



State of New Jersey  
COUNCIL ON LOCAL MANDATES  
135 WEST HANOVER STREET  
TRENTON NJ  
(609) 984-9738  
(609) 984-9737 FAX

Jack Tarditi  
Chair

Mailing Address:  
PO Box 627  
Trenton, NJ 08625-0627

October 22, 2010

To: Service List (Attachment 1)

Re: Complaint filed by the Township of Roxbury (9-10)

In response to the request for extension to Answer by Respondent Assistant Commissioner, Water Resource Management, NJDEP, see letter dated October 14 (copy attached), please be advised that the Council has agreed to extend the time that Respondent may file their answer in the above matter to, November 24, 2010.

We are granting this extension in response to a request from the Department of Environmental Protection which plans to meet with officials of Roxbury Township and attempt to convince them that Roxbury can meet the requirements of the challenged regulation without the need to hire inspectors. According to the representative of the Department of Environmental Protection, a successful meeting would result in the Department issuing clarifying language to all entities across the state.

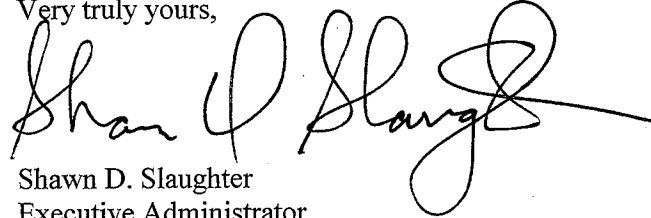
The Council notes that the language of the State Mandate-State Pay provision of the Constitution specifies that a law, rule or regulation is an unfunded mandate if "it does not authorize resources, other than the property tax, to offset the additional expenditures required for the implementation of the law or rule or regulation". If Roxbury Township is convinced that it can meet the requirements of the regulation without incurring additional direct expenditures, it will be free to withdraw its complaint. If Roxbury Township believes that it will incur additional direct expenditures, it will be free to pursue its complaint.

The Department Lead for Respondent (Barry Chalofsky, P.P., Chief, Bureau of Nonpoint Pollution Control) was advised of this extension to answer by email today. In addition, by cover letter or otherwise, Respondent is to describe the method by which a copy of each filed document was or is being served on Claimant, consistent with Council Rule 3(f).

The due date for responses to the September 30 filing has been moved to Wednesday, November 24. The due dates for other filings, described in my October 8 letter (November 11 for Requests to Appear and November 15 for any objections thereto) remain unchanged.

Please do not hesitate to call me, at 609-984-9739, if you have questions regarding the above information or any other procedural matters.

Very truly yours,

A handwritten signature in black ink, appearing to read "Shawn D. Slaughter", written in a cursive style.

Shawn D. Slaughter  
Executive Administrator  
& Coordinator

By email/fax only  
Attachments

ATTACHMENT 1

Honorable Paula Dow  
Attorney General of the State of New Jersey  
Hughes Justice Complex  
25 W. Market Street  
Trenton, NJ 08625

Jeffrey S. Chiesa, Esq.  
Chief Counsel to the Governor  
State House  
Trenton, NJ 08625

Honorable Stephen M. Sweeney,  
Senate President  
Senate Democratic Office  
State House  
Trenton, NJ 08625

Honorable Thomas H. Kean Jr.  
Senate Minority Leader  
Senate Republican Office  
State House  
Trenton, NJ 08625

Honorable Shiela Y. Oliver  
Speaker of the General Assembly  
Assembly Democratic Office  
State House  
Trenton, NJ 08625

Honorable Alex De Croce  
Minority Leader of the General Assembly  
Assembly Republican Office  
State House  
Trenton, NJ 08625

Kent M. Hicks  
Secretary of the Senate  
State House  
Trenton, NJ 08625

Dana M. Burley  
Clerk of the General Assembly  
State House  
Trenton, NJ 08625

ATTACHMENT 2: Copy of letter, w/enclosures and attachments, by email/fax to:

Claimant Township of Roxbury – Christopher Rath, Township Manager  
Township of Roxbury  
1715 Route 46  
Ledgewood, NJ 07852

Copies of letter, w/enclosures and attachments, by email/fax to:

James Anzaldi (Mayor, Clifton City) President  
New Jersey State League of Municipalities  
222 West State Street  
Trenton, NJ 08618

Thomas A. Arnone  
President  
New Jersey Conference of Mayors  
150 West State Street  
Trenton, NJ 08608

Peter Palmer  
President  
New Jersey Association of Counties  
150 West State Street  
Trenton, NJ 08608

Copy of letter, w/enclosures and attachments, by email/fax to:

Barry Chalofsky, P.P., Chief  
Bureau of Nonpoint Pollution Control, Department of Environmental Protection  
401 East State Street  
P.O. Box 029  
Trenton, NJ 08625-0029