women who owned property were allowed to vote under the New Jersey State Constitution, which was unique in the nation at the time; and

WHEREAS, in 1807, the New Jersey Legislature stripped the right of New Jersey women to vote when it passed an act eliminating the property requirement for voting rights but limited the ballot to white males; and

WHEREAS, in 1867 two New Jersey residents—Lucy Stone and Harry Blackwell—organized the New Jersey Woman Suffrage Association (NJWSA) one of the first formal association devoted to gaining women's suffrage in New Jersey, and in the following year Portia Gage attempted to vote in Vineland's municipal election; and

WHEREAS, in 1909 New Jersey's first open air suffrage rallies were held in Orange and Newark, led by Dr. Emma O. Gantz and Martha Klatshchken with NJWSA conducting a successful petition drive with 5,000 signatures in support of the federal amendment guaranteeing and protecting women's constitutional right to vote; and

WHEREAS, although the state referendum on woman's suffrage was soundly defeated in the New Jersey Legislature, in 1912 legislative hearings for a suffrage referendum marked a turning point in the tactics of the New Jersey suffrage movement; and

WHEREAS, in 1913 an automobile rally led by "General" Rosalie Jones started in New York and traveled through New Jersey on the way to Washington, D.C., with rally participants joining the massive Suffrage Parade of over 8,000 marchers, many New Jersey women including event organizer Alice Paul; and

WHEREAS, in 1915 a second suffrage constitutional referendum was pursued in New Jersey, New York, Pennsylvania, and Massachusetts with active campaigns by many suffrage organizations, including the memorable event of the "Passing of the Torch of Liberty" via tug

boats on the Hudson River from New York by Mrs. Havemeyer to Mina Van Windle in New Jersey, but was defeated in all four states October 1915; and

WHEREAS, in 1917 New Jersey suffragists Allison Turnbull Hopkins, Julia Hulburt, Beatrice Reynolds Kinkead, and Minnie D. Abbott picketed in front of the White House as part of the Silent Sentinels and subsequently were arrested and imprisoned; and

WHEREAS, on February 10, 1920, New Jersey became the 29th state to ratify the 19th Amendment granting women the right to vote, which was celebrated by New Jersey resident Alice Paul on August 26, 1920 in front of the ratification banner in Washington, D.C.; and

WHEREAS, shortly after the ratification of the 19th amendment Margaret Laird and Jennie Van Ness were the first two women elected to the New Jersey Assembly in 1921 and following 4 years later in 1925 Rebecca Estelle Bourgeois Winston of Estell Manor was the first woman to serve as mayor in New Jersey; and

WHEREAS, in 1954 Madeleine S. Frost Freeman became the League of Municipalities' Executive Director, serving until her retirement in 1957 and in 1989 Virginia D. Hook, Deputy Mayor of Delaware Township, became the League's first woman president;

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, supports the efforts of New Jersey's Suffrage Centennial NJ Women Vote and strongly encourages local celebrations of this historic milestone.

Sponsors

The Hon. Colleen Mahr
Mayor, Fanwood

The Hon. Janice Kovach
Mayor, Clinton Town

The Hon. Sue Howard
Mayor, Monmouth Beach

New Jersey State League of Municipalities Conference Resolution No. 2019-16

Preserving Local Public Rights-of-Way and Regulatory Authority to Most Effectively Deploy 5G Broadband Access and Bridge the Digital Divide

WHEREAS, municipal officials are committed to ensuring the digital infrastructure of tomorrow is safe, reliable, and accessible to all of the residents of their communities; and

WHEREAS, municipal officials have long advocated for universal access to reliable, high-speed broadband service – both wireline and wireless - as crucial for education, employment, economic development, and the provision of a variety of services necessary for success and progress in the 21st Century; and

WHEREAS, municipal officials believe that the timely deployment of 5G broadband networks will have significant implications for U.S. innovation, including in transportation, agriculture, healthcare, education, public safety, manufacturing, commerce, and the continued development of smart communities; and

WHEREAS, municipalities must balance competing interests for the use of the public rights-of-way, taking into account considerations for: public safety; public utility services such as water, sewer, and electricity; the travelling public; environmental concerns; economic development; and maintenance costs; and

WHEREAS, municipal government oversight of 5G broadband deployment is critical to ensure it is safe, equitable, and fiscally prudent, and local government officials have the most direct understanding of the needs of their communities and understand how best to implement policies that affect their citizens; and

WHEREAS, a number of localities have negotiated and entered into agreements with wireless providers to deploy 5G broadband service in their communities, including provisions to bridge the digital divide; and

WHEREAS, some members of the Federal Communications Commission, Congress, and state legislatures have wrongly characterized this balancing act among competing interests for the public rights-of-way and maintenance of local authority as barriers to 5G deployment and, instead, have put the interests of national corporations ahead of the needs of communities by imposing a one-size-fits-all policy which preempts existing state and local policies; and

WHEREAS, this has led to proposals aimed at restricting local authority over the public rights-of-way, imposing shot clocks on the consideration of siting applications, and limiting the rents and fees municipalities can charge private companies for access to those rights-of-way and public infrastructure, without any assurances that broadband infrastructure will be deployed equitably and fairly, thus potentially harming consumers and municipalities alike; and

WHEREAS, on January 14, the Federal Communications Commission's Declaratory Ruling and Third Report and Order in its *Accelerating Wireless Broadband Deployment by Removing Barriers to Infrastructure Investment* proceeding went into effect, which limits the ability of local governments to regulate public property and rights-of-way (e.g., attachments to street lights, utility poles, public buildings), obtain a fair market value for industry use of public property, and ensure equal service to the community, while also imposing "shot clocks" that render it difficult, if not impossible, to obtain community input, while setting unreasonable timetables for local governments to conduct inspections necessary to protect public safety and ensure aesthetic protections for small cell wireless installations; and

WHEREAS, Mayors and local governments have had to incur extraordinary legal costs contesting the Federal Communications Commission actions to protect the inherent rights of their municipalities; and

WHEREAS, this creates uncertainty around existing, pending, and future agreements between municipalities and wireless providers, thereby stalling the deployment of quality, high-speed broadband service and the United States' position in the "Race to 5G"; and

WHEREAS, this overly broad and misguided regulation prevents local governments from being good stewards to public property, safety, and welfare.

NOW, THEREFORE IT BE RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, implores President Trump, the U.S. Congress, the Federal Communications Commission, and New Jersey lawmakers to protect municipal authority to balance the needs of all parties, including small cell access, to the public rights-of-way while maintaining municipal authority to receive, on behalf of local taxpayers, fair-market compensation for access to all public assets; and

BE IT FURTHER RESOLVED, that State and Federal lawmakers should recognize that universal access to affordable broadband cannot be achieved through deregulation and preemption of local authority, but will require partnerships and robust and dedicated federal funding to accelerate universal broadband deployment; and

BE IT FURTHER RESOLVED, that State and Federal lawmakers should preserve the respect for municipal authority found in the *Telecommunications Act of 1996* such that industry working collaboratively with local governments might achieve our shared goal of ensuring affordable broadband access for every American, facilitating universal service, and closing the digital divide; and

BE IT FURTHER RESOLVED, that the New Jersey State League of Municipalities calls on Congress to pass legislation such as H.R. 530, the *Accelerating Broadband Development by Empowering Local Communities Act of 2019*, which would undo the Federal Communications Commission's action; and

BE IT FURTHER RESOLVED, that the New Jersey State League of Municipalities opposes any new regulation or legislation that would impede local government oversight and authority regarding the deployment of 5G broadband in communities; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the Chairman of the Federal Communications Commission, the President of the United States, our representatives in Congress, all members of the New Jersey State Legislature, the Lieutenant Governor, and the Governor of the State of New Jersey.

Sponsors

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

The Hon. J. Christian Bollwage
Mayor, Elizabeth City

The Hon. Colleen Mahr,
Mayor, Fanwood Borough

The Hon. Timothy McDonough
Mayor, Hope Twp.

The Hon. James. J. Perry Sr.
Committeeman, Hardwick, Twp.

New Jersey State League of Municipalities Conference Resolution No. 2019-17

Resolution Urging Increased Federal Support to Address Water Infrastructure Improvements Necessary to Remove Lead in Drinking Water

WHEREAS, lead has negative long-term neurological effects, particularly in infants and children; and

WHEREAS, access to clean drinking water free of dangerous contaminants such as lead is fundamental to the health and well-being of America's communities and families; and

WHEREAS, municipalities across the country are experiencing problems with lead contamination in drinking water, with Newark's problems being only the most recent to gain nationwide attention; and

WHEREAS, a contributing factor to many occurrences of elevated levels of lead in drinking water is aging infrastructure and the lack of investment in infrastructure and our communities; and

WHEREAS, recent analysis by the National Resources Defense Council found that over 5,300 water systems nationwide have elevated levels of lead and a recent analysis by the American Water Works Association estimates 6.1 million lead service lines remain in U.S. communities at an estimated \$30 billion to replace; and

WHEREAS, there is a need to invest in our aging water infrastructure nationwide with an increased need in New Jersey because of our particularly older infrastructure, and a failure to do so can have long-term negative public health consequences; and

WHEREAS, the U.S. Environmental Protection Agency (EPA) estimates the nation's water infrastructure capital needs over the next 20 years to be approximately \$655 billion in total; the American Society for Civil Engineers estimates the needed investment for water infrastructure to be \$1.3 trillion over the next 20-25 years; and other estimates put the cost at more than \$4 trillion to maintain and build a 21st century water system.

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities (League), in conference assembled, calls on Congress to provide direct assistance to municipalities, and for the federal government to work directly with local officials to resolve the drinking water crisis; and

BE IT FURTHER RESOLVED, that the League calls on Congress and the Administration to support robust funding for all water infrastructure funding mechanisms, including the Clean Water and Drinking Water State Revolving Loan Fund programs and the Water Infrastructure Finance and Innovation Act; and

BE IT FURTHER RESOLVED, that the League calls on Congress and the Administration to support grants to local governments for the replacement of lead service lines, testing, planning, corrosion control, and education in an effort to eliminate the threat of lead in drinking water; and

BE IT FURTHER RESOLVED, that copies of the resolution be transmitted to our representatives in Congress, all members of the New Jersey State Legislature, the Commissioner of New Jersey Department of Environment Protection, Chair of the New Jersey Board of Public Utilities, the Lieutenant Governor, and the Governor of the State of New Jersey.

Sponsor

The Hon. Ras Baraka
Mayor, Newark City

New Jersey State League of Municipalities Conference Resolution No. 2019-18

Calling on State Lawmakers to Take Measures to Enact Comprehensive Reform to the “Fair Housing Act”

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, 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 [the Court] recognized, that an administrative remedy that culminates in voluntary municipal compliance with constitutional affordable housing obligations is preferred to litigation that results in compelled rezoning. It is our [the Court’s] 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, 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 the 4 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, many municipalities across the State have entered into settlement agreements to avoid prolonged and costly litigation, demonstrating their willingness to voluntarily comply with their affordable housing obligations; 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, the current process requires New Jersey municipalities expend a tremendous amount of resources to ensure their compliance with affordable housing obligations, resources that would be better used to undertake the building and development of affordable housing; and

WHEREAS, the lack of administrative and legislative action over the last 4 1/2 years, and the prospect of many more years of litigation, overwhelmingly and convincingly 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 accept the continued calls from both the New Jersey Supreme Court and municipalities statewide to adopt and sign into law comprehensive reforms to the Fair Housing Act in order to provide clear and realistic standards to establish reasonable and achievable municipal affordable housing obligations, provide additional tools to satisfy those obligations and effective Administrative alternatives to the Courts; 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 and Commissioner of the Department of Community Affairs and the Governor of State of New Jersey.

Sponsor:

The Hon. Janice Mironov
Mayor, East Windsor

New Jersey State League of Municipalities Conference Resolution No. 2019-19

Resolution Urging State Lawmakers to Adopt Remedial Legislation to Help Facilitate the Completion of Smaller Public Works Projects

WHEREAS, municipal public works projects can vary greatly in cost from tens of thousands of dollars to hundreds of millions – requiring a variety of different contractors to complete these projects; and

WHEREAS, the Public Works Contractor Registration Act (N.J.S.A. 34:11-56.48 et seq.) prohibits contractors and subcontractors engaged in public works projects from bidding on any contract that exceeds the prevailing wage threshold for public works unless they first register with the Commissioner of the Department Labor and Workforce Development (Department); and

WHEREAS, recent changes to the Public Works Contractor Registration Act made by P.L. 2019, c. 21 and effective May 1, 2019, now requires contractors to certify participation in a registered apprenticeship program as part of their registration with the Department; and

WHEREAS, participation in apprenticeship programs can be a costly endeavor leaving only larger contractors with the means to participate, by virtue of this requirement, many smaller contractors and one person operations are being excluded from registering with the Department and denying them the opportunity to bid on smaller dollar figure public works projects; and

WHEREAS, traditionally, smaller contractors bid on public works projects with smaller dollar figures and larger contractors avoid these projects because they were too small in scale to be profitable; and

WHEREAS, these recent requirements added to the law has created roadblocks preventing smaller contractors from bidding on these small public works projects and the larger contractors who can bid, continue to avoid them; and

WHEREAS, this has caused and will continue to cause smaller public works projects to remain unfinished as there are no contractors able or willing to bid on the smaller dollar figure projects.

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, calls on the Legislature to adopt remedial legislation to offer relief of this new requirement in order move smaller dollar figure public works projects forward; and

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to the Commissioner of the Department of Labor and Workforce Development, the President of the New Jersey State Senate, the Speaker of the New Jersey General Assembly, all members of the New Jersey State Legislature and the Governors and Lieutenant Governors of New Jersey.

Sponsor

The Hon. Stuart Patrick
Mayor, Glen Ridge

New Jersey State League of Municipalities Resolution No. 2019-20

Resolution Urging the State Legislature to Enact Comprehensive Liquor License Reform

WHEREAS, New Jersey's current liquor license laws date back to the 1950's, a time when towns were dominated by taverns and long before strip malls appeared on State and U.S. highways; and

WHEREAS, when crafted liquor license statutes tied the number of licenses available in a community to the total number of people living there (one license per 3,000 people) and this formula continues today; and

WHEREAS, municipalities with highways such as Routes 46, 1 or 30 have seen their licenses transferred from their downtown establishments to strip malls; and

WHEREAS, large land area municipalities with relatively low populations, but with multiple business districts struggle to see all areas thrive; and

WHEREAS, changing shopping habits have moved consumers from malls back to our downtowns, attracted by the shift from merchandise and retail to services and restaurants in walkable business districts; and

WHEREAS, across the state, downtown economic development and revitalization has been hindered by the lack of full service consumption liquor licenses; and

WHEREAS, most other states, including our neighbors, have a more flexible statutory framework that promotes competition and economic development; and

WHEREAS, the same flawed argument to protect the vested license holder was used to defend taxi medallions when ride sharing services like UBER, LYFT and others came to market which have revitalized neighborhoods, promoted economic development and created jobs while simultaneously serving the commuting public; and

WHEREAS, more full service restaurants will not only generate additional foot traffic supporting all the businesses in our downtowns, they will extend the business day well through the dinner hours; and

WHEREAS, current proposals for limited licenses in the legislature may help, but do not represent the comprehensive reform needed to support our downtowns; and

WHEREAS, true reform can both revitalize our downtowns and support the current full license owners;

NOW, THEREFORE, BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, urges all members of the New Jersey State Legislature to support comprehensive liquor license reform including the following elements:

- New full consumption liquor licenses issued in municipalities must be limited to full service restaurants located in designated business districts;
- Issuance of licenses should be subject to local control; and
- New licenses would be auctioned by a local municipality with 50% of proceeds remaining with the municipality to be invested in the downtown and 50% being reserved for funding tax credits for any affected current license owner.

BE IT FURTHER RESOLVED that copies of this resolution be forwarded to all members of the State Legislature, Attorney General, Director of the Division of Alcoholic Beverage Control, the Lieutenant-Governor and the Governor of the State of New Jersey.

Sponsor:

The Hon. Robert H. Conley
Mayor, Borough of Madison

Co-Sponsors:

The Hon. Bruce Harris
Mayor, Borough of Chatham

The Hon. Michael Soriano
Mayor, Township of Parsippany – Troy Hills

The Hon. Betsy Driver
Mayor, Borough of Flemington

New Jersey State League of Municipalities Conference Resolution No. 2019-21

**Resolution Supporting the Required Revision of Public Utility Tariffs to
Incentivize and Increase Usage of LED Street Lights**

WHEREAS, street lights are an integral public service provided by municipalities, and are vital for the safety of homeowners, businesses, institutions, pedestrians, motorists and first responders; and

WHEREAS, street lights make up a large portion of municipal electricity bill, and consume a significant amount of energy; and

WHEREAS, streetlights that use light-emitting diode (LED) technology are an efficient means to light our streets and public spaces because of their energy saving efficiency, using 15 percent of the energy of an incandescent bulb while generating more light per watt and longevity with bulbs lasting up to 100,000 hours; and

WHEREAS, studies have shown that street lighting costs can be reduced by as much as 65 percent when switched to LED street lights, and even more if advanced lighting controls are incorporated; and

WHEREAS, the New Jersey Board of Public Utilities (NJPU) offers incentives for municipalities to convert their street lights to LED; and

WHEREAS, the rates paid by municipalities for the operation of street lights is often set by a public electric utility's tariff which is a flat fee that does not pass the cost saving generated by switching to LED street lights onto the municipality or the taxpayer; and

WHEREAS, this tariff structure has caused municipalities to underutilized the NJPU's incentive programs because there are no costs savings being passed along that would offset the upfront costs of converting to LED; and

WHEREAS, this practice by public electric utilities disincentives municipalities from making these changes, which would reduce energy usage and could save taxpayers money.

NOW, THEREFORE BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, urges all utilities in New Jersey to revise their street light tariff structure to accurately reflect the energy and costs savings generated from switching to LED lights, and

BE IT FURTHER RESOLVED, that copies of this resolution be transmitted to the President of the New Jersey Board of Public Utilities, all members of the New Jersey General Assembly and the State Senate, the Lieutenant Governor and the Governor of the State of New Jersey.

Sponsor

The Hon. Gayle Brill Mittler
Mayor, Highland Park

New Jersey State League of Municipalities Conference Resolution No. 2019-22

Resolution Urging the State Legislature to End the Sale of All Flavored Tobacco Products Including Flavored E-Cigarettes, Cigars and Menthol Cigarettes

WHEREAS, youth e-cigarette use in the United States has skyrocketed to what the U.S. Surgeon General and the Food and Drug Administration (FDA) have called “epidemic” levels; and

WHEREAS, e-cigarette use among high school students more than doubled from 2017 to 2019, to 27.5 percent of students, or more than 1 in 4 high schoolers (National Youth Tobacco Survey 2019, (NYTS); and

WHEREAS, altogether, 5 million middle and high school students used e-cigarettes in 2019 – an increase of nearly 3 million users in two years; and

WHEREAS, over 80% of kids who have used tobacco started with a flavored product and more than half of current high school e-cigarette users used menthol- or mint-flavored e-cigarettes (NYTS 2019); and

WHEREAS, in addition to e-cigarettes, over half of youth smokers ages 12-17 – and seven in ten African American youth smokers – use menthol cigarettes (National Survey on Drug Use & Health, 2014);and

WHEREAS, menthol and other flavors improve the taste and mask the harshness of tobacco products, increasing the appeal, nicotine exposure and greater dependence, with the U.S. FDA that it is “likely that menthol cigarettes pose a public health risk above that seen with non-menthol cigarettes;” and

WHEREAS, flavored tobacco products are undermining New Jersey’s efforts to reduce youth tobacco use and putting a new generation of kids at risk of nicotine addiction and the serious health harms that result from tobacco use; and

WHEREAS, in October 2019, New Jersey’s Electronic Smoking Device Task Force, created by Governor Murphy’s Executive Order No. 84, recommended that the Legislature impose a ban on the sale of flavored electronic smoking products, inclusive of menthol; and

WHEREAS, New Jersey has always been regarded as a national leader in passing and implementing impactful, effective policies that are proven to prevent and reduce tobacco use.

NOW, THEREFOR, BE IT RESOLVED, that the New Jersey State League of Municipalities, in conference assembled, urges all members of the New Jersey Legislature to continue that leadership and protect the health of all New Jerseyans, especially our youngest residents, by ending the sale of all flavored tobacco products at all retailers without exceptions; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the President of the New Jersey State Senate, the Speaker of the New Jersey General Assembly, all members of

the New Jersey State Legislature, Commissioner of Department of Health, and the Governor and Lieutenant Governor of New Jersey.

Sponsors

The Hon. Paul Anzano
Mayor, Borough of Hopewell

The Hon. Hemant Marathe
Mayor, West Windsor

The Hon. Bert Steinmann
Mayor, Ewing Twp.

The Hon. Liz Lempert
Mayor, Princeton

New Jersey State League of Municipalities Conference Resolution No. 2019-24

In Appreciation of League President Colleen Mahr, Mayor of Fanwood Borough

WHEREAS, the Honorable Colleen Mahr, Mayor of Fanwood Borough, is completing her term as the President of the New Jersey State League of Municipalities; and

WHEREAS, President Mahr has been a strong advocate on a host of issues important to municipal interests, such as property tax relief, affordable housing, public-private partnerships and assuring the concerns of local governments are addressed in any cannabis related legislation; and

WHEREAS, President Mahr has well-served the municipal community as a spokesperson and advocate, carrying its concerns and issues to the Murphy Administration, to the State Legislature, the New Jersey Congressional Delegation and the US Conference of Mayors; and

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

NOW THEREFORE BE IT RESOLVED, by the New Jersey State League of Municipalities, in conference assembled, that we do extend to President Mahr sincere appreciation for her dedicated administration, effective advocacy and untiring efforts to improve local government in New Jersey, and for her careful stewardship of this organization; and

BE IT FURTHER RESOLVED, that sincere wishes for continued success in all future endeavors are extended to President Mahr and her entire family and that a copy of this resolution be transmitted herewith to her.

Sponsors

The Hon. James J. Perry, Sr.
Committeeman, Hardwick Twp.

The Hon. Janice Kovach
Mayor, Clinton Town

The Hon. William J. Chegwidenn
Mayor, Wharton Borough