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RED TAPE REVIEW GROUP

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PUBLIC HEARING

ON

UNFUNDED LOCAL MANDATES

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TRANSCRIPT OF PROCEEDINGS, taken by and before  
STEFANIE TOWNS, a Notary Public, Certified Court  
Reporter of the State of New Jersey, taken at  
BROOKDALE COMMUNITY COLLEGE, 765 Newman Springs Road,  
Lincroft, New Jersey, on Tuesday, March 9th, 2010,  
commencing at 4:00 p.m.

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425 Eagle Rock Ave., Suite 201	575 Madison Ave.	
Roseland, NJ 07068	New York, NY 10022	
(973) 228-9100	1-800-662-6878	(212) 868-1936

www.rosenbergandassociates.com

1 A P P E A R A N C E S:

2  
3 Red Tape Review Group:

4 LIEUTENANT GOVERNOR KIM GUADAGNO

5 LORI GRIFA, ACTING DCA COMMISSIONER

6 SENATOR STEVE OROHO

7 SENATOR BARBARA BUONO

8 ASSEMBLYMAN JOHN BURZICHELLI

9 ASSEMBYMAN SCOTT RUMANA

10 BOB MARTIN, ACTING DEP COMMISSIONER

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1                   LIEUTENANT GOVERNOR GUADAGNO: All  
2 right. My name is Kim Guadagno. I'm the Lieutenant  
3 Governor of the State of New Jersey. And the first  
4 day of Governor Christie's election he swore in an  
5 executive order Red Tape Review Group and you are  
6 looking at the members of the group. Right here on  
7 my left-hand side is Lori Grifa. You're still the  
8 designee acting commissioner of the DCA. And then we  
9 have Senator Oroho. And then we have Senator Barbara  
10 Buono. And on my right I have Assemblyman  
11 Burzichelli and Assemblyman Scott Rumana. And then  
12 the independent we have the commissioner designee of  
13 the DEP, Bob Martin.

14                   What we'd like to do here is conduct  
15 the second of three public meetings that will be  
16 conducted by the Red Tape Group by a bipartisan way.  
17 Not to limit anyone's input, that is not to say that  
18 each of the members of the group could not have their  
19 own hearings, own district someplace else. We look  
20 at that invite you to do that, in fact, so they can  
21 gather everyone's comments and knowledge of red tape  
22 review. I personally want to thank Brookdale  
23 Community College for hosting this one on unfunded  
24 state mandates. A couple of mayors in the room and  
25 I'm sure they will have a lot to say. I want to

1 thank Brookdale College, particularly Webster Turnell  
2 for helping us out here today. And also on the way  
3 in I saw the good Senator Joseph Kyrillos. Where is  
4 he standing? In the back? I would like to invite  
5 the senator to welcome us to the 13th district if you  
6 would.

7                   SENATOR KYRILLOS: Thank you. Great to  
8 see you, Lieutenant Guadagno and I don't have to  
9 welcome the lieutenant governor to Monmouth County.  
10 We're proud she's one of our own and salute and  
11 congratulate her on her new role. And I don't want  
12 to turn my back to everybody but welcome my  
13 colleagues throughout legislature. Senator Bueno,  
14 glad to see her here. And my friend Steve Oroho,  
15 Sussex county, members of the general assembly  
16 assemblyman Scott and John Burzichelli and two new  
17 soon to be members of the cabinet. Can we get them  
18 confirmed? I suspect we will. Good to see you both  
19 here. And lieutenant Guadagno, let me just welcome  
20 you here to Brookdale College in Middletown, Monmouth  
21 County and congratulate you and Governor Christie on  
22 this effort to tackle the thousands of pages of rules  
23 and regulations that hurt our ability to make New  
24 Jersey a competitive and vibrant economy. All kinds  
25 of reasons we've lost our place in recent years as

1 one of the great places in America and the world to  
2 do business, to open up a business, to expand jobs,  
3 and create new jobs, taxes, and incentives but our  
4 regulations are serious inhibitors to people deciding  
5 that this is the place to grow. And so you are  
6 tackling this and this is so very important. Every  
7 time we create a new rule or new regulation, as you  
8 have told me, we don't dissolve or eliminate the old  
9 rules and regulations. So I think we have some  
10 25,000 pages now. Part of the problem is unfunded  
11 mandates. I think that's the subject for today. I  
12 looked at your array of speakers the roster for today  
13 and I'm going to listen to some of the folks here  
14 myself, and they will have a lot to tell you. And we  
15 have our work it out for both branches of government,  
16 both parties to do the right thing, and to make sure  
17 that we regulate appropriately, keep people safe, and  
18 secure. But at the same time we must be mindful that  
19 all those rules and regulations have to ensure a  
20 strong prosperous economy with lots of jobs and lots  
21 of opportunities for the people. Lieutenant  
22 Guadagno, thank you.

23                   LIEUTENANT GOVERNOR GUADAGNO: Thank  
24 you very much. I very much appreciate it. I just  
25 want to say a welcome to the assemblywoman Mary Pat

1 Angelini, 11th district. That's my district. I'm  
2 going to ask for an opening remark from the democrats  
3 on one side and republicans on the other side. And  
4 then we'll get started with our hearing.

5 SENATOR BUONO: Thank you. Good  
6 afternoon, pleased to be here at the second hearing  
7 for the red tape commission. I see Ryan Levine,  
8 Mayor Levine, a friend of mine walk in. A lot of  
9 victor McDonald and I'm very interested to hear what  
10 all of the experts in the field have to say about  
11 unfunded mandates which are universally vilified and  
12 quite rightly so. I hope to hear some specifics  
13 which I am sure we'll see how people have been  
14 impacted by unfunded mandates. Probably hear  
15 something about COAH among other things. Without  
16 further ado, to dig deeper and to find hopefully at  
17 the end of the day workable solutions. Thank you.

18 LIEUTENANT GOVERNOR GUADAGNO: Thank  
19 you. Assemblyman Scott?

20 ASSEMBLYMAN RUMANA: Thank you,  
21 Lieutenant Governor. I begin by thanking everyone  
22 here at Brookdale Community College and everyone in  
23 attendance today. It is a real honor to be part of  
24 this distinguished panel. Everyone that is serving  
25 on this panel is very dedicated to the State of New

1 Jersey and certainly to the mission of the Red Tape  
2 Review group, which is to eliminate, amend the  
3 regulations in the State and certainly the unfunded  
4 mandates that we are facing across every  
5 municipality, school board, and county. My  
6 background as a former councilman Freeholder and  
7 mayor I can tell you that I completely appreciate  
8 everybody's interests and concerns on this issue as  
9 does everybody on this panel, and ultimately the  
10 objective will be to try to help everyone reduce the  
11 property tax burden that is placed upon every  
12 resident in our state by attacking the unfunded state  
13 mandates. So, again, let's begin the hearing but  
14 certainly it is a pleasure to be here with you.  
15 Thank you.

16                   LIEUTENANT GOVERNOR GUADAGNO: Thank  
17 you. This is the way we're going to get started. We  
18 ran over a little bit last time so this time we  
19 brought a stopwatch. It's a stop sign that the bad  
20 guys over here, he works for the government, continue  
21 to work for the government, John Hutchison, the  
22 Governor's office staff to try to keep us to the time  
23 in order to get everybody started and just made up a  
24 list of invited guests who we asked to prepare  
25 testimony. So what we're going to do to get started



1 with that prepared list and move into an orderly  
2 fashion to the pink slips. And we'll hear from  
3 everyone today and we'll stay until we hear from  
4 everyone. My promise to you is that you can submit  
5 anything that you want. If we cut you off, I  
6 apologize in advance. The people behind you will  
7 thank you and me, I hope. And if you have something  
8 you need to say also we have another hearing on March  
9 23rd up at Montclair University State College. So  
10 that's plan 3. And, again, anything you want to give  
11 to us and submit to us, I'm happy to do. That having  
12 been said, our very first speaker today, frankly, I  
13 can't tell you how we picked them or came up with the  
14 order they're in, I trust it's completely fortuitous  
15 is Victor McDonald council on local mandates if you  
16 could join us, I would appreciate it.

17 MR. MCDONLAD: Thank you. Senator  
18 Buono and I go back quite a ways. It was a humbling  
19 experience as a long time legislative staffer  
20 hovering in the background --

21 LIEUTENANT GOVERNOR GUADAGNO: Come  
22 into the light.

23 MR. MCDONALD: Come into the light.  
24 It's not fun. Lieutenant Governor Guadagno,  
25 distinguished members of the senate, and general

1 assembly, chief council Governor's cabinet, a hard  
2 working staff, thank you for allowing us to testify  
3 before you today on the issue of the unfunded state  
4 mandates, and the council of nullifying statutes,  
5 rules, and regulations which violate the state  
6 mandate, state pay section of the New Jersey  
7 constitution. I'd like to keep my remarks brief in  
8 order to allow the members of the group to grill me  
9 on the subject of state mandates, state pay. The  
10 council on local mandates is a unique constitutional  
11 entity that is independent of the Executive,  
12 Legislative and Judicial branches of State government  
13 that is charged under our constitution with the sole  
14 responsibility to determine whether a state law,  
15 rule, or regulation imposes an unconstitutional  
16 unfunded mandate on boards of education, counties or  
17 municipalities. The council is literally a fourth  
18 branch of state government. It is not a co-equal  
19 branch with the legislature, the executive or  
20 judiciary, however, it derives its authority directly  
21 for the constitution and the people. Its decisions  
22 are final and not subject to judicial review. While  
23 the council is independent of the three co-equal  
24 branches of government, its members are appointed by  
25 the leaders of the branches of government, the senate

1 president, the senate minority leader, the speaker of  
2 the general assembly, the assembly minority leader  
3 each have an appointee. The governor appoints four  
4 appointees, two without any restriction and two from  
5 a list of six names submitted by the chair of the  
6 opposite party of the governor. The ninth member of  
7 the council is appointed by the chief justice of the  
8 New Jersey Supreme court. The council's charge is to  
9 resolve constitutional challenges to statutes, rules,  
10 and regulations like a judicial body responds to  
11 complaints from municipalities, boards of education,  
12 or county. It reviews extensive legal briefs from  
13 parties involved including public hearings on  
14 challenges and issues, written decisions. Since the  
15 council was created in 1996 it's issued 181 decisions  
16 which resulted in the nullification to five statutes  
17 and regulations. In May 2000 the Borough Highland  
18 Park board and municipal governing council struck a  
19 regulation which changed the formula on the funding  
20 of charter schools. The legislature passed a law  
21 requiring the state to pay for the added funding.  
22 According to report by the department of education  
23 that law resulted in nearly 55.4 million dollars in  
24 added state aid to local boards of education between  
25 fiscal years 2001 and 2008. In August of 2004 the

1 council nullified a statute mandated radon testing in  
2 public schools statutes not state wide figures from  
3 the savings resulting from the decision. The  
4 legislature declined to reimpose and fund that  
5 testing mandate. Testimony at the time the mandate  
6 would cost thousands of dollars for each school  
7 district. The Monmouth Ocean education services  
8 Commission total estimated expenses for the 38 member  
9 district at the time in the 2004-2005 school year  
10 would have been nearly 27,000. The law mandates the  
11 retesting every five years so we killed that. In  
12 October of 2006 the council invalidated a directive  
13 by the Department of transportation to counties and  
14 municipalities ordering them to remove dead deer  
15 carcasses on county and municipal roads, a function  
16 previously performed by the state. There was some  
17 dissatisfaction by some county governing bodies with  
18 the nature of their victory before the council. All  
19 the council had relieved them of the obligation to  
20 pay for the removal of dead deer. Some of the  
21 counties had hoped that the council would order the  
22 state to pay for that responsibility. The relief  
23 they had hoped for was beyond the constitutional  
24 power of the county. The council can only invalidate  
25 or mandate. It cannot usurp the appropriation power

1 that is an exclusive authority of the legislature. A  
2 creature of the legislature and I'm respectful of  
3 that. In 2007 they nullified a regulation by the  
4 Department of Education that required an age span  
5 reduction in elementary special ed. services, freeing  
6 school districts across the state of the obligation  
7 of hiring additional staff, providing equipment to.  
8 In December of 2008 council struck down a  
9 appropriations act that would have required the rural  
10 communities which received police services from the  
11 state police to partially pay the state for the cost  
12 of that service. In the first year alone the  
13 invalidated section, a 12.5 million dollars added  
14 cost to the property taxpayers in those  
15 municipalities. While some of the council decisions  
16 resulted in easy to identify savings throughout the  
17 property taxpayers, the real power of the council is  
18 a deterrent fix on the imposition of new unfunded  
19 mandates. This effect while pervasive and ongoing,  
20 is impossible to quantify giving the confidential  
21 rules in effect in the legislature and nature of the  
22 regulatory and legislative process. In the 31 years  
23 I worked in the state legislature, all of which I  
24 loved, six of them were under the instructions posed  
25 by the amendment to the constitution. I cannot begin

1 to tell you of the number of bill drafting requests I  
2 personally received from the members of the New  
3 Jersey senate that were either abandoned or  
4 traumatically modified once the would be sponsor  
5 reminded of their responsibility to pay for a mandate  
6 they wished to impose. Many requests were simply  
7 canceled. Others were drafted with the word may,  
8 replacing the word shall. And some actually were  
9 drafted with appropriations. I was only one staffer  
10 but I know for a fact that colleagues in the various  
11 staffs, the three other partisan staffs, the vast  
12 nonpartisan staff, had similar experiences. In other  
13 words, mandates that would have been imposed in the  
14 past never made the light of day. This deterrent is  
15 the real power of the council on local mandates.  
16 Thank you again for inviting me to speak to you  
17 today. It's an honor and privilege. If you have any  
18 questions, fire away.

19 LIEUTENANT GOVERNOR GUADAGNO: Any  
20 takers?

21 SENATOR: Hi. Thank you, Mr. McDonald  
22 for being here. In reading and based upon the  
23 testimony, how does the process get started? Does  
24 the process get started via a complaint?

25 MR. MCDONALD: Yes.

1                   SENATOR: So does the council have the  
2 ability to look at pending legislation before there's  
3 a complaint?

4                   MR. MCDONALD: No.

5                   SENATOR: You have to have a request?

6                   MR. MCDONALD: Right.

7                   SENATOR: And I see that, any reason,  
8 any idea why this ability for municipalities and  
9 school boards and whatnot to come to the -- any  
10 reason why you don't think it's used more often?

11                   MR. MCDONALD: That's -- that has been  
12 a question for us and we've -- actually legislation  
13 is to grant the associations like the county  
14 associations, county -- the school board association,  
15 the league of municipalities, the mayor's the power  
16 to start this on their own. Possibly some of the  
17 mandates are small and the towns decided we'd rather  
18 eat than fight -- fight it. One stop shopping. You  
19 don't have to. That may be one deterrent. Others  
20 may just not be aware of us.

21                   SENATOR: Now, one other thing, this  
22 started in 1996?

23                   MR. MCDONALD: Mm-hmm.

24                   SENATOR: Are you only allowed to look  
25 at things after 1996?

1 MR. MCDONALD: Yes. January for  
2 statutes. July for regulations.

3 SENATOR: What about re-adoptions or  
4 rules? We kind of found last week once a rule gets  
5 established, it never really goes away. Are you able  
6 to look at re-adoption?

7 MR. MCDONALD: As we understand it,  
8 we're not. That's not the way the constitutional  
9 amendment is five year sunset.

10 SENATOR: Thank you.

11 MR. MCDONALD: That was started by  
12 Governor Brendan Byrne and it made statutory -- no,  
13 we do not have that. However, I've been looking at  
14 executive order 4, which is your power to invalidate  
15 regulations, that depending on how it's interpreted  
16 is potentially missing in a four year period you  
17 would see 80% of the existing regulatory mandates, if  
18 interpreted the right way, come before you for  
19 approval or disapproval. That's staggering. And so  
20 I was just dumbstruck. I was fascinated when I saw  
21 that that was one thing that could edit as far as the  
22 regulatory process. You kill a regulation, say you  
23 kill one that's coming up, in two years down the road  
24 someone imposes it and that would fall under our  
25 jurisdiction. That would be a new mandate.



1                   LIEUTENANT GOVERNOR GUADAGNO: I have a  
2 question. What kind of staff do you have?

3                   MR. MCDONALD: 25% of our staffers --

4                   LIEUTENANT GOVERNOR GUADAGNO: What is  
5 the evaluation that you make if there's 12 staffers,  
6 we're not looking at economic benefit, a cost benefit  
7 analysis. What are you doing?

8                   MR. MCDONALD: Taking whatever the  
9 litigants present to you on one side the ask the  
10 executive agency who is each on both sides.

11                  LIEUTENANT GOVERNOR GUADAGNO: And  
12 that's the --

13                  MR. MCDONALD: The complaining  
14 municipality's backed up by other municipalities and  
15 associations and bring in all the fiscal evidence.  
16 This is what we have to do to comply with the  
17 executive agency. The deputy attorney general  
18 defends the mandate and proves that's one of our  
19 exceptions and -- and not cost anything and look at  
20 evidence and make a decision.

21                  LIEUTENANT GOVERNOR GUADAGNO: That's  
22 happened 11 times?

23                  MR. MCDONALD: Right.

24                  LIEUTENANT GOVERNOR GUADAGNO: Okay.

25                  MR. MARTIN: Does that include

1 regulations also?

2 MR. MCDONALD: Yes, the larger one that  
3 the council --.

4 LIEUTENANT GOVERNOR GUADAGNO: I've had  
5 more inquiries in the last seven weeks than that.

6 MR. MCDONALD: The largest fiscal  
7 relief for municipalities was through the  
8 nullification through the charter school regulation.  
9 I mean we're opened for business. We're ready and  
10 people complain about unfunded state mandates.

11 LIEUTENANT GOVERNOR GUADAGNO: I think  
12 the mayor's in the room wouldn't mind your address  
13 right now.

14 MR. MCDONALD: Yup. We're a beautiful  
15 web page. You can file electronically. Very user  
16 friendly.

17 LIEUTENANT GOVERNOR GUADAGNO: Okay.

18 SENATOR BUONO: I have one question.  
19 Do the litigants require representation? Do you have  
20 -- do they have to hire a lawyer?

21 MR. MCDONALD: They can come down  
22 without legal representation. You don't have to be  
23 an attorney to file.

24 LIEUTENANT GOVERNOR GUADAGNO: I think  
25 we have to look at that some more. We definitely

1 need to look at that some more. Come back to you  
2 outside this proceeding. I see the red light is on.  
3 I don't know what happens with the red light.

4 MR. RUMANA: Quick and formal poll, who  
5 is a council member, mayor or freeholder in the room,  
6 raise your hand? I thought we had a lot more.

7 LIEUTENANT GOVERNOR GUADAGNO: A couple  
8 more than that.

9 MR. RUMANA: How many have heard about  
10 the council on local mandates? How many of you have  
11 made use of the council on local mandates? Nobody?

12 LIEUTENANT GOVERNOR GUADAGNO: I think  
13 we want to ask them why. Hear from some of them  
14 today.

15 MR. RUMANA: Not asking that to  
16 embarrass anyone. We didn't use it either. I was  
17 through this experience and I'm very surprised about  
18 it.

19 MR. MCDONALD: We've had articles in  
20 the League of Municipalities, magazine articles.  
21 We're open.

22 SENATOR OROHO: I was on local council.  
23 I would admit I was on the Franklin Borough. I  
24 didn't know of that but attorneys or whatnot would  
25 know. I'm intrigued by the fact that it hasn't been

1 used more often.

2 MR. RUMANA: We're not making effective  
3 use out of the council.

4 LIEUTENANT GOVERNOR GUADAGNO: I don't  
5 want to cut anybody off. I promised everybody I  
6 would give everybody equal time. What we'll do is  
7 come back to you. We have a lot more questions.  
8 This is a surprise, absolutely. Thank you very much,  
9 Mr. McDonald. I appreciate it.

10 Okay. Marianne Smith from the New  
11 Jersey League of Municipalities.

12 SENATOR OROHO: I want to thank  
13 Marianne for coming down. She's the administrator  
14 from Hardyston Township in Hudson County. Marianne  
15 has done a tremendous job putting together an  
16 analysis of mandates. Marianne, I want to thank you  
17 very much for doing that. If I have an issue to say  
18 how does this effect municipalities, few people to  
19 call, Marianne is one of those people. So Marianne,  
20 thank you.

21 MS. SMITH: Thank you. And I  
22 appreciate the opportunity to speak to this very  
23 prestigious panel and the administration and the  
24 legislature for assembling this. It's needed in  
25 difficult times and even before times were difficult

1 we believed that there are a lot -- there's a lot of  
2 work to do relative to mandates. I will try to keep  
3 my comments brief in view of those behind me. Before  
4 you I have submitted a package. It has three tabs.  
5 In general I would like to draw attention to three  
6 specific issues. The first tab is a comprehensive  
7 listing of the mandates that we were able to compile  
8 two years ago. In 2008 we had presented testimony  
9 before both the assembly and budget committees and at  
10 that time the chairman of the assembly committee,  
11 Chairman Greenwald, had asked if someone would put  
12 together a list of all the mandates. They had heard  
13 a lot of people mentioning it. We heard that  
14 challenge and put that together. So, you know,  
15 again, I wouldn't belabor each one. I am sure those  
16 that follow me may speak specifically to some  
17 particular issues. This kind of gives you a good  
18 sense.

19 LIEUTENANT GOVERNOR GUADAGNO: Great  
20 stuff.

21 MS. SMITH: It's extensive. And, you  
22 know, in times like these, a lot of them, probably  
23 most of, them are noble in nature. But we're at a  
24 time where we have to decide what's nice to have and  
25 need to have, and we would really beseech the

1 community and the administration too. I was very  
2 interested in the prior speaker and even that  
3 possibility of being able to revoke things if there  
4 could be some kind of process where things were  
5 reviewed not necessarily -- we're not the expert to  
6 say whether a mandate should stay or go. Those that  
7 have specific knowledge of that to review it to see  
8 if it's still efficient and viable and necessary,  
9 because they're overlapping many times. So, again,  
10 that is in your packet. The second area, although  
11 it's not necessarily a mandate in its normal  
12 definition regulations being mandate a lot of things  
13 from municipal government and businesses. So  
14 particularly when we speak of DEP regulations and  
15 changes to those regulations, that has such a  
16 tremendous impact on how governments can work and how  
17 they can assist their community and development's  
18 economic prosperity. And Hardyston Township  
19 particularly I've highlighted the situation that we  
20 have only because it's a good example. We have a  
21 very large development that has been developing for  
22 over 20 years with the waste water management plan to  
23 require updates to county plans and in Highlands  
24 community, which we're one, it is the foundational  
25 layer of this planning process is the Highland

1 regional master plan, even in the planning area, and  
2 this memo will kind of give you, if you to go the  
3 fourth page and beyond, what we did is take this very  
4 vibrant community that already has like a thousand  
5 units and a 70,000,000 hotel in it, they have  
6 considerably more development to accomplish over the  
7 coming years. So what we looked at was the potential  
8 labor investment that could be generated in future  
9 development of that project, material cost, and also  
10 the tax impact both on the local level, county level,  
11 and the state level. And by modifying regulations it  
12 impedes development that as provided, you know, and  
13 constraining sewer service areas where developer made  
14 investment based on confidential approvals that they  
15 had and removing that basically what you're doing is,  
16 you know, translating to developer and communities  
17 loss of security, you know, in their investment and  
18 that translates into loss of jobs, loss of tax  
19 revenue, and loss of residents and business from New  
20 Jersey, which we can't afford. So, again, that just  
21 kind of gives you a good thumbnail of what we're  
22 talking about. It's not just let's try to help level  
23 percent or let's try to help ratable growth or  
24 whatever it is has true impact across the board. So  
25 the other area I want to just mention you have those

1 regulations impacting large development and smaller  
2 development. This is a very brief example. We have  
3 a business that's not in the sewer service area.  
4 Right next to it the pipe runs along the property  
5 because it's next to the sewer service area, their  
6 septic system is failing. They employ 150 people.  
7 They cannot hook up to that sewer and there's  
8 allocation available without doing a waste water  
9 amendment. There needs to be a process that  
10 accommodates emergency situations that would actually  
11 improve the environmental situation and we don't have  
12 those types of really sensible solutions in  
13 regulation that really would help the business, help  
14 the environments, help, you know, our residence who  
15 are employed there, and help the municipalities. The  
16 final point I wanted to share is the third. Tab  
17 Hardyston Township is very progressive and active in  
18 the area of shared services. And this is just a  
19 three page spread sheet of all the different shared  
20 services that we have entered into. Their status  
21 ongoing or they've being retired for one reason or  
22 another. And my point on this is the way that shared  
23 services are currently incentives by the state level  
24 you can apply for funding to have a consultant do a  
25 study. I'm not just bragging about Hardyston, other



1 municipalities are equally successful in this arena  
2 that succeed, and the knowledge and experience came  
3 at the cost of the taxpayer dollar. I mean I've been  
4 doing this for 15 years. When I retire, I can become  
5 a consultant and do shared services. I don't think  
6 that's fair. I think that we should think about  
7 mentoring. It's a problem within our communities.  
8 We need our communities to be successful, apply to be  
9 a community that could be consulted with other  
10 communities that want to consider shared services,  
11 possibly a grant for the mentoring community. And if  
12 there's a formal agreement between two  
13 municipalities, maybe it would not be the mentoring  
14 community, may be it's the facilitator, it could be a  
15 token or some kind of thatta boy to those communities  
16 for a job well done. I believe you're creating  
17 cohesiveness between communities. Consultants in and  
18 out, I'm not disparaging consultants, they do a good  
19 job. But they go there and leave. We want to  
20 develop a sense of community of strength of trust  
21 between communities that move forward into, you know,  
22 coming up with innovative solutions. So that's an  
23 idea that I would like to present as well. So,  
24 again, thank you for this opportunity.

25                                   LIEUTENANT GOVERNOR GUADAGNO: Thank

1 you. Any questions?

2 SENATOR BUONO: You obviously spent a  
3 lot of time on this. It's a very methodical listing  
4 what the mandates are. Have you ever gone through  
5 the exercise of identifying which mandates are the  
6 most onerous that you feel balance all the interest,  
7 public safety cost would be the first on the chopping  
8 block? I don't want to put you on the spot.

9 MS. SMITH: Bill Dress and I have  
10 actually talked about that a few times because I'm  
11 not -- while I deal with them as a layman on multiple  
12 different levels, I'm not an expert. And I think it  
13 would be presumptuous of me. That would be something  
14 that possibly there should be a system where there is  
15 an expert group in certain areas, public, state, or  
16 planning or whatever that looks at them really with  
17 an uncompromising eye to say objectively, is this  
18 really working. But unfortunately I mean I'm a jack  
19 of all trades.

20 MS. GRIFA: If I could just make a  
21 comment? Shared services is -- I'm learning in my  
22 own department is a large part of what we're supposed  
23 to be doing. And one of the things that I learned  
24 from people who work in my department is that their  
25 first impulse is to suggest to those involved in the

1 exploration of these issues is to hire a consultant.  
2 And in the four weeks, I've been on the job 31 days,  
3 I have discovered that nobody needs any consultants  
4 because this is happening organically on the local  
5 level and it has been for quite some time. Your  
6 list's really impressive. And you really ought to be  
7 the poster child for shared services. This is the  
8 best I've seen. And hearing more and more every day,  
9 mayors that are engaged in these kind of shared  
10 services in mentoring relationships. I had lunch  
11 with a mayor, some of the bigger towns, getting  
12 nothing, without shared services with smaller towns  
13 it's promoting efficiencies. Smaller towns rate  
14 smaller ratable base get out from under. They don't  
15 have to continue to employ public work sanitation et.  
16 cetera, et. cetera. I would invite you specifically  
17 to communicate with my office and maybe we can run  
18 out some templates. I would like to think through  
19 the league there's a lot of sharing with these kinds  
20 of agreements. I believe some are done on a  
21 handshake which is fine too. If we can be in touch  
22 we could, perhaps, provide your example to others who  
23 might not be as far ahead as you are.

24 MS. SMITH: I want to add to that in  
25 addition to the cost savings we're finding we do --

1 do a service for a smaller one. We have a manager we  
2 have, you know, public works director, full-time. We  
3 have resources that these little towns don't. We are  
4 able through a kind of a big brothers type  
5 arrangements, have a little bit more future planning  
6 and comprehensive administrative focus. They are  
7 just going to step up a little bit.

8 MS. GRIFA: All good.

9 MS. SMITH: It's being not only a good  
10 neighbor, obviously, helps us too to have neighbors  
11 that are kind of growing. Presently we're involved  
12 in five other negotiations for five additional shared  
13 services agreements. One is the DPW. The first time  
14 that we do that and that's significant when you know  
15 what you're doing, it can take a couple of weeks. It  
16 can take that long to write an RFP for a consultant.

17 LIEUTENANT GOVERNOR GUADAGNO: Anybody  
18 else?

19 SENATOR OROOHO: Marianne, thank you  
20 very much.

21 LIEUTENANT GOVERNOR GUADAGNO: One last  
22 question real quick, why haven't you filed a  
23 complaint with the council of local mandates?

24 MS. SMITH: I didn't know it was a -- I  
25 was aware it existed. And I think you did some work

1 in Sussex County on state police services, but I was  
2 not aware of what the process was. It kind of seems  
3 easier than I thought it was.

4 LIEUTENANT GOVERNOR GUADAGNO: Great.  
5 Thank you.

6 MS. SMITH: Thank you.

7 LIEUTENANT GOVERNOR GUADAGNO: Thank  
8 you very much. Next on our list is the mayor of  
9 Brick, Mayor Steven Acropolis. Thank you for coming  
10 all the way up to Monmouth County.

11 MAYOR ACROPOLIS: Thank you very much  
12 for giving us the opportunity to come up to speak  
13 about this. We kind of went through it and the  
14 report kind of -- it's there. I'll go through it as  
15 quickly as I can to get it on the record. And if  
16 there are any questions. We basically went to our  
17 different departments and asked them to give us a  
18 quick little list of what they thought. Purchasing  
19 came up with, you know, something as little as office  
20 supplies. Once the State of New Jersey awarded one  
21 out of state vendor, Staples, and then they increased  
22 our previous contract prices and limited our ability  
23 to shop at sale price. The same thing with auto  
24 parts. Same -- paying the same. It's on the state  
25 contract. The property tax reimbursement program.

1 The state provided a hot line for the tax collector  
2 and the state has been very helpful. The tax  
3 collector state aid numbers and the numbers on the  
4 tax bills confuses residents property tax relief.  
5 Easy for the state if it's provided in bulk for  
6 municipalities for property tax reduction. Several  
7 years ago we were only required to include our insert  
8 with the tax bills, the total amount received for  
9 state aid to our budget. Three years ago Governor  
10 Corzine changed the calculation be included on each  
11 tax bill, supposedly reflecting the amount each  
12 taxpayers bill was reduced by. We were never able to  
13 really verify that information and as it says in here  
14 it was propaganda.

15 LIEUTENANT GOVERNOR GUADAGNO: Was that  
16 a regulation?

17 MAYOR ACROPOLIS: That was something  
18 they required us to do.

19 LIEUTENANT GOVERNOR GUADAGNO: Now,  
20 that it's done, is the expense gone or is it --

21 MAYOR ACROPOLIS: It's confusing. When  
22 they see it, which is this what it says it has to be  
23 included says state aid used to offset local property  
24 taxes, the budgets of government agencies funded by  
25 this tax bill includes state aid. The amount of

1 state aid will get that on this parcel equal too --

2 LIEUTENANT GOVERNOR GUADAGNO: Okay.

3 MAYOR ACROPOLIS: There's a number.

4 I'll leave that with you. It's public record. It's  
5 got the guy's name on it. It's okay. Municipalities  
6 bearing the dozen state run property tax program.  
7 Most questions or programs with this form are --  
8 we're really trouble shooting them at municipal  
9 office which includes time spent explaining the  
10 qualifications. Our office filled out 2600 forms  
11 last year. Many residents are unclear about the  
12 program. Many times our staff calls to assist in  
13 getting any anomalies addressed from time we  
14 shouldn't be included. People have that state  
15 program they come to us and ask the questions. It's  
16 time consuming. We would recommend a simplified cost  
17 tax saving program particularly for seniors and  
18 disabled residence IPE a rebate through the tax  
19 return, like a credit. As a credit as opposed to a  
20 rebate program. Many programs available, several  
21 deductions, redemptions. Some residents are  
22 receiving benefits that they don't actually qualify  
23 for. Some people say, I didn't make the cut by \$34  
24 and they don't get that. We have to look at that,  
25 review all state mandate programs, benefit figures to

1 the state. It's a shell game right now. It's  
2 expensive and not real. If there are rebates to be  
3 applied, it should be more effective and accurate to  
4 have them administered through the treasurer to  
5 request the state announcement. It's not mandates,  
6 per se, it's things we have to do as a municipality.  
7 The state announcement that effects the taxpayer with  
8 regard to collection prior to being released to the  
9 media or at least have us in the room.

10                   LIEUTENANT GOVERNOR GUADAGNO: Do you  
11 want to explain it to them before --

12                   MAYOR ACROPOLIS: What happens, that's  
13 what they say here, they release the announcement,  
14 our collectors get the phone calls and say what -- we  
15 get it two days later. That one thing it saves them  
16 the time that they -- to have to go back and do it  
17 over and over again. I want to touch on a couple of  
18 things. Land use and NJDEP should immediately  
19 proposed rules and expedite approvals for tier 1 and  
20 tier 2 wind and solar panels. NJDEP consistently --  
21 I appreciate that a percent just coverage, there is a  
22 need for clearly stated regulations along with a  
23 reasonable threshold for requiring public access for  
24 the waterfront. I know you're for commerce and  
25 industrial waterfronts should be eliminated, NJDEP



1 prohibiting mitigated fees for providing off site  
2 access, and basically what they're talking about they  
3 lost sight of incentives and their regulation they  
4 intend to interpret the rules, which is extreme in  
5 many situations. Frequently an application to the  
6 NJDEP on behalf of the township or county, they go  
7 out of the way to have a costly review and provide  
8 erroneous hurdles to get a permit. If we have to  
9 withdraw an application because we thought it would  
10 be a flyover review and instead they want us to spend  
11 \$30,000 on a review because it's right next to Lake  
12 Riviera in our town, and we are replacing a gazebo  
13 and repaving a walkway, that's all we're doing. But  
14 we had to go from the flyover review. Cost us  
15 \$30,000. So basically you have government programs,  
16 government projects that are being reviewed by  
17 government agencies paid for by governing grants.  
18 You talk about consultants before, I think that's one  
19 of the big problems that we have. You know the state  
20 agency should really be -- it should be a courtesy  
21 review rather than a regulatory review. A planning  
22 board reviews education and the application and other  
23 public entity development application and if at the  
24 development application meeting the intent of the  
25 rule is the state agency not stand in the way to

1 provide public access to the waterfront municipal  
2 services, there has to be another one for better need  
3 for communication through the DEP and DCA. And these  
4 agencies seem to be in conflict with one other.  
5 Stuck in the middle. There's -- that's why they're  
6 sitting on opposite ends. Throw things at each  
7 other. They often say managers are in place to the  
8 entities such as the state planning commission, and  
9 the staff level employees do not get the message  
10 delivered to them. Coordinating the efforts to the  
11 higher levels of the message of cooperation and to  
12 not make it down to the employees at their desks  
13 regarding permits and developments, it's fine for  
14 coordination at the highest level, however, it  
15 doesn't make it down to the employees who review the  
16 application and it's worthless. For example, the  
17 township plan endorsement 2007 we were asked to adopt  
18 a streetscape ordinance to improve pedestrian  
19 connections between commercial properties. We allow  
20 pavers and other landscaping techniques to improve  
21 the aesthetics to the sidewalk areas and the project  
22 reviewers did not allow pavers to be installed in the  
23 right-of-way. On one hand I am with the state, we're  
24 not complying with the NJDOT permit. So it really  
25 does make government look a little bit incompetent.

1 Moving on to, because I'm only talking about certain  
2 things, regulation should be equipped with adequate  
3 waiver provisions to account for the -- in addition  
4 of regulations to anticipate scenarios future  
5 technology. Defined waiver requests should be  
6 established. And when direction's given during a  
7 pre-application meeting, NJDEP is held to that  
8 direction so we can depend on it when we design the  
9 job and submit the application. Otherwise, there's  
10 no need to have a pre-application meeting. And per  
11 the 90 day rule NJDEP, 90 day clock ticking when  
12 administrative items, those are identified on the  
13 checklist are complete. No particular review. Items  
14 should be required to start the 90 day clock. NJDEP  
15 had thorough review of application documents, approve  
16 a comprehensive list of written documents and they  
17 cause us to make many rounds of submissions in  
18 multiple post mail. Okay, closing up here. Either  
19 move the law enforcement budgets outside the spending  
20 caps, which 48% of our municipal budget is public  
21 safety or do away with binding arbitration. The NDEX  
22 system, information sharing systems, allows real time  
23 exchange of records. That should be available to  
24 every police officer. Fund state mandated training.  
25 The attorney general mandates periodic training and

1 while it's necessary it causes us many hours. Allow  
2 departments to test out in roll call as opposed to  
3 mandated hours of training. The best example is  
4 mandated domestic violence training. The officer of  
5 our department handle multiple DV jobs a day. They  
6 know the subject matter better than the training.  
7 Closing, do away with civil service and we would be  
8 much better off.

9                   LIEUTENANT GOVERNOR GUADAGNO: That all  
10 you want?

11                   MAYOR ACROPOLIS: Just a little.

12                   LIEUTENANT GOVERNOR GUADAGNO: That's  
13 why we have a bipartisan panel.

14                   MAYOR ACROPOLIS: Absolutely.

15                   LIEUTENANT GOVERNOR GUADAGNO: Thank  
16 you very much.

17                   MR. MARTIN: Our state holder  
18 discussion at DEP you have a lot of good ideas there  
19 and a lot of questions that need to get to the table  
20 to discuss with our state holders.

21                   MAYOR ACROPOLIS: Get a hold of us.  
22 I'm sure you have our contact information.

23                   MR. MARTIN: Fabulous. Thank you.

24                   LIEUTENANT GOVERNOR GUADAGNO: As part  
25 of the executive order the governor signed he did

1 mandate waiver provisions on all our agencies  
2 published on the website. I'm sure we're doing that  
3 right now. And the same with the time of decision,  
4 which is a set time for the decision. You can  
5 predict the outcome right or wrong you may not win --

6                   MAYOR ACROPOLIS: I didn't know I was  
7 mandated to use the council on mandates. There you  
8 go. I didn't know. Get his card on the way out.

9                   LIEUTENANT GOVERNOR GUADAGNO: Mayor,  
10 how are you?

11                   MAYOR LEVINE: Good.

12                   LIEUTENANT GOVERNOR GUADAGNO: I think  
13 we have been given an outline?

14                   MAYOR LEVINE: Yes.

15                   LIEUTENANT GOVERNOR GUADAGNO: Okay.

16                   MAYOR LEVINE: Lieutenant Governor  
17 Guadagno, Senators, assembly people, commissioners, I  
18 appreciate the honor of being able to address you  
19 here. I really do. And I'm going to go through a  
20 few things here and some of them might be  
21 sticcotawish so I can kind of fill you in on it. I'm  
22 the other Franklin down in Somerset County. I did  
23 grow up and graduate school in Senator Buono's  
24 district.

25                   SENATOR BUONO: We got some of your aid

1 one year.

2                   MAYOR LEVINE: We're Somerset County.  
3 We touch New Brunswick on the northeast and Princeton  
4 on the southwest, 6000 residents census show about 40  
5 square miles. And also you will excuse me I have a  
6 council meeting tonight and I have to leave before  
7 you conclude here. Sorry to be rude about that,  
8 three aspects, one I will put my mayor hat on. I  
9 think I have a good relationship with my board of  
10 education. I think I can tell you things I've  
11 experienced with them and when I'm not mayor because  
12 it doesn't pay that well, I am a CPA so I will tell  
13 you what I noticed in industry and private business  
14 also. And just hit a few of them quickly with DOT if  
15 we have got a project we all know it would take -- I  
16 mean we in my town literally months or years to get a  
17 traffic light or an approval or things such as that  
18 because it's just -- I'm guessing they're  
19 understaffed. I'm not sure what the thing is. Same  
20 often happen with the DEP where it's long time I've  
21 got a site in town I want to clean up and waiting,  
22 and waiting and waiting months, could be years for  
23 that. And a quick example where I was actually  
24 trying to put affordable housing. This wasn't part  
25 of COAH. It was good for my town and it was in the

1 northeast section. And a rule came down from DEP  
2 that, look I'm an environmentalist but there was an  
3 endangered species, the Indiana bat was seen 25 miles  
4 away in Morris County. No trees could come down  
5 between April and September. Now, I'm 40 square  
6 miles. This project was probably less than one  
7 quarter of a square mile. They were pushing it into  
8 March. Didn't finish engineering plans. Never had  
9 to take down the trees. It was a tug of war between  
10 my wanting affordable housing and environmentalists  
11 that -- again it caused delays and me getting people  
12 into town. Also you may notice this, just my  
13 observation, especially DEP could be other places.  
14 The fines levied on municipalities cease to have  
15 increased in the last several years, translating  
16 property tax dollars to the state coffeers. Makes  
17 me reroute my money. I could get away with a  
18 warning. Now it's tens of thousands of dollars being  
19 assessed. And next one I'm going to hit upon an open  
20 public records act. It's a great law. I like the  
21 philosophy. I like to consider myself a mayor open  
22 government but I can tell you it's -- I often find  
23 commercial ventures -- I'm not sure if there's a  
24 solution to this just so you know coming and asking  
25 my staff to do research on their behalf, appraisers,

1 engineers they want to see all the values of  
2 properties or such as that. And is there going to  
3 use that to turn around to solicit business and  
4 sometimes someone in my clerk's office spends half of  
5 the working week looking at things. Again, someone  
6 wants to sue us or problems or something and their  
7 knowledge is their job. I'm great with that but, you  
8 know, we know whose asking. And, again, I'm not sure  
9 how to do that but that's an observation that I've  
10 made.

11 LIEUTENANT GOVERNOR GUADAGNO: Put  
12 everything on line. Let them do their own searches.

13 MAYOR LEVINE: That would be good. We  
14 tried to put more and more on line that can actually  
15 maybe solve it. Often someone will say I want  
16 everything that has to do with this lot and block  
17 number. So every department has to do their  
18 research. It's not like I want to know  
19 environmental. So sometime we're cutting across  
20 department lines. Maybe if we were on line in a nice  
21 database that may work. And sometimes they're well  
22 intentioned rules, they're well intentioned rules  
23 every once in a while there are extra fees that are  
24 attached to auto tickets and that's fine. That's a  
25 good goal. What happens this happens such I find



1 that the price of the tickets, if it's \$50 a lot of  
2 people might say, I'm going to pay it and get out of  
3 it. But if it starts going into hundreds, now it's  
4 worth it for me to fight it. Now taking more and  
5 more judge and prosecutor time. And if I need a  
6 public defender to do that. You all know about COAH.  
7 I think it's a good idea with bad implementation  
8 comes around. Again, I know we need affordable  
9 housing. It's just to let you know the ancillary  
10 cost. I've had -- I've had to pay two rounds \$60,000  
11 for a consultant each round to tell the -- tell the  
12 state how many units it wants me to have because the  
13 formula is so convoluted and attorney's fees. I'm  
14 guessing those costs are a quarter of million  
15 dollars. Again, planners and lawyers we have a good  
16 plan. I have to say it was very open and good one  
17 but, of course, the developer lawsuits because they  
18 might have been excluded going to see more going  
19 there. Also now, to hit, and some of these might be  
20 slightly off because this isn't my field, QSAC  
21 quality single accountability continuum, three years  
22 review curriculum budget. It's a good program, sees  
23 that everything is in its place. Very intense and  
24 time intensive, time and costly preparation. Every  
25 three years? My district gets the highest rating,

1 highly performing district. The work is good. Our  
2 district consistently gets good, but maybe five years  
3 instead of three. Its working well. That would save  
4 me tens of thousands of dollars on something such as  
5 that. And I'm sure a lot of your districts would do  
6 that too. Learning committee, education learning  
7 committee craft professional learning for educators  
8 mostly in schools create committee for professional  
9 planning for staff. And it's literally about twelve  
10 inches thick. I mean it is a good idea but it's so  
11 much time and money wading through all of that and  
12 implementing. That's one thing that I'm sure could  
13 be done efficiently. If 13 inches went to nine,  
14 maybe that would save me 2,000 bucks. Something else  
15 called education to go and not to be a broken record.  
16 I know no one has records any more.

17                   LIEUTENANT GOVERNOR GUADAGNO: You just  
18 dated yourself.

19                   MAYOR LEVINE: Okay. So my daughter  
20 once told me you got a big CD when I pulled out an  
21 album. for prepare and teach for 21 concept that's  
22 my broken record. It's time consuming. Some kids  
23 we've implemented we have a great superintendent  
24 extra period of math, extra period of reading.  
25 That's what they need. Great high tech. I know they

1 need that for the future but a whole formal program  
2 on doing it is eating up such thing, state  
3 eligibility requirements in general. It's supposed  
4 to save money which it actually does but because all  
5 these things come down, it's eliminating a lot of  
6 flexibility at the local level. We've implemented  
7 more reading and math. I think the fundamentals are  
8 good. The superintendents share that but with all  
9 these extra things, the innovative programs the  
10 flexibilities on the local level are more stifled  
11 because there's not money being done there and if the  
12 superintendent's could do things like extend  
13 probation for people instead of being so harsh,  
14 they'd have more flexibility in bringing people in.  
15 Now, end up with accounting hat on. One thing  
16 quickly the chief three aspects for unemployment and  
17 disability in New Jersey unemployment disability  
18 family leave look at your W-2 and you'll probably see  
19 three lines on there. The other 49 states are  
20 content enough to have one line for everything. We  
21 have to report it three ways to the state. I have  
22 client, because I am a CPA, the employer had to print  
23 an extra W-2. They wouldn't fit on one. I'm not  
24 sure if the state is processing three different  
25 areas. I know the other 49 think it's okay to put

1 that together. That could be something that we look  
2 at. Also, quickly, because I see my lights changed  
3 color if, again, with my CPA hat on, if I prepare a  
4 tax return for a small client, I told this to the  
5 assembly budget a few weeks ago, two pages long. I  
6 do that return that goes to the State of New Jersey.  
7 It could be as many as 20 pages. So I'm guessing  
8 since the IRS needs two pages, we might be processing  
9 more than we need. And here's a big danger because  
10 my CPA is my livelihood, one thing on the life with  
11 the boards of accounting, which I love you do great,  
12 a couple of years when I renewed my license I sent it  
13 over to Trenton. They said they didn't get it. They  
14 didn't get it. It was certified. I showed them. I  
15 called up the Newark office. They told me I can't  
16 access the records you sent to Trenton. We don't  
17 know that you sent it. My thing was I want to keep  
18 my license. The board of accounting, you're not such  
19 a big board. So I had to go through Trenton, find  
20 out, and do it that way. So I love them. Keep my  
21 license but it's one thing I know so I tell you one  
22 other. Looks like my light is red.

23                   LIEUTENANT GOVERNOR GUADAGNO: Go  
24 ahead. Tell us one more.

25                   MAYOR LEVINE: Again, I'm giving away

1 my secrets. I'm going to change my secrets. Now, I  
2 had a client come in just a couple of months ago, a  
3 statute of limitations to do an audit a sales tax  
4 problem two and a half years ago they're saying I owe  
5 sales tax. Do you think you owe it? He said, no.  
6 This was the IRS pull out the records. I know look  
7 at it and send it in and provide it to them. This is  
8 the state so I said to him, you know what, write a  
9 letter says everything is fine. Please tell me  
10 otherwise by the time they respond to you in nine or  
11 ten months, the statute of limitation's is fine.

12 LIEUTENANT GOVERNOR GUADAGNO: Maybe I  
13 should have told you we are transcribing everything  
14 over here.

15 MAYOR LEVINE: There's a few  
16 prosecutors in the room. I'm sure the statute of  
17 limitations had passed. He didn't -- it was easier  
18 way than digging up the old records.

19 LIEUTENANT GOVERNOR GUADAGNO: You were  
20 missing an opportunity. Any questions for the mayor?  
21 Okay. Thank you, mayor. Thank you for coming down.  
22 I appreciate it.

23 Mayor Scharfenberger, the Mayor of  
24 Middletown. Did he just step out now? Get in big  
25 trouble. Mayor I saw him walk that way. All right.

1 We're going to take Anthony Mercantante. Mayor, do  
2 you have anything to say?

3 MAYOR SCHARFENBERGER: I didn't prepare  
4 anything. In fact, I was going to let the  
5 administrator talk.

6 LIEUTENANT GOVERNOR GUADAGNO: Anthony  
7 Mercantante?

8 All right. Here you go, mayor. How  
9 are you?

10 MAYOR SCHARFENBERGER: Very good. Very  
11 good.

12 LIEUTENANT GOVERNOR GUADAGNO:  
13 Middletown, if you don't know, is the largest town in  
14 Monmouth County.

15 MR. MERCANTANTE: Good evening. The  
16 primary thing we were going to talk about tonight I  
17 wanted to address with you is the issue of civil  
18 service and the impact it has on municipalities. I  
19 just want to give you one little story about that.

20 LIEUTENANT GOVERNOR GUADAGNO: Could  
21 you turn the microphone up?

22 MR. MERCANTANTE: Sorry, in January I  
23 got a -- January I got a letter from the state civil  
24 service commission. It was a letter addressing an  
25 appeal employee had filed about their title with the

1 civil service commission. They were dissatisfied  
2 with their title. So a typical fairly routine  
3 process. However, the appeal by the employee was  
4 filed in 2006 and I got a letter six weeks ago in  
5 2010 and the letter ironically --

6 LIEUTENANT GOVERNOR GUADAGNO: Say that  
7 again?

8 MR. MERCANTANTE: The employee filed an  
9 appeal in 2006 about their title.

10 LIEUTENANT GOVERNOR GUADAGNO: Right.

11 MR. MERCANTANTE: We got a response in  
12 January of 2010.

13 LIEUTENANT GOVERNOR GUADAGNO: Okay.

14 MR. MERCANTANTE: And ironically the  
15 letter, one sentence in it initially accept our  
16 apologies for the delay in this response. I think  
17 four years is a little bit more than a delay.

18 LIEUTENANT GOVERNOR GUADAGNO: Which  
19 opens you up to back pay and --

20 MR. MERCANTANTE: This employee's  
21 perfectly happy in a stable position. That's not an  
22 issue. This issue was resolved by us internally  
23 months after the appeal was filed. But yet somehow  
24 it was winding its way throughout the --

25 LIEUTENANT GOVERNOR GUADAGNO: In 2006

1 who was your county administrator in 2006?

2 MR. MERCANTANTE: Lou Paparosi.

3 LIEUTENANT GOVERNOR GUADAGNO: And Bob  
4 Czech. Do you know whose the head of civil service  
5 now, Bob Czech?

6 MR. MERCANTANTE: Yes. He was not  
7 there when this letter was written. I just want to  
8 point this out. One of the things we see with the  
9 civil service process it's really a huge example of  
10 the state micromanaging personnel decisions at the  
11 local level. And they have so many impacts to us in  
12 so many ways. One of the areas is just our ability  
13 to hire people. If you're familiar with the process  
14 in order to fill most civil service positions, it's  
15 necessary to ask the state for a list. We've  
16 experienced one to two years in actually getting the  
17 list. In some cases the list comes back as you know  
18 you have to generally pick from the top three after  
19 the two years, two names on it. It didn't really  
20 matter that you have waited. We have other  
21 situations, though, where you essentially have a  
22 choice. In our situation if you have an open  
23 position and you really need to fill that position,  
24 you have to hope somebody's willing to take the job.  
25 What's called a professional basis. Then they're in



1 that job with the possibility that that list when it  
2 does come out a year or two later, may not have them  
3 in the top. I can tell it does happen. I have a  
4 situation right now where I have an employee in a  
5 position, young professional, late 20's and is doing  
6 a great job for two and a half years. The list  
7 finally came out and this person is not number one.  
8 But the number one person on the list is a veteran.  
9 No problem with that but the person is also a retired  
10 police officer making a handsome pension, I might  
11 add. Now we're going to bump this person out of a  
12 job who has been doing it for two and a half years  
13 doing a good job. That is a system that's broken.  
14 Something is wrong with a young professional losing  
15 their career essentially to that system. So I  
16 wouldn't go through all the issues. We have  
17 disciplinary processes is a nightmare. You end up  
18 keeping employees that should not be kept as  
19 employees. The battle over moving them even though  
20 egregious things not worth the fight in many cases,  
21 many issues. But two areas that I want to touch on  
22 really effect our ability to be efficient. One has  
23 to do with, as you know, we are under a lot of  
24 pressure to shrink government, shrink the size of our  
25 staff. Hard to do. And one of the reasons is that

1 in civil service communities you can't transfer the  
2 employees from one department to another without the  
3 employee's permission. If I have an opportunity to  
4 save a job or move somebody from one department to  
5 another, it's more efficient, can't do it unless the  
6 employee says it's okay. And if it's not okay, you  
7 have a fight on your hands. What do you do? You  
8 probably keep that person in a position that you  
9 really don't need them. The other area became an  
10 impediment. I was glad the speaker from Hardyston  
11 spoke about shared services agreement. Touch on the  
12 consultant thing. When civil service comes into  
13 play, it's unclear how you handle shared service.  
14 With multiple municipalities some have civil service  
15 and some are not and attempts to clarify those rules,  
16 it's still not clear what happens when municipalities  
17 go into and out of shared service arrangements  
18 halfway through and one of them is a civil service  
19 town or not -- not clear what happens. So what  
20 happens instead, it's so complicated. Municipalities  
21 say, forget it. We can't figure this out. Worried  
22 to get in a fight with union or other association.  
23 We just don't do it. The hassle is just not worth  
24 it. That's an area you really need to address. I  
25 was glad with the comments of issue of consultants

1 Middletown shared service agreements for many, many  
2 years and very successful ones. Some that haven't  
3 worked out as well either. You learned shared  
4 service agreements for construction services, for  
5 animal control, for planning for affordable housing  
6 administration, all sorts of areas for shared  
7 services. But the problem that we have never had one  
8 set up by a consultant. Always set up by a  
9 professional in the municipalities, they know what's  
10 going on. The fact is you hire a consultant to do a  
11 shared services study, a good chance done with the  
12 study one of the officials in the municipalities will  
13 not want to do it or different viewpoint, wasted time  
14 doing the study. That money -- that was millions and  
15 millions of dollars set aside to the consultants.  
16 Far better used to provide incentives to have the  
17 municipalities enter into them, perform well to  
18 offset salary costs or something like that. Money  
19 would have been far better spent and far more shared  
20 service arrangements on the grounds. So that's it.  
21 I don't really have anything else to add.

22                   SENATOR BUONO: How are you? I have  
23 two questions. One, civil service, you say it's a  
24 system that's broken. Are you advocating  
25 abolishments and if you want to put it on the ballot,

1 could you put it on the ballot to opt out?

2 MR. MERCANTANTE: Not now. I've been  
3 working with the league, probably hear a speaker  
4 later the board here to talk a little more about  
5 this. There is some work being done to elections to  
6 opt out. And I think that's where we need to go  
7 here. It may work fine for certain communities. I'm  
8 not sure. I doubt that. I don't want to take that  
9 option away from municipalities. There should be a  
10 process whereby local governments opt out. In the  
11 '70's --

12 SENATOR BUONO: I thought you could opt  
13 out if you put it on the ballot? Let's leave it up  
14 to the community to make a decision to opt out. I  
15 think it's -- it would work very, very well. That's  
16 something we're really supportive of. And then the  
17 other question I had and I think you were talking  
18 about the millions and millions of dollars that were  
19 set aside to fund consultants, you're talking about  
20 the state?

21 MR. MERCANTANTE: The state.

22 SENATOR BUONO: That was brought up in  
23 the budget committee the last two times. All they  
24 did was put money aside to hire consultants to delay  
25 putting something into place it seemed.

1 MR. MERCANTANTE: Classic study it to  
2 death. Exactly.

3 MS. GRIFA: If I could, Senator, is not  
4 because I want you to think I'm a brown noser but  
5 they -- I had my meet and greet with them and told me  
6 they were going to hire this consultant. And I said  
7 no, you're not. We have fabulous universities in New  
8 Jersey. We need help. We'll get you help from one  
9 of the great university think tanks that are  
10 available and free.

11 MR. MERCANTANTE: They certainly have  
12 good intentions. The concept is there but they're  
13 not really in a position to put these agreements  
14 together. I don't know of very many shared service  
15 agreements that were put together by consultants.  
16 Vast majority put together by administrators and  
17 mayors in communities.

18 SENATOR BUONO: Who came up with the  
19 idea that we needed consultants? The consultants  
20 maybe. I don't know.

21 LIEUTENANT GOVERNOR GUADAGNO: We very  
22 much appreciate it. Thank you very much for coming  
23 to our town today. Any other questions anybody?  
24 Sorry I didn't ask first. Tim Gordon I heard your  
25 name in vein. Speaking of civil service, the title

1 of the document that was just passed out to us is opt  
2 out of civil service a well oiled machine.

3 MR. GORDON: Timely presentation. Good  
4 afternoon. I'm Tim Gordon, the Township  
5 administrator of Millburn Township and chairman of  
6 the civil service issues for the New Jersey League of  
7 Municipalities. Today I'm here representing the  
8 League of Municipalities and the Township of  
9 Millburn. Last November the Township of Millburn had  
10 resolution supporting the ability for municipalities  
11 to opt out of civil service. Subsequently the  
12 regulation was submitted to League of Municipalities  
13 for adoption at the annual league conference and  
14 unanimously passed by permitting the municipalities  
15 the opportunity to opt out of service.  
16 Municipalities will realize a reduction in red tape  
17 and at the same time realize cost savings. Now,  
18 there are those individuals who will argue that civil  
19 service reform could be history prove it wrong,  
20 quite, frankly, don't have the time for civil service  
21 reform. The last big push for civil service reform  
22 was 16 years ago under Governor Witman's  
23 administration. All her efforts and all those of  
24 civil service in 1994 and in 1999 nothing was  
25 accomplished for municipal government. The time for

1 reformation of the civil service system has come and  
2 gone. Reform hindered by the combination public  
3 sector union and civil service bureaucrats, interest  
4 in reform. In response to inquiries about policies  
5 on the potential rules and changes, civil service  
6 commission frequently defends in two basic arguments.  
7 One, the change can only come through legislation or  
8 it has always been that way. Example of such defense  
9 seen in a December 17th, 2008 letter to Commissioner  
10 Cooper responding to requests for a change in the 45  
11 day layoff period to 15. First, the commissioner  
12 defended her policy by saying such changes are  
13 outside her jurisdiction. And, excuse me, would  
14 require a legislation change to the rule. However,  
15 the commissioner offered no assistance or opinion as  
16 to whether the commission, which supports such a  
17 legislation. Secondly, the commissioner argues that  
18 the 45 day policy is a long standard policy from this  
19 its understood that civil service commission values  
20 and traditions and the status of would rather than  
21 taking efficiency and effectiveness an old outdated  
22 policy into consideration. A more recent inquired by  
23 Louis Greenwald to the service is commissioner  
24 regarding change. For example, the out of title work  
25 policy he received on May 12th, 2009 responded by

1 saying that a more flexible out of title work would  
2 weaken the heart of the civil service system and the  
3 merit system. This philosophy ignores the  
4 municipalities in favor of the civil service  
5 commission's desire to remain unchanged. The service  
6 system costly system for today's municipalities that  
7 operate within. And let me give few examples. The  
8 layoff process civil service submit electronic  
9 payroll listing each employee in the municipality to  
10 the civil service commission for reconciliation. The  
11 state and municipal records must be reconciled before  
12 layoff proposal may be submitted, reconciliation may  
13 require that employees not appearing in the civil  
14 service records, many times disagreements between the  
15 municipality's records and civil service records be  
16 repaired for that person and rehire them in a  
17 professional -- as a professional employee. And then  
18 have to take a test. The reconciliation framework  
19 depends on the size of the municipality, the number  
20 of employees to review, which can take weeks to  
21 complete. The civil service commission  
22 representatives when contacted were unable to give us  
23 any accurate timetable for reconciliation process.  
24 Once the reconciliation process is complete, the  
25 municipalities submit a layoff proposal to civil



1 service, which has 30 days to review and approve the  
2 proposal. The proposals must include reasons for  
3 layoffs, effective dates. A 45 day notice to  
4 effected employees, total number of positions by  
5 title, names of employees effected, current vacant  
6 positions in the layoff department that the  
7 municipality is willing to fill a detailed  
8 explanation of all the -- all the prelayoff's that  
9 have been considered and deemed not applicable. A  
10 summary of consultation, union representatives, and a  
11 list of their names. Once the township -- once  
12 approved, the township must wait an additional 45  
13 days before issuing the approval of layoffs which are  
14 subject to appeal. The process of laying off  
15 municipal employees could take up to six months,  
16 which means that a municipality would have to layoff  
17 only twice the number of employees they originally  
18 required to in order to meet their budget needs.  
19 Another problem with civil service is the furlough  
20 timetable. Civil service municipalities temporary  
21 furlough plan with departments effecting the names  
22 and titles of the employees in the department and the  
23 reason for the furlough, the civil service commission  
24 will review and approve within 30 days. The first  
25 furlough cannot take place until an additional 45

1 days from the approval. That's 75 days, which is not  
2 included the time it takes the municipality to  
3 perform all the requirements necessary to submit the  
4 plan in the first place. Again, when the civil  
5 service commission representative was contacted, they  
6 were unclear as to whether or not the reconciliation  
7 process similar that required for layoffs is  
8 necessary for furlough. As previous speakers  
9 mentioned, when you get into shared services  
10 consolidation and reprocess, civil service problem  
11 can occur when two or more civil service  
12 municipalities consolidate, the new entity must be  
13 civil service. But when a civil service municipality  
14 and a non civil service municipality consolidate, the  
15 voters are asked by ballot whether or not the new  
16 entity will be joined civil service. The law should  
17 treat all municipalities the same and have the voters  
18 choose regardless if the town is civil service or not  
19 whether to enter. Other information, shared service  
20 creates problems with combining two or more  
21 departments. Employees in departments -- the  
22 employees in the department being dissolved are laid  
23 off and must be rehired by the department providing  
24 the service. With the rehiring of employees keeping  
25 their seniority despite the differences that there

1 might be in neighboring towns with experience and  
2 training. Furthermore, if one of the departments is  
3 not enrolled in civil service, the civil service  
4 status and their seniority becomes an issue if the  
5 provider of the civil service and non civil service  
6 employer became enrolled in civil service, it becomes  
7 a problem with the seniority and service of  
8 commissions. In case of joint meetings, which there  
9 are a few, it's unclear as to whether they will be  
10 voted on to be in civil service or not. One of the  
11 other more germane services that we can have is an  
12 alternate route civil service municipalities  
13 restricted from hiring police officers and fire  
14 fighters that have attended academies at their own  
15 cost known as the alternate route program. We're  
16 realizing savings by not having to pay for sending a  
17 police candidate to a police academy. And we pay  
18 their salaries at the academy civil service towns  
19 cannot. The Township of Millburn spends \$19,000 in  
20 salary and additional 1 to \$2000 for training  
21 experiences per candidate while not having the  
22 service of those individuals. While a neighboring  
23 non civil service can hire a candidate whose paid  
24 their own academy expenses and put them directly to  
25 work upon hiring. Also, the civil service charges

1 municipalities for the appeals of employees. A  
2 number of years ago Millburn Township rejected a  
3 police candidate from the civil service list because  
4 he failed a psychological examination. The  
5 individual appealed his case to civil service and the  
6 individual was examined by a civil service selected  
7 psychologist. The psychologist confirmed the  
8 Township's psychologist's opinion that the candidate  
9 should not be hired. Subsequently the candidate  
10 appealed again and a third psychologist agreed with  
11 the two prior psychologists that the candidate not be  
12 hired. The civil service commission billed the  
13 Township of Millburn for the cost of the state  
14 psychologist. The Township objected arguing that the  
15 candidate should pay for their cost because they  
16 appealed. The state came around and threatened the  
17 township with a \$10,000 fine if we did not pay for  
18 the candidate's appeal. Candidates and employees pay  
19 the cost of their appeals should they not be  
20 successful, that burden should not fall to  
21 municipalities. There are other problems with civil  
22 service. Any employee could request a desk audit,  
23 time and money for the municipalities recent desk  
24 audit to be done for two co-workers, he had a -- let  
25 me pick the most important part of the rest of this

1 testimony. I see that red light over there. Mr.  
2 Hutchison is going to have a heart attack.

3 LIEUTENANT GOVERNOR GUADAGNO: We don't  
4 want that to happen.

5 MR. BURZICHELLI: He's not civil  
6 service.

7 LIEUTENANT GOVERNOR GUADAGNO: That's a  
8 good line.

9 MR. GORDON: My last example would be a  
10 promotional exam by condition. Civil service  
11 promotional results are issued by civil service  
12 stamped conditional. When you get an exam result  
13 back, when a promotion's made from a civil service  
14 list, the civil service regard the appointment as  
15 appointed conditionally pending the adjudication of  
16 appeal. This could take -- appeal decided on favor  
17 of applicant, the person proposed may be subject to  
18 displacement of the successful candidate. Millburn  
19 received for an exam that was taken in 2007 of which  
20 promotions were made in 2007, we were fortunate that  
21 the revised list which expires in only two months in  
22 May did not change by replacing a veteran on top or  
23 that somebody was moved down on the list. Had that  
24 taken place then, the Township for two years would  
25 have been demoted and the present individual who

1 would have been selected would have been requesting  
2 back pay, which we calculate at \$18,200.

3                   LIEUTENANT GOVERNOR GUADAGNO: Mr.  
4 Gordon, I don't want to cut you too short. Those are  
5 the ones we want to take back to our respective  
6 corners and anecdotes, use as an example. I want to  
7 make sure this gets appropriate treatment. I know  
8 you have one nightmare story after the other. I  
9 thank you for coming in. We'll contact you again if  
10 we need more details.

11                   MR. GORDON: Fine. We're asking for  
12 the ability to have the --

13                   LIEUTENANT GOVERNOR GUADAGNO: That's  
14 clear.

15                   MR. GORDON: -- opt out.

16                   LIEUTENANT GOVERNOR GUADAGNO: That's  
17 very clear. Thank you. All right. Arthur Ondish up  
18 from the Borough of Mount Arlington our northwest  
19 corner of the state.

20                   MAYOR ONDISH: I do of have to talk  
21 about this shared service. You would appreciate my  
22 town. We have really gone crazy. We were the first  
23 five town court in Morris County, even the state.  
24 We're pretty proud of that. We created the town  
25 court and we share our animal control health officer.

1 We just began sharing our construction office with a  
2 neighboring town. Now talk about police, two years  
3 ago I went through that and I have scars on my back  
4 for that one because the civil service wouldn't look  
5 at towns that had civil service because we're not  
6 civil service.

7                   LIEUTENANT GOVERNOR GUADAGNO: Do we  
8 have a copy of your testimony? I don't have it in my  
9 packet.

10                   MAYOR ONDISH: That's okay. All right.  
11 I do have it prepared so I'll read from the prepared.  
12 Members of the Red Tape Review Committee, thank you  
13 for giving me an opportunity to address you on  
14 unfunded mandates. I currently serve as Mayor of  
15 Mount Arlington Borough and Chairman of the Lake  
16 Hopatcong Commission. I am on the Executive board of  
17 the State League of Municipalities and am also  
18 President of the Morris County League of  
19 Municipalities. I also serve on the Board of  
20 Directors of the New Jersey Conference of Mayors. In  
21 addition, I am Assistant Director of Business  
22 Development, Mid-Atlantic Region for CHA, Inc. With  
23 this said, I think you can tell I try and keep myself  
24 very busy and spend much of my time trying to make  
25 life better in New Jersey. I commend Governor

1 Christie for establishing the Red Tape Review  
2 Committee and recognizing the need for a  
3 comprehensive review of state rules and regulations.  
4 In Morris County there was a great effort between the  
5 Morris County League of Municipalities and the Morris  
6 County Chamber of Commerce to help compile  
7 information included in this Red Tape report. There  
8 are numerous rules whose cost outweigh the intended  
9 benefits. Today, I would like to address you on a  
10 smorgasbord of rules that directly impact  
11 municipalities. I picked five. First one lengthy.  
12 I don't know if we understand the complication of  
13 strong discussion. First, I would like to discuss  
14 the New Jersey Department of Environmental Protection  
15 Stormwater Management Rules, N.J.A.C. 7-8.1.  
16 According to the department, the municipal stormwater  
17 regulation program is designed to address the impacts  
18 of stormwater borne pollution on our State's  
19 waterways. According to the rules stormwater  
20 management measures is defined as any structural or  
21 non structural strategy, practice, technology,  
22 process program, or other method intended to control  
23 or reduce stormwater runoff and associated pollutants  
24 or to induce or control the infiltration or  
25 groundwater recharge of stormwater or to eliminate



1 illicit or illegal non-stormwater discharges into  
2 stormwater conveyances. That's just the beginning of  
3 it. I'm not against the stormwater management rules.  
4 In fact, these rules are long overdue and should have  
5 been put into place many years ago. However, I do  
6 have an issue with the fact that this is an unfunded  
7 mandate that cost local property taxpayers a fortune  
8 to implement a state policy using local funds. The  
9 rules require each permittee, aka, municipality to  
10 submit an Annual Report and Certification indicating  
11 the status of the implementation of each Statewide  
12 basic requirement as well as additional supporting  
13 data. In addition, once a municipality adopts a  
14 stormwater management plan, that plan must be  
15 re-examined during the master plan re-examination  
16 process. On average it costs a municipality  
17 approximately \$30,000 to develop their plan. The  
18 re-examination cost is unknown at this time as no  
19 municipality has gone through that process yet. And  
20 the development of the plan was the first step. Next  
21 the implementation. As part of the rules, the  
22 municipalities must label all of their stormwater  
23 drains at a cost of \$2500 to \$6000 depending on the  
24 number of basins. Mail an educational piece to every  
25 resident twice a year. It cost Mount Arlington \$4500

1 to do a mailing. Reclaim the water from washing  
2 vehicles. This is done either through installing a  
3 reclaiming system at cost of \$100,000 to \$150,000 and  
4 recycling the water can cost about \$20,000 to  
5 \$125,000 depending on the size of the system and  
6 number of vehicles washed down. Or a municipality  
7 can use a car washing facility. However, keep in  
8 mind when is the last time you saw a dump truck going  
9 through the car wash. Doesn't usually happen.  
10 Municipalities must sweep the streets once a week. A  
11 new sweeper cost \$150,000 to \$225,000 to replace and  
12 maintain the sweeper brooms cost approximately \$1500  
13 to as high as \$10,000 and the manpower approximately  
14 \$8000 depending on the road miles within the  
15 municipality. In addition, it cost the municipality  
16 on average approximately \$1000 to \$20,000 to dispose  
17 of the sweepings depending upon their tonnage. Now  
18 let me put a caveat on there will we have gone  
19 through 42 employees to 29 employees in an effort to  
20 reduce our operating expenses. The man hour to do  
21 the sweeping is an animal of its own. Tier A  
22 municipalities are required to clean their catch  
23 basin periodically and keep reports of their  
24 cleaning. Again too depending upon their manpower  
25 and tonnage it can cost a municipality on average

1 approximately \$5000 to \$50,000 to meet this  
2 requirement. In Mount Arlington I am extremely  
3 sensitive to the value of stormwater management due  
4 to Mount Arlington being nestled on the shores of the  
5 Lake Hapatcong, which is the largest natural lake in  
6 New Jersey. As chairman of the commission I work  
7 with the other municipalities in the watershed who  
8 have the same viewpoint of the value of the  
9 regulations but are concerned about the prohibitive  
10 unfunded mandated cost. That's on storm water.  
11 Second thing now I would like to discuss is the newly  
12 enacted Citizen Service Act, P.L. 2009 c. 141. The  
13 Citizen Service Act, among other things, requires  
14 Municipal Clerks to create and maintain a directory  
15 of municipal boards, their membership and vacancies  
16 and create a form to permit citizens to apply for  
17 service on municipal boards. Most municipalities  
18 already keep a version of a directory. The more  
19 onerous aspect of the law is the Citizen Leadership  
20 form. The law now requires any person interested in  
21 serving on a board to file a one page Citizen  
22 Leadership Form with the municipal clerk. The form  
23 requires the resident to list any education, prior  
24 volunteer experience, work related experience or  
25 other civic involvement which could be of use to the

1 boards you wish to serve. It is difficult enough to  
2 get volunteers to serve on the boards now requiring  
3 additional information may discourage some residents  
4 from volunteering. It is another layer of  
5 bureaucracy one must hurdle to volunteer their time  
6 and skills to the community. On top of the detriment  
7 to the perspective volunteer this creates a burden on  
8 the municipal clerk who must maintain all of this  
9 documentation. Then to top it off, this information  
10 becomes OPRA discoverable. I personally do not think  
11 it is appropriate for anyone to disclose personal  
12 information in this newly created form and then have  
13 that document available for anyone who wishes to file  
14 an OPRA form to retrieve it. Some things need to be  
15 kept simple and uncomplicated. If someone wishes to  
16 give back to their community based on a personal  
17 desire to serve they should be able to do this  
18 without a concern of their personal information being  
19 displayed publicly. With current technology, most  
20 likely wind up on the internet. This is very  
21 discouraging and very unnecessary. The third item  
22 I'd like to address is the mandatory certification  
23 and recertification for local registrars and deputy  
24 registrars. Registrars are responsible for  
25 processing and certifying birth, marriage, civil

1 unions, domestic partnership and deaths. While this  
2 is an important function, I do not understand the  
3 need to require both the registrar and deputy  
4 registrar to be certified. No other municipal  
5 position requires that the deputy be certified. In  
6 some communities you will have assistant finance  
7 officers, deputy municipal clerks, assistant tax  
8 collectors, etc. but none of these positions require  
9 certification. That's additional unfunded mandate.  
10 The fourth item I would like to address is the move  
11 to require specialized training for local elected and  
12 volunteer appointed officials. There is a cost  
13 associated with any kind of training. There is a  
14 cost to attend the training even if the state  
15 provides the classes. Most local elected officials,  
16 and virtually all of our appointed volunteers, have  
17 jobs and do not have the luxury of taking free time  
18 off to attend such classes. For example, among  
19 others would mandate that local officials attend  
20 ethics training. There is no doubt that we have had  
21 and continue to have an ethics problem here in our  
22 Garden State. And you know darn well. However, I  
23 doubt that ethics training is the answer. In my  
24 personal opinion if someone has not learned the value  
25 of ethical conduct by the time they engage in public

1 service, no one and no curriculum is going to teach  
2 them. Don't get me wrong ethics in government,  
3 faithful service in the public's trust in the  
4 public's exclusive interest is or at least should be  
5 the highest priority of all who stand for election or  
6 accept appointment to office. I place the highest  
7 value on ethics in government. But I question the  
8 value of ethics training.

9                   LIEUTENANT GOVERNOR GUADAGNO: Do you  
10 know this is a regulation working the way through its  
11 system. Lots of heads, it's on it's way.

12                   MAYOR ONDISH: Okay. So please I don't  
13 know anything against ethics training. That's not  
14 the point. The fifth and final item that I would  
15 like to address is the OPRA process. I am all for  
16 open records and transparency in government.  
17 However, there are those who take advantage of this  
18 system for their own personal, what seem like  
19 recreational purposes. In my borough I have a group  
20 that has decided to be a watchdog over the municipal  
21 government. I have no problem with anyone watching  
22 over a governing body. I encourage citizens to be  
23 involved and cognizant of what goes on in their  
24 municipalities. The problem comes when overzealous  
25 people choose to harass the municipality by

1 submitting OPRA request after OPRA request with no  
2 intention other than a paranoid attitude that there  
3 is corruption and they are going to find it. The  
4 OPRA process takes time and costs money. In the past  
5 two years my borough has had to spend in excess of  
6 30k in OPRA expenses including defending a lawsuit in  
7 which the borough was upheld but there was still a  
8 cost to defend this frivolous suit. I believe the  
9 costs for OPRA need to be directly borne by those who  
10 make the requests. And in my interactions with  
11 elected officials I'm involved in -- involved in,  
12 it's not unique to Mount Arlington. The things on  
13 the website doesn't cost much. We're doing that. I  
14 have a group that is persistent. It's ridiculous and  
15 costing us a fortune. Eliminate that expense or put  
16 that expense on the people that are making the  
17 request. And, finally, I believe we need to get back  
18 to a pay as you go government in New Jersey. The  
19 borrowing and spending that has gone on in the past  
20 has put us in the hole we are currently in. The  
21 state has raided dedicated funded accounts to cover  
22 new programs since it did not have funding budgeted  
23 to pay for these programs, I believe and would argue  
24 that if the state passes any mandates down to the  
25 local municipalities, then there should be funding

1 including covering the costs of the mandate. Maybe  
2 the state would think a little longer and harder on  
3 what is being mandated if it had to fund it through  
4 thoughtful budgeting. Thank you for your time.

5 LIEUTENANT GOVERNOR GUADAGNO: Thank  
6 you.

7 MR. MARTIN: Thank you for your  
8 comments on stormwater management. Trying to  
9 understand, do you have specific recommendation that  
10 we potentially could use in that area to achieve the  
11 goals of stormwater management but minimizing the  
12 cost? Do you have any thoughts on that?

13 MAYOR ONDISH: I could get back to you  
14 on that. I have thoughts. I would have to arrange  
15 my thoughts. I'm not arranging them now. There are  
16 things that we can do. As a matter of fact, working  
17 as chairman I want to work like that. We share with  
18 the communities around the lake and we do share lots  
19 of ideas aggregation might help. It bothers me even  
20 the federal storm water regulation, also no money  
21 came with them, all kinds of grant money for all  
22 kinds of money put that in for offset for the cost of  
23 these mandates. And I'm sure people are willing to  
24 share and do whatever they can to keep the costs as  
25 low as possible. There is a cost associated with it.



1 And, again, I agree with it and I think 20, 30, 40  
2 years ago these rules and regulations should be in  
3 place. It does help. We provided it in lake  
4 cleanouts, the storm drains, and we put sewers in.  
5 We paid a lot of money to get them in to help keep  
6 the phosphorous out of the lake. And sweeping the  
7 streets help. It's all good stuff. It's a heavy  
8 cost associated with it.

9                   LIEUTENANT GOVERNOR GUADAGNO: Anybody  
10 else?

11                   MS. GRIFA: I will quickly -- I have  
12 the government records council as part of my  
13 department. I was curious, quickly elaborate cost  
14 for OPRA directed more by those that make a request  
15 there's a provision for the request to bare the cost  
16 of the work product but, perhaps, not the underlying  
17 work could you --

18                   MAYOR ONDISH: This is the problem.  
19 This is the problem, the cost. I mean the costs are  
20 ridiculous. The cost that I saw, it was --  
21 absolutely doesn't come close to covering the cost we  
22 have. This group is so hammering us. Goes through  
23 our attorney that we are disclosing the proper  
24 information, things that have to be redacted, wrong  
25 information, so many other people, cost of attorney

1 review, the cost of clerk doing the work and getting  
2 the documents together, and all the other things that  
3 go into it. There's a huge cost associated with it  
4 and the costs aren't borne by the person making the  
5 request. Even if the numbers are small, they're  
6 paying for the photocopy. They're paying for the  
7 copying. The main cost is the time and energy put in  
8 by our staff to provide that information. And then  
9 we get in the paper as not wanting to put in OPRA  
10 information. We don't provide the documents. The  
11 papers call and asks for spread sheets and  
12 information.

13 MS. GRIFA: OPRA information is an  
14 existing document entered. Correct?

15 MAYOR ONDISH: Not to create extra work  
16 and documents over and over and over.

17 MS. GRIFA: We have also had something  
18 similar to that in the issue of the actual cost of  
19 the paper and the printing, but not the cost of  
20 putting it together. I think a big misunderstanding  
21 people think you have to put in the analysis and the  
22 commercial aspect has been huge.

23 MAYOR ONDISH: Yes, as Mayor Levine  
24 said they want you to do research. And that's not  
25 what it's all about. They need to raise the cost a

1 little bit. I'm not discouraging getting a website,  
2 it works. I have people that are impatient and can't  
3 wait for a website. We're working on it. Put the  
4 information on it. It's great. It's there. It's  
5 the best thing you can provide. But it's not --

6 MR. RUMANA: There's a cost that goes  
7 along with that, too?

8 MAYOR ONDISH: For the website, very  
9 minimal because you're scanning documents. You're  
10 scanning documents and putting them on the website.

11 MR. RUMANA: Okay.

12 LIEUTENANT GOVERNOR GUADAGNO: Great.

13 MAYOR ONDISH: That would be nice to  
14 have money to go towards that, if you're offering.

15 LIEUTENANT GOVERNOR GUADAGNO: I tried  
16 to change the subject real quick. I knew it was  
17 coming. Knew that was going to hurt. Thank you very  
18 much.

19 Margaret Jahn from the New Jersey  
20 Health Officers Association.

21 MS. JAHN: It's a pleasure to be here.  
22 Thank you. Good afternoon. My name is Margaret  
23 Jahn. I am president of the New Jersey Health  
24 Officers Association, a nonprofit organization of  
25 public and allied health professionals, whose members

1 have been protecting New Jersey's public and  
2 environmental health since 1911. Thank you for the  
3 opportunity to present to the Commission some of our  
4 concerns regarding recently introduced and proposed  
5 regulations. As you may or may not be aware, public  
6 health departments, whether county or local municipal  
7 units, are largely funded by local tax dollars.  
8 Thus, when an unfunded state mandate is imposed on  
9 public health departments, the local tax payer is the  
10 one that's left to close the financial gap.  
11 Oftentimes, we in public health, battle the need to  
12 balance public health improvement initiatives with  
13 the cost to provide improved services. For years we  
14 have continually taken on new programs with little to  
15 no funding because as professionals we recognize the  
16 imparted value of improved services and better health  
17 outcomes to our residents. However, as New Jersey's  
18 financial climate has become critical, public health  
19 departments can no longer absorb additional mandates  
20 without compensation. In general the value of local  
21 public health services is not well understood and as  
22 a result, we are traditionally one of the first  
23 departments to receive budget cuts and resource  
24 restrictions. For years which we have been woefully  
25 underfunded and understaffed and our financial future

1 as it is for most of the government sector, is quite  
2 dim. Thus, while New Jersey seeks to work through  
3 financial challenges by trimming budgets and cutting  
4 back on staff, we must be mindful of legislative  
5 activities that may further drain already limited  
6 resources. This afternoon I'd like to illustrate  
7 some of the recent legislation, both the pending and  
8 the recently imposed that substantially impacts  
9 existing public health resources. First, I'd like to  
10 discuss the proposed State Sanitary Code, Chapter 13,  
11 which is the childhood lead poisoning. My colleagues  
12 and I want to commend the state Department of Health  
13 for taking the initiative to further improve the  
14 well-being of children found to have high levels of  
15 lead in their blood, as we are not opposed to  
16 improving the outcomes of lead burdened children in  
17 New Jersey. For those of you who are unfamiliar with  
18 the proposed changes, DHSS proposes to lower the  
19 blood lead action level that requires public health  
20 nursing and environmental intervention. The economic  
21 impact on local health departments in responding to  
22 the lower lead levels will likely increase the  
23 financial burden by two-fold. Though, DHSS advises  
24 that limited funding is available to offset costs, we  
25 see no additional monies being provided to local

1 boards of health to assist with new requirements.  
2 They're exists resources available for funding to  
3 offset the cost, there really are no additional  
4 monies handed down to local health departments. To  
5 be more specific, in 2007 and unrelated to the new  
6 standard, the number of elevated blood lead level  
7 reports referred to LHDs increased statewide by 47%.  
8 This increase in reports requiring health  
9 intervention, which has been sustained through 2009,  
10 went unfunded and was absorbed by local health  
11 departments. Currently the department is proposing  
12 to lower the action standard, which will likely  
13 increase the number of cases requiring intervention  
14 by another 50%; local health departments will be  
15 handling 100% more cases than we did in 2006, and  
16 most likely with fewer staff members due to attrition  
17 losses. Translated into man hours for every new case  
18 requiring investigation, there is a minimum of four  
19 hours additional labor required, and in most cases as  
20 many as twenty hours or more when we consider case  
21 management, environmental investigation, legal action  
22 for non-compliance, paperwork and data entry. Simply  
23 stated, the local health departments cannot continue  
24 to absorb increased costs without additional funding.  
25 The meager monies made available by current sources

1 is inadequate, does not assist all municipalities  
2 that are burdened by lead and is unavailable to the  
3 myriad of undocumented residents that LHDs assist. In  
4 addition to lowering the action level, the  
5 department's lead amendments require that local  
6 boards of health abate lead violations in residences  
7 where landlords are non-compliant. Clearly, local  
8 municipalities do not have the available funds to  
9 front the monies and manage lead abatement. And,  
10 even if the law provides that monies are recoverable,  
11 the amount of time and legal costs needed to recoup  
12 damage far exceeds the actual cost of relocation.  
13 It's a great idea in reality. It's a tremendous  
14 burden. Another example of unfunded mandate that  
15 provides additional burden to local health  
16 departments is the recently promulgated tanning  
17 facility regulation. These rules require all local  
18 health departments to annually inspect and respond to  
19 complaints of tanning facilities within their  
20 jurisdiction. Not a bad rule. Moreover, the  
21 regulations require that each tanning establishment  
22 obtain a state license monies which are payable to  
23 the state only and further pre-empts local  
24 municipalities from charging any additional fees to  
25 cover program costs. Here, DHSS collects the fee and

1 local health departments do the work. Again, we  
2 cannot continue to absorb the costs of new  
3 regulations without just compensation. Lastly, I  
4 wish to call attention to regulations recently  
5 promulgated by the New Jersey Department of  
6 Environmental Protection, which has been brought up  
7 frequently by a few people's testimony prior to mine.  
8 Storm water management regulations place a tremendous  
9 burden to all municipalities across multiple  
10 departments. With regards to public health impact,  
11 the regulations call for a mandatory septic  
12 maintenance program that ensures all individual  
13 subsurface disposal systems are functioning properly.  
14 For those municipalities in the northwest regions of  
15 the state and the southern regions of the state,  
16 health departments must track and enforce the  
17 maintenance of residential and commercial septic  
18 systems. Whereas, we currently handle septic  
19 construction and environmental complaints, we do not  
20 have the capacity to take on registration, inspection  
21 and enforcement processes relevant to a management  
22 program without due compensation. In conclusion, I  
23 would like to comment that while each proposed  
24 regulation or new mandate that I have discussed may  
25 be justifiable on an individual basis, the totality



1 of them all is large, time consuming, onerous and of  
2 great expense to local health departments. In an era  
3 when municipalities are facing severe budget cuts and  
4 layoffs, we cannot afford to staff and fund  
5 additional state mandated regulations. Someone needs  
6 to look at the big picture. If New Jersey  
7 legislators want to control local tax dollars, then  
8 we need to be mindful of that purpose, and stop  
9 increasing legislative obligation without due  
10 financial support. I thank you again for your time  
11 and the opportunity to discuss legislative issues  
12 that are of concern to local public health. I'm  
13 happy to answer any questions that you might have.

14                   LIEUTENANT GOVERNOR GUADAGNO: Thank  
15 you very much.

16                   SENATOR BUONO: If you have a citation  
17 to the storm water guideline you're talking about, I  
18 might want to see that. The lead I see the site for  
19 the lead. Just so we can focus on the rules so the  
20 staff doesn't have to go nuts.

21                   MS. JAHN: We'll give exact details and  
22 citations.

23                   LIEUTENANT GOVERNOR GUADAGNO: Anybody  
24 else? Thank you very much. That was very clear and  
25 concise. I very much appreciate it. Thank, you.

1 MS. JAHN: Thank you.

2 LIEUTENANT GOVERNOR GUADAGNO:  
3 Frederick Carr, New Jersey League of Municipalities  
4 from Bloomfield.

5 MR. CARR: I'd like to thank everybody  
6 for the opportunity to come here. I did kind of, I  
7 believe, live in Freehold, so I'm halfway there. Yes  
8 my name is Frederick Carr. I'm the administrator in  
9 Bloomfield here on behalf of Bloomfield and Essex  
10 County. I would like to call it a municipalities of  
11 48 moving parts. I'm here for the League of  
12 Municipalities and prior to choosing the profession  
13 of municipal management, I worked for another  
14 government agency. I came from a service, I can tell  
15 everything that my father was in the service after  
16 high school the family business and now in the  
17 municipal business, and you can't make it up. You  
18 cannot make up what we're talking about today. My  
19 colleague, Tim Gordon, Lori Grifa, the rest of us,  
20 you know we sort of shared the grieving process as we  
21 try to explain today I want to talk about caps. Real  
22 simple, make up your mind. The caps in Bloomfield,  
23 we started the budget process before I was appointed  
24 in the fall. I'm already starting the budget process  
25 for 2011. I have yet to introduce for 2010. My

1 finance officer and I are practically joined at the  
2 hip. I see him more than my wife. She has issues  
3 with that. Our appropriation cap is 2.5%, if you  
4 consider that our budget is sixty-two million dollars  
5 last year in Bloomfield our appropriation cap is 1.5  
6 million dollars, our levy cap is about 2.4 million  
7 dollars, we have no control of our utilities. Our  
8 file, our pension cost -- remember the number I  
9 talked about the 2.4 million dollars appropriation  
10 cap on your pension bill this year is 2.6 million  
11 dollars. I hadn't done a thing. I walked in the  
12 door and I was 23,000 in the red and all I did was  
13 get the health cost. We went out to the marketplace  
14 and are pleased that our health cost only went up 95,  
15 935,000 from eight million dollars to almost nine  
16 million dollars. Again, to that, you know, in a  
17 civil service community, I would like to say that  
18 it's part of that 48,000 not to belabor Kim Gordon's  
19 point, there's 32 people in the entire time that are  
20 not in collective bargaining unit agreements. I'm  
21 one of them. Not asking for them, can I go from \$25  
22 to \$10 on your co-pay, three extra personnel days,  
23 and we want to change your schedule deferring those  
24 costs which are horrendous, at the risk of having my  
25 book card pulled from the Freehold Public Library,

1 appropriation's a third of the million on every  
2 dollar, 1.7 million dollars for Bloomfield  
3 appropriation, which is not exempt from the tax levy  
4 cap. Municipal salaries, I've been to two  
5 negotiation sessions right now with my police  
6 officers, and they're waiting for the third so they  
7 can throw their arms up and say impasse, arbitration.  
8 Okay. So that's the game they're playing. We know  
9 the game. It's crippling. So not that the  
10 arbitrator is going to provide a percentage award and  
11 not look at the impact of our budget, which you see  
12 in our increase not to belabor the point, of a  
13 million dollars over last year, there's no  
14 determination by the arbitrator of those other costs  
15 associated with the salary.

16 LIEUTENANT GOVERNOR GUADAGNO: You got  
17 the 7.7% in arbitration?

18 MR. CARR: No, I'm saying right now we  
19 have to proceed to arbitration.

20 LIEUTENANT GOVERNOR GUADAGNO: And see  
21 what happens.

22 MR. CARR: When you go, if you go, if  
23 you're just talking about a normal contractual  
24 increase, we disagree, I think it ought to be zero.  
25 They think 6, the arbitrator is 3, thank you. Here's

1 my bill. But doesn't include Fica, SSI, the pension  
2 costs associated with that. It's not just a  
3 percentage increase. It is a snow balling effect  
4 from outside. Those are the steps. The steps it  
5 goes on and on for that when I made mention  
6 previously that, you know, we haven't even introduced  
7 this year. I'm already thinking ahead on next year's  
8 budget. Furlough good idea. I digested the town's  
9 budget \$500,000 this year. What do I want to do next  
10 year when I want to return the salaries? My budget  
11 is \$500,000 lower. Let's go back to that cap,  
12 appropriation cap, that I already destroyed at the  
13 beginning of the year. So I closed it with sort of  
14 an example. I like to bring my dad into these  
15 things. He's a smart guy, gray haired guy from  
16 California. My dad would give us 20 bucks for  
17 allowance and say don't blow your allowance. Don't  
18 ever spend your loans. And before he got already  
19 backed out of it. Use of the car, you're on the  
20 phone last week, take some money out for your  
21 college, you already owe him money on the allowance  
22 that you never even saw. And that's the way I look  
23 at it. I'm back in high school with my dad saying,  
24 what did you do with the five bucks I gave you last  
25 week? Because I have to go deal with this every day.

1 And I know you get to listen to us here and I do  
2 appreciate the opportunity. We don't have a council  
3 meeting and somebody doesn't come up to the  
4 microphone and complain about their taxes and  
5 complain about that so I understood as a municipal  
6 employee and a manager, how the system works.  
7 Doesn't mean I like it more than anybody else. I ask  
8 that the Governor and everybody else just make up  
9 their minds.

10 LIEUTENANT GOVERNOR GUADAGNO: Hard  
11 caps.

12 MR. CARR: If it's a hard cap, make it  
13 a hard cap and leave it at that. But you can't have  
14 it both ways.

15 LIEUTENANT GOVERNOR GUADAGNO: State  
16 level too.

17 MR. CARR: Right.

18 SENATOR BUONO: I have a question on  
19 arbitration. I've been looking into, it was in the  
20 legislature in the mid '90's, binding arbitration  
21 looks at the law should have done something it  
22 hasn't. The choice of the arbitrators is not  
23 relevant at all.

24 MR. CARR: Not the choice of the  
25 arbitrator.

1                   SENATOR BUONO:  It's what goes into it.

2                   MR. CARR:  I don't consider the  
3 arbitration a fair process.

4                   SENATOR BUONO:  Less and less people go  
5 to it.

6                   MR. CARR:  Binding arbitration, we sit  
7 and do the math and at the end of the day do I take  
8 the unions to arbitration.  Once I pull out my pencil  
9 and say it's going to cost my labor attorneys so many  
10 hours back and forth, and back and forth, by the time  
11 you do the math you almost say, cave.  They bring in  
12 -- it's the discussion you have with your children.  
13 You know everybody down the block has a red bicycle.  
14 This guy's got a red bike.  This guy doesn't.  The  
15 fact that his dad works and can afford the red bike,  
16 we can't.  You want to live next door, let him buy  
17 you a red bike.  Didn't work for my kids either.

18                   LIEUTENANT GOVERNOR GUADAGNO:  Thank  
19 you very much.

20                   Mayor Arnone from the council of Mayors  
21 and also Neptune City.

22                   MAYOR ARNONE:  I want to thank the  
23 panel.  Again, my name is Thomas Arnone.  I also  
24 serve as the Mayor of Neptune City.  I'm here  
25 representing the New Jersey Conference of Mayors.  A

1 lot of different issues that might not directly  
2 effect Neptune City, but it's that broad span of a  
3 lot of issues that effect all the mayors in the State  
4 of New Jersey. The New Jersey Conference of Mayors  
5 is encouraged that a full review is underway with a  
6 possibility of real reform to come. If the state  
7 intends to implement municipal aid cuts into the  
8 million dollars of dollars and not address the  
9 guiding forces that effect local governments the  
10 reality of dire cuts to critical service, no one  
11 wants to see this take place. With the time allotted  
12 I wish to outline areas, a lot of them have said I  
13 want them on the record on behalf of conference of  
14 mayors. First the 4% tax levy. The New Jersey  
15 Conference of Mayors has highlighted four areas we  
16 would like to see addressed by the governor regarding  
17 the cap budget needed to adjust that according to the  
18 particular times, issues on caps are as follows.  
19 Debt service. When there's a decrease to substantial  
20 debt payment in the previous year, nowhere downward  
21 movement in the 4% levy cap. the current system  
22 penalizes towns for paying off debt. Capital  
23 improvements, same as above. The likely increase are  
24 according to statute as much as 15%. Anything over  
25 4% should go outside cap or just get rid of automatic



1 increases to libraries. Revenue -- when revenue  
2 declines, which can be certified by an audit toward  
3 communities cap benefit other choices to reduce  
4 critical service, which no one wants to see. Also  
5 regarding the cap, New Jersey Conference of Mayors  
6 believes the state should put the pension payments  
7 outside of the cap as well as the insurance premium  
8 cost. Towns don't have any control over these  
9 numbers, unfunded mandates. Again, I'm not going to  
10 go on all these issues because a lot of them were  
11 addressed. On the open practice we understand and I  
12 saw some discussion with that.

13                   LIEUTENANT GOVERNOR GUADAGNO: We'll  
14 include these too, Mayor.

15                   MAYOR ARNONE: Excuse me?

16                   LIEUTENANT GOVERNOR GUADAGNO: We'll  
17 include your comments also.

18                   MAYOR ARNONE: Thank you. Additional  
19 unfunded mandates workloads and regulation on local  
20 staff and cost on local budgets, when a property  
21 owner is granted a reduction or senior citizen  
22 reduction, the state reimburses the municipalities  
23 and usually received in November of each year a  
24 property owner granted the total disability Veteran's  
25 status, the municipality does not receive -- we're

1 responsible for making the county and school payment  
2 based on the tax that we collect, stormwater  
3 management, again, I know you guys have a long  
4 evening here, I don't want to keep repeating myself.  
5 If you could put this on the record because most of  
6 this is pretty much what was already said. Truck and  
7 equipment washing facilities mandated by New Jersey  
8 DEP, totally understand it has to be but it's  
9 unfunded and to bill facilities and actually use  
10 that, in my town even though we're fortunate in the  
11 great Monmouth County to have our Freeholders, which  
12 we have a facility that we can go to, there still is  
13 a cost to it. The running off chemicals that happens  
14 will by washing equipment, that burden that is put  
15 down on municipalities. State land use and  
16 environmental regulations such as state planning  
17 commissions, plan endorsement as a time and cost  
18 incentive process. The New Jersey Conference of  
19 Mayors, we go on the record and we -- and I've  
20 testified with Mayor Coleen Marr from Fanwood  
21 Township on Senator Lezniak's abatement 1 bill and we  
22 do agree with there does need to be some change.  
23 And, obviously, with the RCA and the fair housing  
24 rules and the second round numbers, some issues have  
25 to be addressed with those. And I think that's

1 pretty much what most people agree with that. While  
2 the New Jersey Conference of Mayors believes develop  
3 on the details, we are at the table also with the  
4 sponsors of the SIW Assembly Green's committee, and  
5 Senator Carro's committee, making other  
6 recommendations. Public employee retirement systems  
7 appropriation municipal construction to employees,  
8 pensions causes great financial burdens on  
9 communities. And we are monitoring current  
10 legislature addressing the area. Obviously,  
11 insurance cost for municipal workers continue to  
12 increase despite every effort available on a local  
13 level to curtail those costs, they continue to jump.  
14 Some instances town will even enter into the JIff  
15 programs. Some cases it's less expensive. I can  
16 adhere through that. I can go through that. The  
17 state health benefits program the binding agreements  
18 from police contracts make it difficult. I will add  
19 to that difficult part to almost impossible for the  
20 governments to manage health care cost and have it  
21 impose spending constraints on local budgets.  
22 There's a prevailing wage problem with -- we want to  
23 try to make improvements in your town that you have  
24 to continue on these prevailing wages which is  
25 unaffordable for towns to move forward with increased

1 projects. Probably the biggest issue it was stating  
2 binding interest arbitrations. If you can put this  
3 on the record most of this was already stated and I  
4 don't want to repeat myself again. Most of the  
5 people have heard this two or three times. These are  
6 major issues binding arbitration has to be addressed.  
7 I know that it's not going to be abolished but we  
8 have to look at it. We hope it is but I don't think  
9 it's going to be. But as a mayor of a small town and  
10 I can only speak right now. I'm in negotiations with  
11 the police department, our hands are tied. The  
12 Lieutenant Governor Guadagno has been to my town many  
13 times and it's difficult for us to get revenue. So  
14 when we go in there and we see cuts through municipal  
15 aids, we -- which we understand and I think everyone  
16 in the State of New Jersey understands move forward  
17 and take it in. It has to start with the stop and  
18 these issues have to be addressed. In closing on  
19 behalf of the New Jersey Conference of Mayors I would  
20 like to thank the committee for allowing us to bring  
21 our concerns to you. Positive relationship between  
22 the administration and our organization. And, again,  
23 if there's any further information, we do have an  
24 office right across the street in the state house and  
25 executive there the whole time to address issues.

1                   LIEUTENANT GOVERNOR GUADAGNO: Any  
2 questions for the mayor?

3                   MR. RUMANA: Excellent job.

4                   LIEUTENANT GOVERNOR GUADAGNO: Thank  
5 you very much. We have scheduled a ten minute break.

6                   (Whereupon a recess is being held)

7                   LIEUTENANT GOVERNOR GUADAGNO: We're  
8 going to get started. Thank you for that. We will  
9 hear from the Sierra Club. We are running behind.  
10 That is completely my fault. But we're going to try  
11 to shorten these up to five minutes and keep  
12 questions, understanding that this is an open forum.  
13 There's no restriction in talking to us or sending  
14 things to us at a later date. I don't want to  
15 foreclose things anything.

16                   MR. TITTEL: I got to get out of here.  
17 It's the 20th anniversary of the first date with my  
18 wife. I got to get out of here anyway. Just -- I  
19 just want to start out and thank you for allowing me  
20 to testify. I'm putting in more detailed comments  
21 because there's a lot of different issues and area  
22 that you've been touching on. I want to start on  
23 biggest unfunded mandate that effects New Jersey  
24 taxpayers and pollution on impact on state and  
25 municipalities that when we fail to do our job,

1 whether it's at local or state level, it has a direct  
2 impact. Think about stormwater. It's come up. A  
3 lot -- one of the biggest issues dealing with storm  
4 water we haven't been managing it properly in the  
5 past. We see it rains down the shore, beach closing  
6 in our base the impact it has on the lakes and the  
7 impact it has on water supply in costing higher  
8 levels of treatment for our water purveyors. There  
9 are direct impacts. New Jersey has probably some of  
10 the greatest natural resources in the state of the  
11 nation and most environmental problems. We have a  
12 natural resource base in New Jersey according to  
13 economist from Johns Hopkins 600 million dollars and  
14 so that resources is important to all of us. And so  
15 as you go through red tape and deal with mandates,  
16 you have to deal with what will be the consequences  
17 if we do not fix this problem. How many days of lost  
18 time for school kids because of asthma. If we don't  
19 deal with things like diesel pollution. How many  
20 times will beaches close and tourist dollar not go  
21 into the state. Direct consequences to it. And so  
22 we really need to -- as we figure out how we go  
23 forward in trying to make the state more efficient,  
24 more transparent and grow our economy, we also have  
25 to remember environment is a major part of that. And

1 looking at mandates need to separate them and look  
2 where do they come from. Not just take broad  
3 characterization. It requires the State of New  
4 Jersey to not allow certain times of year tree  
5 cutting when you're doing development because the  
6 importance of the bats declined. And if people have  
7 been following it, 70% of the bats in northeast died.  
8 And if we lose our bats, lose the farmland, and not  
9 be able to sit out at night. Direct consequences.  
10 Septic maintenance it's very important issues. Areas  
11 on septic a third of the wells that are contaminated  
12 come from septic tanks that are bad. We've closed -- I  
13 remember when I was on the environmental commission  
14 in Ringwood. We had to close because of a leaky  
15 septic, direct consequences where people can't swim.  
16 Look at mandates. Things like filtering arsenic out  
17 of drinking water. That can be a mandate because  
18 it's additional cost to make sure we're having a safe  
19 legal when dealing with drinking water and additional  
20 to cost for that. Who pays for that? It's going to  
21 be the rate payers or municipal utilities. Going to  
22 cost -- we mandate the end ocean dumping. It's  
23 allowed in other states. We did it because we didn't  
24 want our beaches to close. There are direct impacts  
25 that you have to look at. So one of the things that

1 you go through the mandate issue that you should  
2 really look at is which ones come from the federal  
3 government that the state has to implement. We get  
4 money from the feds to do many of the programs and  
5 federal grants especially in the -- our area storm  
6 water is a federal mandate. How we implement it, to  
7 what level becomes more of a state issue and what we  
8 really should be looking at as we look at mandates is  
9 how can we get these things implemented. What's the  
10 best way to help the towns and implement and provide  
11 funding water quality, planning moneys we got from  
12 the federal money from the stimulus money to help the  
13 counties. Monies are available. Some of it is the  
14 legislature's fault. We get diverted 319 moneys from  
15 the feds for water stuff and for a couple of years it  
16 got diverted because the state senate diverted money  
17 for pet projects. Many times the legislature itself  
18 mandates new programs. DEP not give them the  
19 resources to implement that problem and DEP takes it  
20 out on the towns. So you have to remember when you  
21 don't -- when money gets diverted or you don't fill  
22 vacant spaces in DEP, that means permits don't get  
23 written because the permit writer isn't there. The  
24 permit writer in DEP has 40 permits, given time they  
25 get rid of one, get another one. Part of that we



1 allowed a lot of spaces to not be filled and so those  
2 are the things we really need to look at and look at  
3 the consequences of doing that. And I just want to  
4 end with a couple of points. One, we need to in the  
5 department of environmental protection have a  
6 holistic overview. When we look at the environment  
7 and permitting and a lot of states have moved to a  
8 mini-peep map system, do your environmental review  
9 up-front and other permits all from it, two real  
10 benefits. One is you're going to be telling the  
11 people coming in with their applications whether, you  
12 know, you can go in and get twelve permits and the  
13 thirteenth one you can't get for some reason and you  
14 should know that up-front, allows you to better  
15 re-design your development project so that it meets  
16 the environmental criteria better. It would also  
17 allow you to do mitigation and offsets to make up  
18 whatever the impacts are. We really need to look at  
19 a holistic approach, need to look at a prioritization  
20 approval instead of first come and first served.  
21 Does a hospital or a golf course get the water  
22 allocation? Does a project provide for public open  
23 space and restores wetlands and cleans contaminated  
24 sites, someone building a deck on their shore home,  
25 that is what we really need to look at overall. How

1 do we make things more efficient while protecting the  
2 environment? Change our strategies when it comes to  
3 that. So I just wanted to kind of close on that.  
4 Well, I want to add one other point. We need to do a  
5 better job managing consultants. That comes into the  
6 department of they come in, put in any kind of  
7 information, whether it's even false information and  
8 there's no consequences. In fact, sometimes they  
9 come in and put in things and expect the staff  
10 persons to fix the applications for them, tax forms,  
11 65% of delays in permitting came from applications  
12 that were not complete or had bad information on it.  
13 And we've seen the consequences. And just use one  
14 example. Do one story. One consultant put in a  
15 study for development and in each you have  
16 development of rattle snakes on their desks. When  
17 they did the study in December when all the rattle  
18 snakes were hibernating. There are direct  
19 consequence to people's property. And so on. So I  
20 would want to leave you with that as you try to make  
21 New Jersey more efficient. Remember the environment  
22 is a major part of our economy.

23                   LIEUTENANT GOVERNOR GUADAGNO: Thank  
24 you very much.

25                   MR. MARTIN: Thank you.

1                   LIEUTENANT GOVERNOR GUADAGNO: Any  
2 questions?

3                   MR. RUMANA: One thing real fast.  
4 Jeff, do you have any idea how much money the federal  
5 government gave the state for still water management?

6                   MR. TITTEL: 319 monies are about three  
7 million a year that come in and then there's other  
8 funding also. Another pot of money, water shed,  
9 moneys, five million that come out of CBT. That  
10 could also be going a lot of those moneys get budget  
11 tap dances to put it nicely.

12                  MR. RUMANA: I think that gets right  
13 back to the problem. If even if you took the entire  
14 three million dollars to the towns, it's not coming  
15 close to covering the cost.

16                  MR. TITTEL: Other issue is I happen to  
17 believe in the system that Florida has for storm  
18 water utilities at the local level that charge a fee  
19 and to people who discharge basically and use that  
20 money to run the programs and to help retrofit, you  
21 know, areas where there are problems. So I really  
22 think we really need to think of other ways of doing  
23 things. And stormwater is a very big issue in the  
24 state. I think the towns are right. Another point  
25 --

1                   LIEUTENANT GOVERNOR GUADAGNO: Put you  
2 at the end of the line and we'll be able to make that  
3 point.

4                   MR. RUMANA: Real quick. It's on the  
5 storm water.

6                   LIEUTENANT GOVERNOR GUADAGNO: If we're  
7 in here at 8:00, it's your fault.

8                   MR. RUMANA: The only reason I bring it  
9 up is it's been raised five times today. Sharing  
10 services, regionalization. So maybe five towns share  
11 the truck cleaning but also saying the vacuuming the  
12 manholes, I think we need to help encourage and  
13 regionalize.

14                   LIEUTENANT GOVERNOR GUADAGNO: Lynn  
15 Strickland. Garden State Coalition of Schools.  
16 Thank you, Lynn. She had a packet.

17                   MS. STRICKLAND: Hi. Good afternoon.  
18 And I thank you for the opportunity to be here and  
19 talk about something near and dear to the Garden  
20 State Coalition since its inception in 1992. I am  
21 Lynn Strickland, the director of the Garden State  
22 Coalition. I had the opportunity to speak before the  
23 subgroup of the Red Tape Review group in December.  
24 Thank you for the invitation on that. I'm not going  
25 to go through all my testimony, just hit on some

1 points. I do want to say this Garden State is  
2 comprised with parents, board of ed. members, and  
3 school administrators, and very interested in school  
4 funding and stability for schools and quality  
5 education. We're a grass roots group. I'm the only  
6 full-time employee. 18 years old and have hundred  
7 member districts throughout the State, primarily  
8 suburban. So a high priority for us, as I said  
9 before, is the mandate and regulatory relief. We  
10 feel it's a -- would be a welcomed balance to school  
11 communities to have some mandate relief. The sooner  
12 the better. Especially when you have a fiscal crisis  
13 like we're facing in terms of time and money. We can  
14 go a long way to get some relief going. We note the  
15 wait in which Trenton float the district slowing down  
16 on moratorium on new school legislation. In general  
17 there is a whole lot out there that takes up a lot of  
18 time and thinking and also many times bills tend to  
19 consider schools one size fits all category and  
20 they're really is a need to differentiate. We also  
21 want to mention that Garden State participates in New  
22 Jersey council of local mandates review, not review  
23 council local mandates on the radon case. This is a  
24 great tool for school districts to have. There's a  
25 bill out there that would enable Garden State and

1 associations and like to be able to pursue an issue  
2 on its own. Right now it's not set up like that.  
3 Only initiated by a local school district, for  
4 instance, and a group like ours come on and attach  
5 itself to it like a mucous. Like the team report in  
6 general transition team in general, many of our  
7 suggestions mentioned or saw them there. A call for  
8 the moratorium on the new programs expectation fiscal  
9 assessment done for on all new legislation,  
10 particularly looking at the relationship with the  
11 bill and its impact on local property taxpayers and  
12 taxes. Right now it's generally done if it's done at  
13 all at the request of a sponsor and for cost of over  
14 a hundred thousand dollars to the state, but there's  
15 no requirement that they have to look at local cost.  
16 So we really think that would be a benefit to all the  
17 way around. Also a moratorium on the school  
18 accountability regulations. Accountability is,  
19 obviously, is a good thing. The details to which  
20 they are really multi-honed and finite and very  
21 difficult and can be reviewed for ease, there's no  
22 doubt about it. We hope that the 1.5% plan for  
23 teachers to contribute to their health benefits  
24 passes. That is what we consider would be helpful in  
25 helping school boards and school communities and

1 local taxes as well. We hope that the last best  
2 offer gets re-instated as a negotiation tool.  
3 Mediation, we would like to see the system improved  
4 overall and require that mediators take the economy  
5 in account. Right now they don't have to and we hear  
6 -- I keep hearing there's only four mediators that  
7 it's hard to believe there are very few. So it's  
8 very hard to move negotiations along fluidly and they  
9 should. We hear there is talk about an incentive buy  
10 out program conform with the legal process and not  
11 violate pension rules and that would be a good idea,  
12 especially when you have a situation that you have to  
13 downsize. I believe there's still a penalty imposed  
14 on districts that have left the state health benefits  
15 plan and have come back. They get penalized for  
16 having left and all districts have to shop around for  
17 the best health benefits plan for -- because of the  
18 cost factors involved. QSAC is a way of monitoring  
19 school districts. Every three years they all get --  
20 take a look at three years on a particular district,  
21 applies to all districts. Districts performing well  
22 and pass the prior QSAC and it should move to at  
23 least seven years. Not every three. Allow parents  
24 to donate their time, material, and labor in their  
25 own school district. Prevailing wage kicks. That

1 right now we hear often from parents, our  
2 contractors, whatever, that they are not allowed to  
3 do that. And then they're prepared to donate time.

4 SENATOR BUONO: Not allowed anymore? I  
5 used to do that all the time.

6 MS. STRICKLAND: I think it's a little  
7 more. If you're a contractor and you want to help do  
8 something, build a bathroom or whatever.

9 SENATOR BUONO: Okay.

10 MS. STRICKLAND: You're not allowed to  
11 because it's a prevailing wage issue, so on and so  
12 forth. In terms of volunteering your time you're  
13 welcome to keep doing it. Centralized non public  
14 searches on a county-wide basis for transportation  
15 issues would be a real help, alleviate the locals  
16 having to do it, probably better at the county basis.  
17 We have attached a list of what we presented in  
18 December. It is a little cleaned up and hopefully  
19 easier to read and a little more specific. And any  
20 time we're happy to come up with more and we're  
21 always thinking of more.

22 LIEUTENANT GOVERNOR GUADAGNO: Thank  
23 you very much. Any questions? Wonderful. Barbara  
24 Hall of the New Jersey School Board Association.

25 MS. HALL: Thank you, Lieutenant



1 Governor Guadagno, senators, assembly members,  
2 commissioners, good evening. My name is Barbara  
3 Hall. I'm governmental relations staff at New Jersey  
4 School Boards Association, nonprofit association of  
5 88 local boards of education, 44 charter schools. We  
6 have approximately 8 school board members in the  
7 State of New Jersey who serve as volunteers on a  
8 state board of education. They govern school  
9 districts that represent 1.4 million children.  
10 Primarily our organization trains members of board of  
11 education in charter school trustees be provided  
12 consultation and on site service of labor relations,  
13 policy school law, superintendent evaluation,  
14 communications, and education goal setting, which is  
15 very important. When the cost of any service is  
16 examined in New Jersey, especially in difficult times  
17 like we're facing right now, schools typically lament  
18 unfunded mandates. Our association policies under  
19 state mandate's very clear. The state pay for new  
20 requirement placed on school Districts. Oftentimes  
21 for legislation that's the first thing we look for in  
22 a bill and policy driven, so oftentimes that's  
23 exactly our only statement on a bill. On two  
24 occasions school boards have successfully argued  
25 before the state council on local mandates turning

1 back unfunded requirements that would have violated  
2 the 1995 constitutional amendment prohibiting new  
3 unfunded mandates. The state has not really  
4 addressed existing mandates without talking about old  
5 ones. And we as an organization have examined this  
6 through the years. In the 1990's the school board  
7 association did a study called the state and federal  
8 mandate project. It identified 234 specific  
9 requirements effecting school districts. We found  
10 that a lot of them were good. They weren't all bad.  
11 The ones that were good absolutely are pertaining to  
12 certainly annual performance evaluation of chief  
13 school administrator and, of course, ones that  
14 pertain to health and safety. And what comes to mind  
15 for me is the arms on a school bus, swing arms.  
16 Very, very effective. And we're glad to have it.  
17 But mandates that do not use effective results are  
18 ones that need adjustment to better balance the  
19 interest of New Jersey students. And I suspect that  
20 what I'm going to say to you, you have heard a lot of  
21 before and it's mostly different than what Lynn said.  
22 The greatest cost driver, one of the greatest cost  
23 drivers in public education is special education.  
24 And no one will dispute what we do in New Jersey in  
25 special education is very, very successful. Part of

1 the story, though, is chronic underfunding by the  
2 state and federal government. And laws also that  
3 weigh heavily against school boards whenever there's  
4 a dispute over the individual student's educational  
5 plan. In 2007 we conducted a study called financing  
6 special education in New Jersey, which found that the  
7 growth in special education cost which total 3.3  
8 billion from roughly 240,000 special ed. students  
9 could largely be attributed to tuition and  
10 transportation for out of district placement  
11 programs. Intensity for services has increased over  
12 the years and that's added to the cost. And in  
13 addition, poor decision for local school districts,  
14 that's critical because 57% of special education  
15 costs bore by the local taxpayer and the remainder  
16 from state and federal staff. The small path of  
17 funding 9% from the federal government yet the major  
18 body of mandates come from the federal government,  
19 which is tidia, I think, the individuals with  
20 disabilities act and I'm sure you're all familiar  
21 with it. When there is -- there is an identification  
22 of services you know all the child individual plan  
23 but when that does not meet the specifications or the  
24 desires of the students, parents, or guardians we --  
25 school districts oftentimes find themselves in a

1 very, very difficult relationship. And a recent law  
2 that was passed gives parents and guardians an even  
3 stronger position and lengthens the legal process.  
4 And that was the recent law that was passed about the  
5 burden of proof. We urge the commission repeal of  
6 the statute an action that would balance the rights  
7 of special education students with the rights of  
8 taxpayers. There's a new school funding formula and  
9 it changes how the state provides aid for special ed.  
10 case. There's an average a lot of time districts  
11 have more than that average. And it's a problem.  
12 The new formula of state funding on the ability to  
13 pay rather the students observed rather, If you will  
14 funding at extraordinarily education cost. I was  
15 going to talk about the accountability of  
16 regulations. Lynn hit on a lot of those. And I know  
17 that you know about this. I'm sure boards complain  
18 to you about it. We're heartened by the transition  
19 team report. We're overjoyed by the report on  
20 education. The only other thing that I was going to  
21 bring up was an issue about shared services.  
22 However, it's all covered on information that I left.  
23 And I'm sure that you will get a copy of all of it.  
24 Thank you so much for allowing me the opportunity to  
25 speak to you tonight. Please call upon us if we can

1 be of service to you in any way. Thank you.

2 LIEUTENANT GOVERNOR GUADAGNO: Thank  
3 you for coming down. Any questions? Appreciate  
4 that. Thank you very much. Bob Martin is very happy  
5 that you didn't say anything about the DEP.

6 MS. HALL: I was trying to work it in  
7 there.

8 MR. MARTIN: I'm sure.

9 LIEUTENANT GOVERNOR GUADAGNO: Dr.  
10 Robert White.

11 MR. WHITE: Dr. Robert White from  
12 Oakwood School. Hi. I learned about this meeting  
13 kind of today, so I didn't have time to prepare. I  
14 took down some notes. I'm going to wing it. As you  
15 said, I'm the director of the Oakwood School, which  
16 is a private nonprofit school for disabled children,  
17 emotional, social, and severe academic and learning  
18 problems. I am one of the co-founders of this school  
19 and I'm proud to announce we're celebrating our 30th  
20 year. I kind of --

21 LIEUTENANT GOVERNOR GUADAGNO: 30?

22 MR. WHITE: 30.

23 SENATOR BUONO: How old are you?

24 LIEUTENANT GOVERNOR GUADAGNO:

25 Congratulations.

1 MR. WHITE: I was ten years old at the  
2 time. However, because of the extreme over  
3 regulation by the State of New Jersey and no child  
4 left behind laws, I really kind of in the escalating  
5 costs that we now have to incur because of this and  
6 it speaks to your problems, you know, I am forced to  
7 raise my costs. I really fear, and I'm not being  
8 melodramatic, I may not see our year 32. I met with  
9 some people today at my school to discuss problems  
10 that we're going to face. My job is to save kids'  
11 lives. I take kids that are not able to function in  
12 the public schools not because they're incompetent,  
13 not because they don't have excellent child study  
14 teams, my kids are one or two standard deviations for  
15 the normal functionality. These children that could  
16 not make it in a public school, they need specialized  
17 instruction. They need tender loving attention and  
18 care. They need to identify with a teacher, a  
19 person. It's like location, location, location.  
20 It's the teacher, the teacher, the teacher. And back  
21 in the day when I think we were allowed to run these  
22 schools properly, we had contained programs. I could  
23 put a teacher or really highly qualified aid or  
24 teacher in the room six or seven kids that could  
25 identify with the teacher. Now those days are over.

1 I have to make us the departmentalized, taking the  
2 same concept not working and forcing us to do it. Do  
3 you know I have children on the second grade level  
4 come from broken homes that you were saying that were  
5 abused, severe oppositional defiant problems, and now  
6 I have to have a biology teacher and earth science  
7 teacher, a math teacher, you know. I have to have a  
8 history teacher, a social studies teacher. And these  
9 kids who can't read on a second grade level go up to  
10 Mr. Smith, the biology teacher, and he's going to --  
11 this kid is going to want to learn and he -- he can't  
12 read on a second grade level. He doesn't care about  
13 it. He's never going to care about it. He has  
14 severe emotional issues to attend to. So much of my  
15 budget is escalating to hire staff and really they're  
16 missing the boat. I need three counselors in my  
17 building. I don't need a biology, chemistry, earth  
18 science teacher. I just don't need it. And, you  
19 know, you know, that's my point. I don't want to  
20 beat a dead horse, but I'm being forced to spend way  
21 too much money for the wrong reasons. And these kids  
22 are not being saved. No child left behind is leaving  
23 my boys behind. And I just think you need to be  
24 aware of it. And when it comes time to look at the  
25 federal standards that are not being applied to New

1 Jersey standards. The New Jersey standards are way  
2 too high. You do not need to have all this staff. A  
3 highly qualified teacher of a handicapped can handle  
4 these children. Since '65 Beatleson laws I think you  
5 need to look at that. I thank you for your time.  
6 Thank you very much.

7 LIEUTENANT GOVERNOR GUADAGNO: Doctor,  
8 thank you coming down and truly speaking from your  
9 heart. I appreciate it. It's the first I hear of  
10 it. I appreciate it, Doctor.

11 MR. WHITE: Thank you.

12 LIEUTENANT GOVERNOR GUADAGNO: Elaine  
13 Mann here? You now can give us that paperwork.

14 MS. MANN: My name is Elaine Mann. I  
15 represent 3,000 plus members of the neighbors opposed  
16 to the propertization of Earl Weapons Naval Station.  
17 The state legislation will now hear bill 762 on  
18 Thursday to have a cost benefit analysis of this  
19 project that the navy would like to do. The reason  
20 why I'm here today is I know that our legislature  
21 will take care of this but from a standpoint of being  
22 a citizen and a taxpayer, my township has had to  
23 compel over \$200,000 on lawsuits to the federal  
24 government for their actions that they're going to be  
25 taking today. And since we're here, as one of the



1 panelists said, she made a recommendation that there  
2 are agencies in place that could study what the cost  
3 benefit will do, what this bill promotes or the  
4 treasurer will ask the education department to come  
5 up with a cost benefit analysis. I just hope that  
6 this commission will look into a fact that when we're  
7 federally mandated, and there's no cost to pay for  
8 this, that a little town like Colts Neck and Tinton  
9 Falls with 11,000 and 17,000 residents can come to  
10 this state and, perhaps, use some of the facilities  
11 that are open to us to get information to argue our  
12 point down in Washington. I mean our legislatures  
13 have been good in the state in the federal government  
14 with getting an amendment to the Department of  
15 Defense, authorization October revisiting this but  
16 now we're doing it in the state. And they're already  
17 implementing from the Department of Environmental  
18 Protection. They have applied already and that's the  
19 reason why I'm here just to look at it and I will  
20 hand you all the information.

21                   LIEUTENANT GOVERNOR GUADAGNO: Thank  
22 you very much. We'll definitely pass it around to  
23 the rest of committee and will take a look at that.  
24 I appreciate you coming in.

25                   MS. MANN: Thank you.

1                   LIEUTENANT GOVERNOR GUADAGNO: Thank  
2 you, Mrs. Mann. Charles Kaufbrau? I might have that  
3 completely wrong.

4                   MR. KAUFMAN: Charles Kaufman. Yup,  
5 we'll go next. I would speak on his behalf. I don't  
6 have to -- he had asked me to -- he had to leave.

7                   LIEUTENANT GOVERNOR GUADAGNO: Do you  
8 want to talk? I will get you next. William Peddy  
9 and he has submitted a document here under Dr. Peddy.

10                  MR. PEDDY: I'm not the doctor. I'm  
11 the substitution for my son who couldn't get here.

12                  LIEUTENANT GOVERNOR GUADAGNO: Okay.

13                  MR. PEDDY: And I believe I qualify. I  
14 have been president of the State Board of  
15 Agriculture. I served on the SADC as a farmer  
16 representative for eight years and so -- and I've  
17 been -- I was chairman of the Burlington County board  
18 for 27 years so I think I --

19                  LIEUTENATN GOVERNOR GUADAGNO: You  
20 qualify, I would say so, sir.

21                  MR. PEDDY: Anyhow --

22                  LIEUTENANT GOVERNOR GUADAGNO: You're  
23 not going to get an argument from us.

24                  MR. PEDDY: This all belongs under  
25 making money for New Jersey because we have early

1 preserve farms that had no -- have no ability to  
2 separate out their building as nonseverable  
3 exceptions. And all the law was passed in 1991 that  
4 they could do agricultural exceptions but it was  
5 discouraged by the department. Now everyone likes  
6 the nonseverable exceptions. So when they preserve a  
7 farm, many of them take them. They should be -- it  
8 should be a very important thing that all these farms  
9 that are preserved have nonseverable exceptions.  
10 That way you're not inspected every year. Every year  
11 we go through an inspection. Every year I preserve  
12 my farm. I was the second farm in Springfield  
13 Township to preserve it. My son here, he preserved  
14 in 1992 a year after they preserved, they passed this  
15 law, but no one knew it, knew that it was passed  
16 and/or this whatever you want to call it. But,  
17 anyhow, he asked to have this building accepted  
18 because he was a veterinarian. He was doing embryo  
19 transfer work when he started. He has since switched  
20 to smaller animals. He does everything from goats to  
21 whatever and they inspected his farm, that was one of  
22 the first things they did and he was turned down  
23 because he wasn't allowed to groom. He wasn't  
24 allowed to train animals, and he wasn't allowed to  
25 board animals. So the court of Freeholdes turned him

1 down and made a recommendation of the county  
2 development committee and so they -- the only thing  
3 he could do was file against the County Board of  
4 Agriculture because he didn't groom commercially. He  
5 groomed because he had to clean some animals up  
6 before he could treat them and he boarded some of  
7 those animals because they went through surgery. And  
8 they couldn't do anything else. So that's part of  
9 this. But the buildings for us to buy back our  
10 non-severable sections, would bring money to the  
11 state. And I think that there we think that the rule  
12 should be that any farm that's preserved, must have  
13 nonseverable exceptions. That way the state doesn't  
14 have to pay for that land under the buildings and  
15 where the house is so --

16 LIEUTENANT GOVERNOR GUADAGNO: As you  
17 say here, you might also get more land preserved.

18 MR. PEDDY: That's exactly right.

19 LIEUTENANT GOVERNOR GUADAGNO:  
20 Wonderful.

21 MR. PEDDY: I made the yellow light.

22 LIEUTENANT GOVERNOR GUADAGNO: You may  
23 have been the only one today. Thank you very much.  
24 We'll pass it along.

25 MR. PEDDY: I have to get home. The

1 polls close at 9:00. I have a two hour ride.

2 LIEUTENANT GOVERNOR GUADAGNO: Okay.  
3 John Costigan on behalf of Mr. Kaufman.

4 MR. COSTIGAN: Thank you, Lieutenant  
5 Governor Guadagno, and the board. Mr. Peddy was a  
6 very sharp guy. Burlington County Agricultural  
7 development board is one of the better functioning  
8 boards for even today. And one of problems that he  
9 has is that -- sorry, to get into that, seems to  
10 follow the regulations on the state agricultural  
11 development committee, which is the state run group.  
12 You can't board a horse but you can breed a horse.  
13 One is severable. The breeding would be severable  
14 for farm land assessments, but just to board the  
15 horse by itself is nonseverable. Yet money comes in  
16 and the impact on the hay growers on the state is a  
17 problem because usually the people that board and  
18 don't have farm assessment, are paying a lot more in  
19 taxes for the land that -- from which no children  
20 come to go to the school board and swallow up the  
21 cost. But my own thing, Charles Kaufman appeared  
22 before the Howell Township council about three weeks  
23 ago and he brought his tax bill with him. He is  
24 paying to the township for the municipal part of the  
25 government \$905. He's paying to the Squankum

1 district 1, fire district \$828. But that's because  
2 there are five districts in Howell. The districts  
3 from which he comes that pay a lot of money almost as  
4 much as the people with similar houses are paying to  
5 the municipal government. Other districts have more  
6 ratables because his district has the township haul,  
7 the police station, the library, Allaire State Park,  
8 many parks and no ratables. He's paying \$828.  
9 Another in the Ramtown district they're paying \$275  
10 to their district. So that is a levy that's going  
11 out and it's not across the board. So Charles has to  
12 pay a lot of money. Other persons in other districts  
13 don't pay quite as much, maybe a third. So he's  
14 looking to do something about that. And that's why  
15 he couldn't stay but that's why he wanted to address  
16 this board.

17 LIEUTENANT GOVERNOR GUADAGNO: Thank  
18 you any questions?

19 MR. COSTIGAN: And also he said that  
20 the person would call him if he couldn't be here and  
21 he asked that he be called, I guess, with any other  
22 information or if they want further information, that  
23 they call him.

24 LIEUTENANT GOVERNOR GUADAGNO: All  
25 right. We will. Thank you very much.

1 MR. COSTIGAN: Thank you.

2 LIEUTENANT GOVERNOR GUADAGNO: Thank  
3 you. Louise Usechak? Maybe if you spelled it for  
4 the reporter, she would be a happier person.

5 MS. USECHAK: U-s-e-c-h-a-k. I'm  
6 Louise Usechak. I'm a member of the State League of  
7 women Voters Natural resources committee, also  
8 speaking really this afternoon just on behalf of the  
9 County, Monmouth County voters. We have a major  
10 concern in question. I guess that is really my main  
11 reason for coming this afternoon and, that is, to ask  
12 how you're going to guarantee protection on our  
13 potable water supplies. You know if the first water  
14 management and the unfunded mandates ultimately apply  
15 who is going to be responsible? The water sheds  
16 don't respect municipal or county boundaries. A  
17 former member of our state planning commission noted  
18 a number of years back actually that by 2020 we could  
19 expect New Jersey here to face major water supply  
20 problems. That's only ten years from now and there  
21 are parts of the state that are already having to go  
22 face this. And this isn't counting drought  
23 conditions, which we can expect to have more probably  
24 global warming do precisely to the water supply  
25 situation except that if it comes down faster, more

1 if it's going to runoff less sink in and supply deep  
2 wells, and underground aquifers in the near future if  
3 we have less, we have a situation in one of our main  
4 two reservoirs in our county where if there's a  
5 drought and the water levels fall in the reservoir,  
6 what happens is the ground water leads into the  
7 reservoir and it has reduced the well levels. And  
8 one of the adjacent towns is actually on well water,  
9 all of the residents, and that's in our last major  
10 drought there was a lot of redrilling of wells to try  
11 to search a different aquifer level. So it is a  
12 concern. In any event, we recognize, of course, that  
13 there are critical economic decisions that have to be  
14 made. But we really urge you to keep foremost in  
15 your mind the protection of the water quantity and  
16 the quality of our drinking water because it's  
17 absolutely essential if we're going to protect our  
18 public health and welfare, if we want a state that's  
19 economically viable in the end, it's essential to go  
20 back and give a specific example about Monmouth  
21 County. We have at -- first of all, we're very  
22 fortunate here because we are the seven most county  
23 that can have reservoirs. So the county is a little  
24 bit split. We have two major reservoirs that serve  
25 Monmouth County and two of three of reservoirs in our



1 county that serves Brick, Point Pleasant, et cetera.  
2 But like to scratch this out. I didn't know what I  
3 was going to say before I came. Sorry. In any  
4 event, we're really concerned and we hope that you  
5 will pay critical attention to our needs for this to  
6 the rules and the protections that we do have for our  
7 water supply. Such as you know the extreme buffers,  
8 the category 1 status, ground protection for ground  
9 water recharge areas, storm water wetlands. All of  
10 these things are the only things that really provide  
11 us protection for our surface water supplies. And,  
12 again, just one last thing and, that is Monmouth,  
13 County is critical area number one for water supply.  
14 So designated back in the early '90's because we were  
15 considered a sole source of aquifer. The water will  
16 transfer from one aquifer level to another. And as a  
17 result the other thing is that USGS was doing surveys  
18 annually down at Point Pleasant and the aquifer  
19 levels dropped 184 feet. They had to do that, which  
20 means that even water purveyors will that take from  
21 deep wells are supposed to supply about 50% of their  
22 water from these companies or the New Jersey Water  
23 Supply Authority, which administers the Manasquan  
24 reservoir. So this is really crucial. We don't know  
25 how you're going to do it. Economically things are

1 tight. We hope you won't give way and keep this in  
2 mind as you go forward. Thank you.

3 LIEUTENANT GOVERNOR GUADAGNO: Thank  
4 you very much Mrs. Usechak. I appreciate it. Thank  
5 you. George Mirkus, River Nursery

6 MR. MIRKUS: Yup. Thank you. I wish  
7 to thank the board for having me here and thank you  
8 for your presence. There's a couple of things I want  
9 to discuss. And this mainly deals with small  
10 business operation of a two man operation landscaping  
11 and grounds maintenance, and when I first started in  
12 business 55 years ago in Brick Township we didn't  
13 have sales tax. We didn't have an income tax. And  
14 over the years these were little add-ons that came  
15 across, which was understandable because the state  
16 didn't have money and things were simple filling out  
17 the forms. However, many times the small business  
18 owner was not informed of certain things that they're  
19 not required to do. For example, on my payroll I had  
20 my wife and my son for a few years withholding  
21 unemployment tax. And about five, six years ago I  
22 just got a newsletter from the federal government  
23 saying that sole proprietors are exempt from  
24 withholding tax. So what I did was I tried to  
25 contact the Department of Labor in Trenton, and they

1 all insisted I have to pay withholding tax. I went  
2 to Neptune to the Department of Labor there to speak  
3 to somebody and they said oh, yes, you have to pay  
4 unemployment tax, which was about 5.5% out of each.  
5 My share, the employee pays 1% approximately. So  
6 finally I got a call -- I made a call to Trenton many  
7 times and finally I got somebody who said, oh, you're  
8 right, you don't have to pay. I said great. I'll  
9 get my money back? So I filled out the forms and he  
10 said I qualify. I'm -- everything is okay. You'll  
11 get two years back payment returned to me. Two years  
12 after paying 20 or 30 years of this unemployment tax?  
13 And I said, wait a minute, years ago the state  
14 audited my payroll and everything was fine. They  
15 didn't mention anything about not paying tax or  
16 anything like that. And they said these people don't  
17 know everything of what's going on. So I got my  
18 money back and I said, by the way, if I made an error  
19 in my sales tax or unemployment tax, how far back do  
20 they go? They go back five years. And they said oh,  
21 yes, and I said they charge me interest. And I said  
22 what about the interest for my two years? Sorry, no  
23 interest. And if I was late with sales tax or  
24 unemployment tax, there's also a penalty. So I wish  
25 the committee would look into that end of it because

1 I'm really, you know, concerned that some people may  
2 or may not know what's going on on the administrative  
3 end, on administrating these unemployment taxes.  
4 Even if they could have a checklist, taking it off a  
5 check list of ten items, just a basic check list a  
6 sole proprietor, you don't have to worry about that.  
7 That's fine. But burns me up that I only get two  
8 years back but if the state found an error in my  
9 work, it's five years so that --

10 LIEUTENANT GOVERNOR GUADAGNO: Penalty.

11 MR. MIRKUS: Okay. And the other thing  
12 a couple of other things concerning small business  
13 and this pertains to what we -- they call a base  
14 charge, and in this case it is the New Jersey Natural  
15 Gas. All these utilities companies do it and this  
16 one bill that I own. I have residence and an  
17 apartment and also a retail. There's a florist. So  
18 just recently they changed meters. That's fine, both  
19 identical meters. And there's only one gas line  
20 going to service both meters. And one is divided for  
21 business and one is divided for residential. So the  
22 base charge for the residential per month is 8.25 no  
23 matter how much gas you use. That's your usage and  
24 you get a bill for that no matter what it is. It's  
25 metered. And then the base charge for the little

1 business I have, which is non functioning because the  
2 florist left town for not paying the rent is \$25 a  
3 month. Why should I subsidize the gas company \$25 a  
4 month? I'm willing to pay 8.25 a month but \$25 a  
5 month? Whereas the residential use is 8.25. Now  
6 this also effects municipal water company business,  
7 small business pay more than residential. Electric,  
8 gas, and water. And when you get into water that  
9 involves sewerage and they pay a higher rate for  
10 sewerage. Like I said, if it wasn't metered, I  
11 understand everything is metered. They have no idea  
12 what cost this is that covers as far as trying to get  
13 money back, it's fair and equitable. And as far as  
14 paying for some of this, yeah, I'm in favor what they  
15 call use taxes. In other words, people complaining  
16 they don't have enough money to fix the roads and  
17 other things. I said, you know, we use the roads.  
18 We have a gasoline tax. We have to charge more in  
19 gasoline tax. But the governor was against raising  
20 taxes and in any form but I would say there should be  
21 a user tax. If you use it, you have to pay for it.  
22 That's my theory. And one more item I would like to  
23 get back to the unemployment fund that's going to  
24 increase because you people or your predecessors took  
25 two billion dollars --

1                   LIEUTENANT GOVERNOR GUADAGNO: Aren't  
2 you glad he added the last part?

3                   MR. MIRKUS: More that I was generous,  
4 trying to be kind. At any rate, I don't think we  
5 should have an increase in this unemployment fund  
6 until the money is put back. And once it's used up  
7 then give -- if you need it, then increase it again,  
8 the user part of it. But let's not take the money  
9 out and forget about putting it back so --

10                  LIEUTENANT GOVERNOR GUADAGNO: thank  
11 you. I appreciate it.

12                  MR. MIRKUS: You are welcome. That was  
13 it. Thank you very much. I'm on red light.

14                  LIEUTENANT GOVERNOR GUADAGNO: Okay.  
15 Amy Goldsmith.

16                  MS. GOLDSMITH: Good evening. My name  
17 is Amy Goldsmith, the state director of New Jersey  
18 Environmental, and I'm pleased to be here. Were all  
19 of you from the legislature and from the  
20 administration to talk about this issue no the  
21 governor maintains environmental safeguards in more  
22 efficient manner we allude at and appreciate the fact  
23 to find out what people are thinking. As stated  
24 earlier, pollution knows no boundaries. And New  
25 Jersey requires because of its historical

1 industrialization and activities requires and demands  
2 greater protections. In fact, the public has been  
3 demanding for many years better protections than the  
4 federal law. So we should continue at that because  
5 we have actually seen the fruits of the labor and  
6 dollar commitments that we have made as well as towns  
7 and other commitments. The solutions have been  
8 developed over the years and often require state  
9 regional and at times national action. This required  
10 collective action and at times mandates and the clean  
11 water enforcement act is one of those examples at our  
12 organization as well as other environmental ones that  
13 passed clean water enforcement act for the  
14 legislature passed. We lobbied for it. That  
15 mandated fines and jail for not just, you know,  
16 private industry like the sewer authorities to clean  
17 up their act on the Jersey shore. And in the late  
18 '80's and '90's people couldn't put their feet in the  
19 water. Now people complain they're going to get bit  
20 by fish. I'd rather complain about being bit by a  
21 fish than complaining I've got a rash or  
22 gastro-intestinal problem. Only cooling I can get is  
23 the showers at the end of the boardwalk. So that was  
24 a mandate and resulted in the tourist industry, the  
25 beach industry, which is second to the pharmaceutical

1 industry, we can't afford to lose that and that was  
2 because of a mandate. So in the past the DEP has  
3 generated resources for many of its programs and over  
4 time and I would say since the Witman administration,  
5 but maybe before and democrats and republicans and  
6 the like, go and tapped into DEP funds and used it to  
7 balance the general funds. And as a result the DEP  
8 was crippled in its ability to do the work that needs  
9 to be mandated. And also over time the recycling  
10 fee, the tipping fee was expired and never -- well it  
11 was at some point reinstated through the litter  
12 tax, I guess it was last year or the year before, but  
13 the innovation was done with the collection of those  
14 funds were vital to the local and county programs.  
15 In fact, Monmouth County voted to be a non burned  
16 county. It did not build an incinerator. It went  
17 toward source reduction. It went towards a very  
18 aggressive recycling program. It went to landfill  
19 mining, and other things. Anything not to build an  
20 incinerator. It was because there was funds made  
21 available, not sunsetted in, talking about being  
22 efficient and talking about unfunded mandates. There  
23 was a mandate to recycle 65% statewide. We were  
24 almost there and then the fund was subsetted and then  
25 the decline happened. And the DEP can actually



1 document it if you go to maybe the lone recycling  
2 person that's left in the solid waste division, it  
3 could speak to it, but it's documented. Without the  
4 money, we aren't able to move forward. I want to  
5 also talk about there are examples of mandates that  
6 actually reduced costs and Senator Buono was the star  
7 of that in school program IPM Integrated Pest  
8 Management, required all schools public private and  
9 charter schools to use integrated management rather  
10 than just spray and blast through the schools. As a  
11 results of that actually one of the first places that  
12 I adopted even before the law was passed, Cape May  
13 County saved over \$10,000 in one year because it went  
14 IPM rather than doing spray every month no matter  
15 what. New Jersey Environmental Federation partnered  
16 with the pest control association with Rutgers  
17 trained over 1500 facility managers by working in  
18 partnership and we also change the standard of pest  
19 control with Icam. Most indoor pest control if  
20 applicators do IPM now don't just go in whether it's  
21 a school, or hospital, or anywhere that was because  
22 there was a mandate and just changed the way  
23 everybody decided to do business. It changed the  
24 standard. Rutgers now offered IPM courses and you  
25 get extra credit. You get your continuing education

1 three credits instead of two credits a semester to go  
2 into the right direction. Again, a mandate that  
3 actually reduced costs. Another example I want to  
4 give and then stop is at storm water management,  
5 which has been brought up several times. Los Angeles  
6 has developed this very innovative model of reducing  
7 floods and approve water quality and quantity and  
8 benefits they use by integrating the, whether it's  
9 parks or the utilities, and we hope to bring that 20%  
10 through water infrastructure work here to Newark.  
11 We're looking for private funding for our  
12 organization to work in Camden and in Newark. And  
13 the group has like a 60's kind of name. Anyone that  
14 wants to go see if you go to youtube, a piece by the  
15 tree people. I don't -- but they're called the tree  
16 people. These guys have done very, very  
17 sophisticated work in the City of Los Angeles and  
18 it's just it's amazing work. And the other thing as  
19 a member of the clean water council I'm a former --  
20 the governor's appointed several appointed members we  
21 are working on an asset management plan and we're  
22 going to be presenting white paper to the  
23 commissioner on how could we manage the water  
24 utilities both drinking water and sewer in a better  
25 -- so we can protect the rate money generated and

1 actually improve the infrastructure in a more  
2 cohesive way. So we believe at the local ties our  
3 stressing and straining in the state we believe it's  
4 more cost effective to cost share at a higher level  
5 of government, at times state government. So there  
6 could be revenues shared and spread out the cost of  
7 those who can afford to pay, making it cheaper for  
8 the local taxpayers who are paying exclusively  
9 through property taxes. We applaud the fact that  
10 you're having this meeting and through my official  
11 capacity of the clean water council and the  
12 environmental I am happy to be available to offer  
13 suggestions and --

14 LIEUTENANT GOVERNOR GUADAGNO: Any  
15 questions? Joan McGee?

16 MS. MCGEE: Thank you very much. I am  
17 Joan McGee. I live in East Amwell Township speaking  
18 as an individual citizen today. I would like to  
19 address several unrelated issues, part of that, the  
20 benefit of listening to everybody's wisdom today, I  
21 get to address things that came up hopefully within  
22 my five minutes the first one is education. I am a  
23 past president of my local school board several years  
24 ago and I would like to address the red tape in  
25 education, not the things that were already

1 mentioned. One of the biggest problems that we saw  
2 with red tape on my local school board was the entire  
3 office structure in administrative rules concerning  
4 the county board of county superintendents of  
5 education. They are a huge cost. They have huge  
6 staffs and from what I saw they do very little except  
7 act as a pass through. They receive information  
8 about, you know, school requirements from the state.  
9 And they disseminate to the local districts. They  
10 receive budgets from the local district. They review  
11 them and they send them to the states and in the  
12 meantime they have quite a number of staff supporting  
13 them as the middlemen. I think a huge, huge amount  
14 of money could be saved and red tape could be saved,  
15 time could be saved, all 21 of these county school  
16 superintendents were eliminated along with their  
17 staffs. There is no reason why the state cannot  
18 communicate directly with the school districts and  
19 the school districts should utilize computers with  
20 all the budgets and all the information on line. I  
21 disagree with one of the earlier education speakers  
22 about one size fits all concerning certain issues in  
23 schools. One of my observations was that there is a  
24 mandate to have curriculum updates every certain  
25 number of years under the administrative code. So

1 what happens is each school district either hires a  
2 consultant if you're very wealthy district or hire  
3 local teachers, which the taxpayers pay to update  
4 your curriculum, usually it's within a role or on a  
5 schedule you know, science curriculum one year, math  
6 the next. There are some curricula which are  
7 completely necessarily and uniform. Such as  
8 arithmetic. Such as algebra. Calculus. No reason  
9 for 600 school districts to develop their own algebra  
10 curriculum. It simply doesn't make sense. It is a  
11 big waste of time. It's a waste of red tape. It  
12 should not be allowed and it would save an enormous  
13 amount of money. Algebra is algebra. It is the same  
14 subject. There is something that cannot be updated  
15 by the state or uniform curriculum such as science  
16 which is a lot of times very individualized. Special  
17 education is individualized to the students.  
18 Definitely something that can be standardized. The  
19 next issue I would like to address is the rules  
20 concerning the disabled. I am also the parent of a  
21 disabled child but I do disagree that the costs are  
22 ridiculous and astronomical and the preliminary  
23 difference because every school district, once again,  
24 has its own child study team. They do the same exact  
25 work in trying to find placements. My experience

1 with individuals with child study teams and  
2 individualized education programs is that there is no  
3 learning curve for a child study team. Every student  
4 they must reinvent the wheel for every student.  
5 Whereas, if there was a centralized location not the  
6 county but maybe a state office that a state child  
7 study team could provide all the information in  
8 having each individual child study team search out  
9 every placement for every disabled student, it simply  
10 did not make sense. And most of the parents wound up  
11 in my entire county in Hunterdon County doing it  
12 themselves because there was no central location and  
13 that's the kind of thing if you could mandate a state  
14 requirement for centralized services, you would save  
15 time, you would save a lot of money on child study  
16 teams. You could combine services for child study  
17 teams part-time here and there. A tremendous benefit  
18 to the system. The third area I would like to  
19 address is, let me see, the next one is OPRA. Let's  
20 go to something completely different. I agree with  
21 the prior two Mayors Levine and Ondish about problems  
22 with commerce and harassing residents, but that's not  
23 my main issue of concern. My main issue of concern  
24 is the red tape involved with the government's  
25 records council having filed OPRA requests and

1 appeals I think the system is seriously flawed  
2 because the custodian of record allowed under the law  
3 provides records in seven days unreasonable amount of  
4 time given the amount of the requests they have. If  
5 a citizen is not happy and a citizen's legitimate  
6 interests in the transparency of government once they  
7 appeal to the government records council, it takes  
8 the council months, if not years. I have had one  
9 request that I had made on a budget which was refused  
10 me and it took over two years for the government's  
11 records council to answer what kind of system has a  
12 local requirement for seven days and no requirement  
13 for a state agency to provide information. That  
14 simply makes no sense. The government records  
15 council also gets involved in minutia in providing  
16 information, you know, from citizens who shouldn't  
17 have to provide so much information. And I just call  
18 it the full employment for lawyers act. That's all  
19 it is. The final issue just because everybody else  
20 has mentioned it is storm water. I was also on my  
21 local storm water committee. I would just like to  
22 comment that although there was complaints about the  
23 master plans, the master plan's completed and  
24 approved by the state. There will not be any more  
25 cost concerning those. It was a partially funded

1 mandate. I think commissioner Martin said there was  
2 at least \$5000 given to every municipality that  
3 didn't cover everything. It was partially funded but  
4 they're done. You don't have to redo them again.  
5 There was -- there was also drain labeling, which is  
6 done. It was a requirement. It's completed. So it  
7 isn't necessary. There is also no mandatory  
8 requirement now to send out educational material  
9 twice a year as was indicated. There is now a ten  
10 point system. Municipalities choose which ten points  
11 they want, some that are very cost effective or cost  
12 nothing. So I would support continuation of the  
13 stormwater rules and strict enforcement. Thank you  
14 very much.

15 SENATOR BUONO: I had a question or a  
16 comment and a question. I appreciate your comments  
17 about the county superintendent for those who don't  
18 know that was part of the legislation called the core  
19 legislation, which I never understood the premises.  
20 I never understood the rationale. I voted against  
21 it. I spoke against it.

22 MS. MCGEE: Thank you.

23 SENATOR BUONO: And as I recall, it was  
24 supposed to be a precursor to regionalization and  
25 consolidation. And it hasn't worked. And it, if



1 anything, I didn't even think of the cost increase.  
2 We knew it wouldn't save any money. In fact, one of  
3 the initiatives resulted in two of my towns being  
4 merged, Spotswood and Helmetta. And Spotswood paying  
5 more property taxes, paying more luxury. The  
6 designee to the new education commissioner has been  
7 responsive to my request to come and sit and talk to  
8 Spotswood on Thursday morning, and hopefully resolve  
9 it, but it doesn't look good for Spotswood,  
10 unfortunately, the property tax increases. Do you  
11 have any sense as to what the original rationale, did  
12 it make any sense when the bill past?

13 MS. MCGEE: No, because I came in in  
14 the middle. I was the president on my school board  
15 mid '90's. They were already entrenched. They had  
16 entrenched bureaucracy every time you appeal special  
17 education or budget, you're dealing with them first  
18 and then dealing with the state.

19 SENATOR BUONO: Don't they control the  
20 curriculum more closely as well?

21 MS. MCGEE: No.

22 LIEUTENANT GOVERNOR GUADAGNO: That was  
23 one of the concerns at the time.

24 MS. MCGEE: They approved things from  
25 my perspective rubber stamped.

1                   SENATOR BUONO: Anything beneficial  
2 county wide superintendent, can you be objective?

3                   MS. MCGEE: Through special ed. they  
4 did mediate some cases, let's put it that way. The  
5 special ed. coordinators tried to come in and  
6 mediate. Some instances it worked and some it  
7 didn't. That was one I did see some people who  
8 worked through that system. That's all.

9                   LIEUTENANT GOVERNOR GUADAGNO: Thank  
10 you very much. Anybody else?

11                   I have Mr. Galkin and his wife here.  
12 Anyone else on the list? Mr. Galkin, you're the wrap  
13 up and Cynthia.

14                   MR. GALKIN: Hi, good evening. George  
15 Gacklin, the private sector. Never held public  
16 office county or state level. My testimony is the  
17 red tape review regarding the NJDOT and the South  
18 Jersey unfunded mandate to include state and rested  
19 parties, land owner before and any and all local  
20 government actions, i. e., county borough actions in  
21 the development. To sum up my testimony unfunded  
22 mandates of providing notice or product professionals  
23 at least in the format, i.e. on the internet or  
24 intranet through the government and more importantly  
25 in the decision making process. Input should remain

1 in place or in alternative funded by the State of New  
2 Jersey. What I'm addressing is that maybe 1996  
3 Owens, Illinois went paperless. We have a government  
4 in New Jersey that's not paperless and it's totally  
5 capable of doing it. I was the defense Advance  
6 Project Agency League Rep in Afganistan. I also  
7 wrote reports every night for three and a half months  
8 for Condalisa Rice, what was happening around the  
9 world and I did all this and worked in the Pentagon  
10 or Army operations center in Iraq and Afganistan.  
11 The way I did it was I accessed the internet. Now in  
12 New Jersey right to here you have fiberoptics owned  
13 by New Jersey DOT completely utilized. Maybe 5, 10%.  
14 Why isn't anybody running it in some way? Why isn't  
15 anybody using it? Run it not to be military run it  
16 like a combat operation. You know, you can go to the  
17 Defense Advance Research Project Agency and it's  
18 MAEDE and she is fielding what's called tactical  
19 ground reporting, the IGR. And what that is, it's a  
20 way for your police officers to correspond with each  
21 other through their Blackberry's and anywhere they  
22 are in New Jersey. They can do their work or you can  
23 actually change the reporting system and you can have  
24 your local inspector take a picture of what was just  
25 before it was buried. So the next person only has to

1 dig it up in two years. That's -- this is what  
2 you're looking for. If it's GPS it has the grid on  
3 it. It goes on and on. But the infrastructure is  
4 here. The internet is here. And to get it back to  
5 my situation and no one leaves without talking about  
6 DEP. If you have an application and suspends 15 days  
7 and you get your only because you put an OPRA request  
8 in a year ago, and you finally get the application  
9 that is involving your land without signing your  
10 name, in other words, you know at opt one of the land  
11 owners signed but not the rest of the land owners and  
12 you have two days to respond. But if you could tie  
13 it to land owner, do it the software land owner gets  
14 notice, because he's already put in his e-mail  
15 address, what he's servicing -- with Montgomery  
16 County you walk in go with your pleadings. In  
17 Pennsylvania if you walked in with pleadings, ran  
18 through the scanner bank, you know it was served on  
19 imposing council. You have it or you go to federal  
20 court division and go in Sunday night, hand it in,  
21 you have your file already made. This is all  
22 possible. And if you really want to consolidate  
23 governments, the first step maybe like the military  
24 is to modernize the records and to make the sergeant  
25 be able to talk to the E5 sergeant and brigade

1 commander. What happened on a route camera on the  
2 helicopter run and run it all the way down and then  
3 come back and the captain of the aircraft loads the  
4 brigade commander and has his reports. These police  
5 officers can do the same thing. Videotape this  
6 meeting, record it, and then I can access what  
7 happened here. Although I went to high school up  
8 here but it was a nice drive. Thank you.

9 LIEUTENANT GOVERNOR GUADAGNO: All  
10 right.

11 MS. GALKIN: Hi. I'm going to support  
12 and contribute a little bit

13 LIEUTENANT GOVERNOR GUADAGNO: All  
14 right.

15 MS. GALKIN: Cynthia Galkin. I'm a  
16 real estate broker, insurance agent, mom, wife, and a  
17 paralegal. And I've been told that I probably have  
18 submitted the most OPRA requests of anybody in the  
19 State of New Jersey so this isn't complaining about  
20 OPRA, but this is bringing to light what I'm  
21 watching. For instance, you're talking about  
22 collapsing -- making things less expensive for the  
23 property owner and taxpayer, great. But you need to  
24 be looking at, and I'm going to use a microview, our  
25 property you need to look at if the state is involved

1 in something to delegate the authority of the state  
2 to let's say a county authority, might be doing a  
3 disservice to the property owners because NJDEP isn't  
4 perfect. But my responses received from DEP on OPRA  
5 have been great. There are a few departments that  
6 don't exactly provide data that can be worked out  
7 when you go to the other levels, you go to the county  
8 level, you go to the municipal level, and they have  
9 their reasons for not responding. But they're not as  
10 thorough time-wise, is not even a problem. It's so  
11 much the date that -- that's provided to you that  
12 you're accessed to. It's just not available to  
13 somebody that goes in for OPRA. I've been to the  
14 government records council. I've had my appeals. I  
15 thought the one time I had the government records  
16 council review complaint, they were very thorough,  
17 but then it was scrutinized and I figured okay  
18 there's no sense in pursuing the matter. I know at  
19 the point was made I was right, they were wrong. All  
20 right. The point was made it was a long drawn out  
21 process after the government records council had  
22 gotten involved. I thought they were very qualified  
23 in my OPRA complaint, but immediately I submitted an  
24 OPRA complaint, an OPRA request on the 6th of  
25 February to NJDEP U.S. Army Corps of Engineers and a

1 county authority U.S. Army Corps of Engineers  
2 responded by the 17th of February in disk form. The  
3 statute corporation I'm still waiting. They've been  
4 responsive but this state agency has delegated its  
5 authority to the county. So it's really waiting for  
6 information to come from the county. And the county  
7 is just not responsive. I don't want to have to  
8 file, GRC complaints to get the data that I know  
9 exists and should have been provided to me. So if it  
10 was automated, as George is explaining, then whether  
11 it's county, municipal, or state level that data,  
12 especially if it's engineer created though already  
13 data that they have in their word processors, their  
14 contacted files or et cetera that data should be  
15 readily available. Personal information, I  
16 understand that has to be edited out but automation  
17 in the OPRA request for the government records are  
18 available on the local, county, and state level  
19 should be a big time saver as well as a cost saver  
20 and that's my contribution.

21 LIEUTENANT GOVERNOR GUADAGNO: Any  
22 questions?

23 MR. MARTIN: No.

24 LIEUTENANT GOVERNOR GUADAGNO: You're  
25 going to be quiet? Somebody said something nice to

1 you.

2 Thank you very much. I appreciate it.  
3 Anybody else in the room that would like to say  
4 anything at all before we close? As we did the last  
5 time I would like to ask the majority party to speak  
6 and say good night and then the minority party to  
7 speak.

8 MR. BURZICHELLI: Lieutenant Governor  
9 Guadagno, thank you again for a very, very not only a  
10 good session but a very worthwhile session,  
11 informative, helpful, and advancing the public  
12 discussion as we try collectively to cut through this  
13 and simply make it better.

14 LIEUTENANT GOVERNOR GUADAGNO: Thank  
15 you.

16 SENATOR OROHO: The minority party says  
17 I agree. Thank you very much. Thank you.

18 LIEUTENANT GOVERNOR GUADAGNO: Thank  
19 you very much. Next meeting is March 23rd at  
20 Montclair University. The subject matter rules that  
21 make it hard to do business, et cetera in New Jersey.

22 (Whereupon the deposition was concluded  
23 at 7:55 p.m.)

24

25



## 1 C E R T I F I C A T E

2

3 I, STEFANIE TOWNS, a Certified Court  
4 Reporter and Notary Public of the State Of New  
5 Jersey, do hereby certify the forgoing to be a true  
6 and accurate transcription of my stenographic notes  
7 as taken on the aforementioned date and time.

8

9 I FURTHER CERTIFY that the witness was duly  
10 sworn according to law prior to testifying.

11

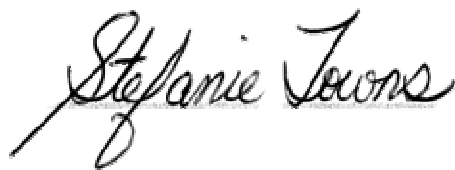
12 I FURTHER CERTIFY that I am neither an  
13 attorney for nor counsel to any of the parties; that  
14 I am not related or employed by any of the parties or  
15 any of the attorneys in this action; and that I am  
16 not financially interested in this action.

17

18

19

20



21

STEFANIE TOWNS, C.C.R.  
LICENSE NO. XI02103  
22 NOTARY PUBLIC

23

24

DATED: April 7th, 2010

25

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