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State of New Jersey Council on Local Mandates Complaint

The form is to be completed and signed by the Claimant's attorney or other authorized representative, identified under Part I (B).

I (A), Information regarding the Claimant (include title if a County Executive or Mayor):

Name of Claimant (and title if applicable): Borough of Leonia

Claimant contact information:

Mailing Address: 312 Broad Avenue

City: Leonia State: New Jersey Zip Code: 07605

Phone: 201 - 592 - 5780 Fax: _____

E-mail address: AWARDROP@leonianj.gov

I (B), Name of person preparing this document, and title or relationship to Claimant (e.g., legal counsel, business administrator, superintendent):

Name: Brian Chewcaskie

Title/Relationship: Legal Counsel

Contact information for person identified in Part I (B):

Mailing Address: 169 Ramapo Valley Road Upper Level 105

City: Oakland State: New Jersey Zip Code: 07436

Phone: (973) 845- 6700 Fax: 201-644- 7601

E-mail Address: bchewcaskie@cgajlaw.com

II. The Complaint:

1. Claimant alleges that the following statute, rule, or regulation is an unfunded mandate in violation of the New Jersey Constitution, article VIII, § 2, ¶ 5 and N.J.S.A. 52:13H- 2, because it does not authorize resources, other than the property tax, to offset the additional direct expenditures required for its implementation:
NJ-S1368

2. The above-cited statute, rule, or regulation became effective on:
NJ-S1368 subsection A becomes effective on November 3, 2022.

3. The following is the basis for the claim made herein that the statute, rule, or regulation identified in paragraph II (1) is an unfunded mandate:

NJS1368 imposes an undue burden on the municipality by requiring the borough to create and maintain an unfunded business registry.

The state did not make any preparation for the cost of municipalities to establish the business insurance registry and enforce the provisions of the statute.

The legislation initially provided that this business insurance registry would be maintained by the department of community affairs, but was amended to impose this burden on the municipality.

The state did not take into account the funds necessary to create and maintain a business insurance registry which cost will now be a burden on the municipality.

Note: The text provided in paragraph II (3) is to be used for the Pleading Summary published on the Council's web site. If more space is needed, please attach additional sheet(s).

4. State Claimant's estimate of the additional direct expenditures required to implement the statute, rule or regulation identified in paragraph II (1), together with:

- (a) a description of the frequency of the estimated expenses (i.e. annual, monthly), and
- (b) a specification of the basis for the estimate.

Expenditures as follows:

2022: \$3,213.00

2023: \$5,400.00

2024: \$5,400.00

2025: Agreement up for renewal

Direct costs for two (2) separate modules by GovPilot to record the insurance documents that are uploaded. The cost of creating and customizing the modules is \$2,213.00 and then \$4,400.00 per year for software maintenance. Additional administrative costs are approximately \$1,000.00 annually.

Note: If more space is needed, please attach additional sheet(s).


5. Does Claimant seek injunctive relief? No Yes

If yes, on attached sheet(s), provide a description of the nature and extent of imminent irreparable injury that will result to Claimant in the absence of injunctive relief.

6. Claimant attaches:

- Resolution (of county/municipal governing body or of board of education), which is incorporated herein by reference, *or*
- Copy of notice of intention to file a complaint provided to governing body.

WHEREFORE, Claimant demands judgment by the Council that the statute, rule, or regulation identified in paragraph II (1) above is an unfunded mandate pursuant to the New Jersey Constitution, Art. VIII, § 2, ¶ 5 and N.J.S.A. 52:13 H-2, and that it shall cease to be mandatory in effect and expire.



[Signature of person preparing this document]
 Date:

 Name (typed or printed) of person signing

 Title (typed or printed) of person signing

Total number of attached pages:

Print Form

CLEARY | GIACOBBE | ALFIERI | JACOBS LLC

BRIAN CHEWCASKIE, Partner

November 11, 2022

LETTER TO GOVERNING BODY OF LEONIA

Dear Mayor Zeigler and Town Council,

By the request of Mayor Zeigler, I have filed the NJ State Mandate Complaint for NJ-S1368 on behalf of the Borough of Leonia. This complaint was filed in accordance with the rules of the State of New Jersey Council on Local Mandates.

A resolution ratifying this action will be presented for the council's consideration on November 21, 2022.

Regards,


Brian Chewcaskie, Esq.