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VOLUME 3 - ISSUE 4

ON THE ROAD

THE OFFICIAL COMMUNICATION OF THE NEW JERSEY GASOLINE C-STORE AUTOMOTIVE ASSOCIATION
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ELECTION 2011

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Message From Executive Director Sal Risalvato

Make an informed decision and VOTE!!

I checked back to re-read some of my previous Voter Guide messages simply because I don't want to repeat myself year after year. Fuggetaboutit! The message must remain the same for this issue.

Previously I have said things like "If you're not involved in politics then politics will surely run your business" or I have referred to this time of year as "Silly Season"

The theme is always the same though and I simply can't think of a reason to change that this year. Each October I have explained the importance for you and your families, and your employees and their families, to make an informed decision and VOTE!

NJGCA exists to help effectuate public policy that will benefit members, or stop bad public policy that will harm members. Each week in our Road Warrior email, I try to keep you updated about what is happening in Trenton and Washington. BUT now is the time to exercise your right to help yourself by voting for those candidates that best represent your interests.

You concentrate on running your business and you leave me to take care of the business of informing the legislature about the laws that they make that will either help or hurt you. My job is to educate them and let them know just exactly how certain laws affect you. My job is also to educate you about how legislators have responded during their term in office to those same issues.

So once again at this time of year I implore you to take some time to carefully examine the information that we here at NJGCA have compiled for you. My message can't be any different every year. Unfortunately if you are not vigilant regarding whom you elect to represent you then your business may suffer, your family may suffer, and you may find yourself in more of an uphill battle than you may already have.

Please, take 5 minutes to review this voter guide. First find the appropriate district where you vote. Although it is important to know how legislators that represent the district where your business is located voted on issues important to you, it is even more important to know how legislators voted that represent the district where you reside, because that is where you vote.

Once you know the district where you vote, then find the candidates that are running for election in that district. You can check to see how they responded to the NJGCA Candidate Survey, or if they even responded at all. Many candidates will not answer organization questionnaires in order to avoid being pinned down at a later date.

You will also be able to study the voting record of candidates that are already serving and are now seeking RE-election. Candidates may avoid responding to questionnaires, but they cannot avoid their own voting record.

You will notice that many candidates are friends and have been supportive of the issues that are important to you. You will also be able to identify those candidates that have been less than supportive in the past.

This is America. Take advantage of the opportunity afforded to you to express your opinion at the polls. Also, take advantage of the information that we here at NJGCA have provided to you in order to be an informed voter.

If it means anything my observation is that this election year seems to be less of a "Silly Season" than usual. I don't know why, but I can only hope that candidates and elected officials are concentrating more on issues and solutions to problems, than they are on the outrageous campaign rhetoric that sours the voters.

As always, I can't and won't tell you who to vote for, but I certainly can provide you the tools and information to help you decide for yourself. ■

-NJGCA MEMBER QUOTE-

"Last month I called NJGCA to seek help with a workers comp audit that was not being handled properly. NJGCA Membership Director Phil Apruzzi made contact with the appropriate people at Meadowbrook's audit department. It wasn't long before I received a call from Customer Service Supervisor Sally Kennedy to apologize for the way the audit was handled. Ms. Kennedy intervened to resolve my issues until my audit has been revised. I want to thank Phil for his rapid response to my concerns and to Meadowbrook for taking the steps to alleviate a very stressful situation."

- Michelle Haines, Merritt's Service Station

"ASK WAGE AND HOUR"

By Joe Petrecca, District Director - USDOL



For those of us who work in the federal government the month of October represents not only a new fiscal year, but also the beginning of new strategies and enforcement efforts that were outlined and discussed in the previous year. Particularly for us at the U.S. Department of Labor's Wage and Hour Division, this is the time to review what we have done in the past year and what our plans are in the year(s) ahead. I thought it would also be a good time to share some of those results and plans with you, the gasoline retailer.

The Northern New Jersey District Office has, for some time, focused enforcement efforts on the gasoline and convenience store retailer. As far back as 2005 we began an initiative to combat, what we saw as a rampant non-compliance with the minimum wage, overtime and recordkeeping requirements of the Fair Labor Standards Act (FLSA). Based on those investigations, we determined approximately 40 % of the retailers in NJ were in compliance with the provisions of the FLSA. We also knew that NJ was one of only two states where consumers are prohibited from pumping their own gas and consequently gas attendants tend to work long hours for very low pay.

From 2007 to 2010 the Wage and Hour Division (WHD) in Northern New Jersey conducted over 100 investigations of gasoline retailers. About two thirds of those investigations were conducted as part of an initiative to improve compliance in the industry. Those investigations resulted in 381 workers being found due \$1.2 million dollars in back pay. During this same period, \$5.5 million dollars (\$3.9 million of which represented a large NJ based retailer) was found due for 1500 workers statewide in NJ.

In 2011 our statewide initiative was expanded to include nearly 100 stations and to date, the findings have been even more dramatic. These findings leave little doubt that there is culture of non-compliance with FLSA that prevails in this industry. That is something the public, the government, as well as responsible members of the industry, cannot and should not accept. Together, with your assistance, we can, and will change, this culture of non-compliance.

In 2012 and beyond the WHD will increase our enforcement efforts in a variety of ways, all designed to assistance those employers who want to comply with the law and to compel those who do not. The DOL is committed to use all of its available resources and the resources of other law enforcement agencies partnering with us, to achieve those goals. In the months ahead, we will endeavor to insure that every single gasoline service station in the state of New Jersey knows who we are, the laws we enforce along with what they are required to do to comply with those laws, and the consequences if they do not. We will use a multi-pronged approach to accomplish this, extending our reach beyond owner/operators to suppliers, distributors and marketers as well as the major brands they represent. We will also reach out to the workers toiling in this industry and help them to seek our assistance should their circumstances require it.

What can you do as an employer to prepare for a review by a WH Investigator?

Prepare now by making sure you maintain and retain the records you are required to have available for inspection. Those records include, but are not limited to, accurate pay and time records for three years for all employees, W-4 forms, personnel records including names, addresses, social security and telephone numbers for all employees, working papers for any minors employed, tax returns for the past 3 years along with accounts payable and receivable for three years.

We plan on offering personal hands-on instruction on how to comply with the FLSA to those of you who attend the NJGCA meetings in November. We encourage all of you to take advantage of this opportunity. In the meantime, members should feel free to contact the NJGCA with questions or contact our office directly at 908-317-8611 for more information.

There can be no excuse for failing to pay workers properly and at the US Department of Labor WHD, we intend to make 2012 a watershed year for FLSA compliance in the service station industry and fulfill the Department's vision of "Good Jobs for Everyone".

Urgent Seminar on Calibration & Regulatory Changes!!

You are losing money at your pumps and don't know it + USDOL auditing labor practices in our entire industry + Refresher on COSTLY NJDEP Environmental Regulations = A MUST ATTEND SEMINAR!

You need to attend these meetings for 3 important reasons:

#1

CALIBRATION & INVENTORY CONCERNS: Recent and disturbing findings in the field indicate that 9 out of 10 Gas Stations are losing BIG Dollars and Don't even know it! Ethanol is wreaking havoc with your meter calibration causing you to GIVE AWAY gas to your customers and causing tank monitoring systems to give inaccurate results. Our calculations show that a station pumping 75,000 gallons a month could be losing \$840 every month

#2

US DEPARTMENT OF LABOR CONCERNS: Since December 2010 USDOL has been systematically conducting employment and payroll audits of every business in our industry. Headlines have embarrassed gas stations/auto repair shop owners-USDOL plans to further investigate every gas station and auto repair location in NJ. USDOL has found employers in these small businesses owe an average of \$3500 per employee due to improperly paid wages and taxes.

#3

NJDEP CONCERNS: In 2007 NJDEP began inspecting all locations with UST and Vapor recovery system for proper compliance of NJDEP regulations. NJDEP has set about inspecting every location on a 3-4 year interval. NJDEP is beginning the next cycle of inspections and enforcement.. Many gasoline dealers have already been fined thousands of dollars in the first cycle! NJDEP will instruct a refresher seminar that will include; proper testing requirements, registration, and record keeping.

2 CONVENIENT LOCATIONS & TIMES

Northern New Jersey Seminar
November 9, 2011
Best Western Regency House
140 State Rt 23
Pompton Plains, NJ 07444

Southern New Jersey Seminar
November 10, 2011
Holiday Inn
290 Route 37
Toms River, NJ 08753

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DON'T WAIT AND DON'T MISS THIS EVENT!



THE ENERGY EXAMINER

FROM TRADITIONAL RESOURCES TO ALTERNATIVE ENERGY INNOVATIONS



By Nick De Palma

Since its inception, NJGCA On The Road has brought you updates and timely information on changes in the energy industry. From ordinary, everyday sources of energy like coal and oil; to renewable resources like solar and wind; to advancing alternative energies like hydrogen. We have focused – and will continue to focus – on all of these technologies and how they affect the transportation industry. As recent technologies, such as hybrid and electric cars continue to affect the energy/transportation landscape, NJGCA will bring you this information through our new, consolidated report, the Energy Examiner.

Each new issue of On The Road will offer our readers news from around the energy/transportation industry, how it may affect the automotive landscape, and your small business. If you have any questions or comments on what you review in these quarterly pieces, please feel free to reach out to NJGCA.

PLEASE NOTE: NJGCA and our allies in the alternative/contemporary energy industries are hoping to host a conference next year to showcase many of these innovations and more! Please stay tuned for details. If you are interested in selling alternative fuels and wish to attend the event, please contact NJGCA with your interest!

FOSSIL FUELS | *The long-reigning king of the energy/transportation industry, fossil fuels such as gasoline and diesel are the fuel of choice to power American automobiles. However, rising governmental regulations for efficiency and emissions, environmental standards, and volatile energy markets are making gasoline and diesel fuel less attractive for many consumers. Though it will undoubtedly play a huge role in our transportation energy needs for years to come, new technologies and innovations are making the internal combustion engine cleaner and more efficient to meet today's demands. Furthermore, these discoveries are also being partially driven by geo-politics, surges in supply and demand, an increasing consumer appetite in emerging markets such as China and India, as well as new drilling and extraction technologies.*

UPDATE: Hydraulic Fracturing can be safe, environmentally sound

Interior Secretary Ken Salazar and officials from the US Department of the Interior are close to announcing uniformed standards on extracting petroleum, natural gas, and coal seam gas through a process known as hydraulic fracturing. More commonly known as “fracking” this technology has been a controversial source of contention between the energy industry and environmental groups.

In utilizing this process, a wellbore drilled into rock formations where petroleum or natural gas reserves are located. After the bore is drilled, pressurized fluids (such as water or manmade fluids) are injected to create cracks in the rock. This process produces additional channels from which fossil fuels can be extracted from. This process often takes advantage of existing hydraulic fractures that naturally occur in underground rock formations and extends the scope of recovery through fracking technology.

Environmental groups fear that the process may contaminate underground water reservoirs and areas with a shallow water table. However, officials in Washington hope that a uniformed process may help alleviate fears and permit fossil fuels to be extracted from shale and other geological formations.

ETHANOL/BIOFUELS/BIODIESEL | *Currently a fixture in the transportation energy market, ethanol, biofuel, and biodiesel are widely available and used by consumers around the country. Ethanol is now used in ordinary gasoline in the form of E10 (and soon E15) which is a motor fuel blend made up of 90% gasoline and 10% ethanol (though that mixture may rise to 85% gasoline and 15% ethanol soon). Ethanol is also found in E85, a motor fuel composed of 85% ethanol and 15% gasoline, though this is found in limited locations throughout New Jersey. At its most basic level, ethanol is a form of biofuel; that is it is a liquid primarily composed on alcohol derived from biomass. The alcohol can be created from almost any plant or organic material, but such applications are typically limited by cost. As such, most biofuels – such as ethanol – are typically made from price-conscious and production-efficient crops such as corn, sugar cane, beets, and similar plant-derived substances. Similarly, biodiesel – another form of biofuels but closer in chemical composition to diesel fuel than gasoline – can be similarly made from organic material like algae and even consumer products like used fry oil from your local fast-food restaurant. While seemingly an obvious solution to our energy needs, ethanol also has some drawbacks, including the fact that it attracts moisture making it difficult to transport and store effectively.*

UPDATE: Researchers use biofuel to create biofuel

Scientists and researchers at Tulane University have recently discovered a bacterial strain that consumes the cellulose in old newsprint to create an organic material known as butanol. Similar to ethanol, butanol is actually closer in chemical composition to gasoline than other alcohols. This is partially due to the higher energy-density of butanol and could allow it to be used in traditional internal-combustion engines with very little modification.

Scientists believe this the first bacterial microbe strain found commonly in nature that can produce butanol directly from a

cellulose material. According to researchers, this newly-found microbe can be found in all green plants. Known as TU-103 (after Tulane University), team leader, professor and researcher David Mullin first discovered the microbe in animal dung at the New Orleans zoo.

Tulane estimates the United States disposes of nearly 325 million tons of cellulosic material that could be used to make butanol. Unlike other microbes that can produce butanol, this strain can withstand the presence of oxygen, which may possibly aid in wide-scale manufacturing. This discovery, though still in its infancy, could help achieve the long-term goal of producing plant-based ethanol and other biofuels from inexpensive biomass that hold no commercial-value such as grass clippings, agricultural waste, and wood chips.

ELECTRICITY & ELECTRIC POWERED VEHICLES | *Since the earliest days of the automobile, electric powered vehicles have existed. In fact, many of the initial "horse-less" carriages were driven by electric motors hooked up to batteries. As technology at the time limited the efficiency and power of a vehicle battery, internal-combustion motors eventually became the engine of choice in powering the automobile. However, thanks to advances in battery design and innovation, automakers are allocating serious resources to developing new electric vehicles. Though battery technology still has a long way to go before it can be on-par with gasoline/diesel powered cars, they are improving. Also being considered are new ways to generate electricity and how long a vehicle will take to recharge without overly-taxing the current American electrical infrastructure grid (which many feel is woefully outdated and in need of modernization before full electrification of the automobile can be realized). As such, electricity may one day be widely produced not only from coal, petroleum, solar panels, wind power, and nuclear sources, but geothermal and tidal wave generation. Lastly, the incorporation of electric charging stations throughout the national landscape will also become a major factor in the acceptance of electric vehicles as anything more than a niche product. This could potentially create great opportunities for service stations to add an additional "fuel" to their locations and service a new breed of customers profitably. All of these issues will continually need to challenge electricity production and electric-vehicle development in the years ahead.*

UPDATE: Wireless charging station development

Earlier this year at the 2011 International Consumer Electronics Show (CES), a company named Fulton Innovations debuted wireless-charging technology. Seen as a possible alternative to wired recharging, this new technology would allow an electric powered vehicle to recharge its batteries as long as the vehicle was in close proximity to a charging station (typically 4 inches or less). Utilizing a composite plate on the floor, energy is transferred from the plate to the vehicle without the use of plugs or wires. Though energy is lost in the transfer, and the typical charge time is considerably longer than in charging stations using wires, the technology is impressive nonetheless.

Though the electrification of the automobile is still in its relative infancy, a wireless charging technology could create an innovative solution for motorists with range anxiety or allow for a vehicle to be charged outdoors without worrying about a vehicle becoming unplugged. Looking even further ahead, these charging stations could be embedded in parking spot or driveway to recharge – or even more advanced – on a highway to help a vehicle maintain its charge while driving.

HYBRIDS | *Vehicles powered by a hybrid-powertrains are becoming more common. In fact, the number of hybrid powered cars has increased dramatically since the end of the 1990s. That is because hybrid vehicles offer a relatively inexpensive alternative to many consumers who wish to increase their fuel economy while still having the convenience of an internal combustion engine. In pairing a traditional motor-fuel powered engine to an electric motor with a battery, a motorist is able to reduce fuel consumption and lighten the load on the vehicle's internal combustion engine. What's more, Plug-in Hybrid Electric Vehicles (PHEV) are an additional intermediate step in the spectrum, blurring the lines between traditional vehicles and electric cars even further. PHEV run as electric vehicles for a short distance, but then revert back into full-hybrid mode once the onboard battery is depleted. With hybrids and PHEV becoming ubiquitous, many mechanics will need to stay informed and knowledgeable on how these vehicles can be repaired in order to better serve their customers. In addition, with both hybrid cars and conventional vehicles becoming more and more fuel efficient, the total volume of gasoline sold in the United States will stabilize and contract. Will you be ready to refocus your business on other, alternative technologies as your patrons shift to other sources?*

UPDATE: America to remain leading hybrid-car market

The United States, already the world's leading hybrid vehicle market, is expected to continue to dominate hybrid car sales for the foreseeable future. Though acceptance of hybrid powered vehicles has increased in Japan and Europe, total volume of American hybrid cars sales are expected to account for roughly 61% of world-wide hybrid sales.

Analysts believe that friendly governmental regulations, uncertainty in energy markets, rising emissions and efficiency standards, and consumer acceptance are all contributing reasons for this.

Meanwhile the number of PHEV produced is also expected to rise. With consumers now more fuel and energy conscious than ever, owning a vehicle that can act both as an electric vehicle and a hybrid presents a very attractive automotive purchase.

HYDROGEN/HYDROGEN FUEL CELL | *Vehicles powered by hydrogen, among the most abundant elements in the universe, have long been a focus of automotive engineers. Essentially permitting a motorist to power his or her vehicle with water vapor, hydrogen powered cars present both a simple and complex solution to drivers' expectations. There are two types of hydrogen powered vehicles: an internal combustion engine fueled by hydrogen or a fuel cell powered car driven by a hydrogen reaction. In the first example, an engine's powerplant converts the chemical energy in hydrogen into mechanical energy by burning a hydrogen mixture in an internal combustion engine. In this regard, hydrogen essentially replaces gasoline (or diesel or natural gas) as the combustible material in a conventional motor. In the latter example, vehicles with hydrogen fuel cells will create a chemical reaction that is initiated when hydrogen reacts with oxygen to run an electric motor. Hydrogen fuel – whether used for a traditional motor or in a fuel cell – are typically made from fossil fuels, methane, or electricity. In this regard, the hydrogen industry must use abundant energy to create the hydrogen fuel, but this can be mitigated by using solar, wind, nuclear, or other more efficient forms of energy.*

UPDATE: Look for updates in future issues of OTR

NATURAL GAS/PROPANE | *Natural gas vehicles (NGV) are not a new phenomenon. Many company and industrial fleets are powered by natural gas. Most of these vehicles can be fueled by two different versions of this medium: compressed natural gas (CNG) or liquefied natural gas (LNG and also known as propane autogas). Both examples are clean burning and efficient alternatives to gasoline and diesel powered cars. As a motor fuel, natural gas powered vehicles are incredibly popular and account for over 12 million vehicles on the road world-wide. In many instances, cars powered by NGV can burn both conventional gasoline and CNG to ease infrastructure concerns. America's NGV industry has been increasing thanks to a growing infrastructure and abundant sources of natural gas deposits within the continental United States and off the coast in territorial waters. In the United States, NGV variants like LNG and CNG are typically cheaper than gasoline and other motor fuels.*

UPDATE: Natural Gas Profit Opportunities

Natural gas-powered vehicles are incredibly attractive for a variety of reasons. They are less harmful to the environment; they can be extracted and refined here in the United States; they offer a means of reducing our dependency on foreign oil; and they are cheaper to fill and operate than ordinary fossil fuels.

However, they also provide a very good and profitable business opportunity. While natural gas-powered cars will not be widely accepted by ordinary motorists (though some models are available for retail sale by a number of automakers) they are an incredibly viable alternative for businesses and governments that use trucks, buses and fleet vehicle usage. Part of the reason for this is a limited infrastructure as well as the limited number of service stations that also offer CNG or LPG for sale. By comparison, companies and entities that operate trucks, buses and fleet cars typically seek partners or build their own facilities to fuel their vehicles. In many regards it is the same obstacle that electric powered vehicle owners face when travelling and commuting on the nation's roadways. In this respect, it would make a sound business investment and a profitable return.

NUCLEAR/WIND/SOLAR | *Among alternative energies, sources such as nuclear, wind, solar, and geothermal technologies have accounted for a small, yet growing slice of America's energy landscape. Chief among these sources, both in reliability and impact, is nuclear power. Though not a "new" technology in the general sense, nuclear power plants are both incredibly efficient and produce few emissions and waste. Unfortunately, nuclear power has been highly stigmatized in American culture, though other countries such as France and Germany obtain a majority of their electric power needs from nuclear facilities. Wind and Solar technologies have become more popular in recent years. By using renewable sources – namely the sun and the wind – installations are able to generate electrical energy for both commercial and residential needs. However, a significant drawback from this technology resides in costs, limitations in material efficiency, and local conditions. Still, even from a supplemental perspective, solar and wind technology provide an incredible means of generating electricity locally at one's home or business to reduce utility expenses, and by selling power back to local electric companies, a means of generating an additional profit.*

UPDATE: Solar power could get a boost from an artificial leaf

In a recent paper published by MIT professor Daniel Nocera, researchers believe they may have created an inexpensive "artificial leaf" that is able to mimic the efficiency of plant photosynthesis. Though photovoltaic solar panels are able to generate electricity, they must utilize expensive batteries to store the electricity for later use. By comparison, the ability of a natural leaf to take solar energy and convert it to chemical energy that can be easily stored is far more efficient. Nocera's artificial leaf essentially takes this same premise found in nature and converts it directly into a chemical fuel. By placing the artificial leaf in water, it generates oxygen and hydrogen bubbles that can be stored to produce power in a fuel-cell. What's more, the technology is relatively affordable since it uses cheaper materials such as silicon and cobalt. Though still far from commercial applications, if fully developed, experts believe that it could make solar power affordable for the masses and viable enough for remote locations. ■



A Mechanic's Message: Why I'm not trying to rip you off when I fix your car by Jeremy Waters

As a mechanic, I never like delivering bad news to a customer; it's not one of my favorite parts of the job. I don't like telling a customer their 5-year-old heavy duty truck needs \$1600 worth of brakes, front coil springs (because they are broken and dangerous), tires, ball joints, tie rod end and work to pass state inspection, but I must if that's the case. I don't like telling the single mother that her car needs tires because the ones she has now have metal cords worn through the edges and are about to blow out, but someone has to tell her there's a problem. How many customers check the inner shoulders of their tires? How many remove their wheels every week to check out their brake specs? Very few. That's why I have a job.

Nobody wants to come to a mechanic. They are there because they HAVE to be. Very few people maintain their cars, let alone repair them if there is a problem. That's why many states have state inspections. Now let's be clear here: I'm not the kinda guy that goes looking for spiders. I know the difference between 5/32's of tread and bald. I can reasonably judge at what point a given customer is going to need those rear brake shoes replaced. I can sleep at night, because my living is honest and straightforward. If it's dangerous, I say so. If it's not, I tell them. If they have time before a repair is needed, I let them know. If mechanical trouble is looming on their horizon, I tell them they may want to make a decision soon.

Our shop is very well established in most every way, but this week I pretty much got called a cheat by a newer customer who doesn't know us. It was straight to my face. After delivering the bad news concerning the aforementioned 5-year-old heavy duty truck needing so much work he pretty much shot the words "BS" and "I don't believe it". That's fine. I guess if I had a 5-year-old pickup truck that seemed to drive fine (mind you, it didn't) I'd be pretty upset too at a mechanic telling me I was on the hook for \$1600 worth of work, none of it warranty. What's worse, if it doesn't get the work done, it doesn't get a sticker for the state. Mr. Officer keeps CLOSE tabs on that around here. Of course, this fine gentleman waited until last minute, that is, Aug 30th to get his inspection done.

As they say, "the proof is in the pudding". I'm pretty sure he got bad news from a shop before me because he didn't go storming out when I broke it to him. Rather, he demanded proof. I actually LOVE it when a customer does that, because I love to be vindicated of any accusation they make against me. Vindication that I don't have to rub in, because the problems with their vehicle are so straight up it's in your face when inspected. Totally provable, totally valid. All the more reason to be straight.

I showed Mr. C his busted coil springs, ready to slip off their perches and cause a severe control issue or tire blowout. I showed him the tires that were down PAST the wear bar (illegal here and actually citable) and almost bald. I took the brakes apart and showed him where his pad backing had ground into his rotors (he didn't hear a thing; I heard it immediately) and even showed him the specs with a micrometer that proved his rotors were already undersized and unturnable. I even bolted on his wheels and proved that his balljoints were so bad they needed replacement, and backed it up with factory specs. Mind you, I did this ALL on my own dime in good faith. As satisfied as he could be that I wasn't lying, and a bit miffed at a new truck needing so much, we hit the office. Then it came to pricing, and every part and charge was called into question. My labor rate (which is actually slightly below the area average), my parts, every little thing called into play. I charge too much. I'm ripping peeps off.

See folks, it's ok for a dentist to make \$1000 an hour. Nobody bats an eyelash at that because we have insurance that could pick that up. No one cares that a family practice doctor can bank \$150 off of one 15 minute visit, and forget the fact that many get kickbacks and perks from pharmaceutical companies that pretty much cover their office overhead. It's a-ok for a

CEO to make MILLIONS of dollars by closing American factories, blowing American worker's pensions and shipping our jobs overseas because it's cheaper to pay some kid in a sweatshop in Burma half a cent to make a product then ship it over here. After all, we expect that from them, it's what they do. No problem, but this jerk mechanic wants to charge me how much to repair my car??

It comes down to this: I have costs too! I have thousands of dollars worth of hand tools, just hand tools, which I have to buy in order to even service vehicles nowadays. That does NOT include the \$10,000 scanner and subscription I have to buy to scan and repair manufacturer specific CAN-BUS and generic OBDII systems, and that I have to update every year. It's doesn't include the money I have to pay out of my own pocket to buy special electronic tools in order to diagnose and repair today's cars that are 6 times more complex than the space shuttle. It doesn't include the subscriptions and dues I have to pay to the parent companies so I can have access to technology, information, and special computers in order to remain competitive. It doesn't include the 6 lifts I have to service and repair if they break. Forget the schooling I have to pay for, forget the ASE's I have to get, forget the fact that every ounce of electricity that comes into my shop has a price tag on it, not to mention the water, gas, chemicals, special tools and equipment, supplies, uniforms, heat, benefits, mechanics' wages, staff, office stuff, advertising, maintenance and shop and grounds upkeep. All those things don't come for free, nor cheap. It's the cost of doing business. The owner has to write a check for each and every one.

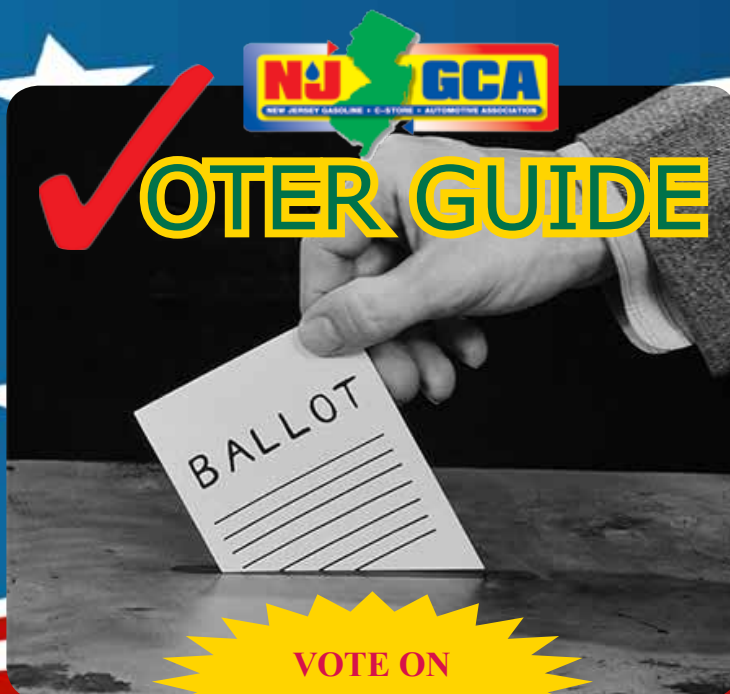
That stuff has to get paid for. Someone has to pay for it. I don't like telling the customer that they're the ones who have to pay for it, but let's be real here; it's business like any other business. The consumer supports the industry. Thus the reason football is a billion dollar industry. So is music and entertainment. We don't work for free. Why should we? No one feeds my kids for free. My kids don't go to school for free. My clothes aren't free. My cars break, too. My house wasn't given to me. Heck, my entertainment isn't even free. In reality, when you consider the "cost of business" increases within the industry over the past 30 years, mechanics should charge nearly \$300 an hour for the amount of tools, specializations and overhead involved. We don't. Why not? Because there's no health insurance for cars to cover that cost. That comes out of the owner's pocket, and most of us in the industry respect that such costs would break your back, and in turn break ours.

All said, if you own a car you are going to pay money some way or another. Be it in maintenance for your 2011 model (still got to change the oil!) or repairs and upkeep on your '87 Celebrity, it's part of car ownership that no one likes to address, we address it because we have to at that time. Owning a car is a privilege, and sometime you gotta pay to play. After all, if it was cheap and easy then anyone could do it.

So just remember, if you get handed a bill for some serious cash to fix your car, the likelihood is the mechanic isn't trying to rip you or trick you, he's just trying to keep the doors open and put food on the table. That's what he's paid for. If you're looking for a cheat, turn off the reality tv and look at government and big business. We should be more worried about that anyway!

Keep it real. God bless. ■

Jeremy Waters is a contributor and blogger, as well as an ASE certified mechanic based in South Central PA. Add him on Facebook at <http://www.facebook.com/kingdomboost>



**VOTE ON
NOVEMBER 8th!**

By Eric Blomgren

On November 8, 2011 we'll be heading to the polls to vote. This year, the races at the top of the ticket will be for the New Jersey State Legislature. Here's how it works: just like how laws for the US are passed by the Congress in Washington DC, laws in New Jersey are passed by the State Legislature in Trenton. There are two chambers in our State Legislature; a state Senate and General Assembly. The state is divided into 40 districts, each with a roughly equal population. There are 40 members in the state Senate and 80 in the General Assembly. Each district votes for one state Senator and two General Assembly members. The entire state Legislature is up for reelection this year, so no matter where you live you'll be voting for one person for State Senate and voting for two people for General Assembly. Those who win will serve a two year term before they come up for reelection again.

Currently, Democrats control both chambers of the Legislature. Republicans are hoping to take control of at least one of the chambers in the upcoming elections. They need a net gain of 5 seats to take over the Senate and a net gain of 8 seats to take control of the Assembly.

To use our voter guide, start by figuring out which district you live in. Then look up who the candidates are in that district. Every candidate for the state Legislature, nearly 240 individuals, was mailed at least one copy of our 2011 Candidate Survey. We have included the answers for those who returned the survey so you can see where they stand on the most important issues for your business. If they are already a member of the Legislature, you can also check to see how they voted on the most important issues of the past session.

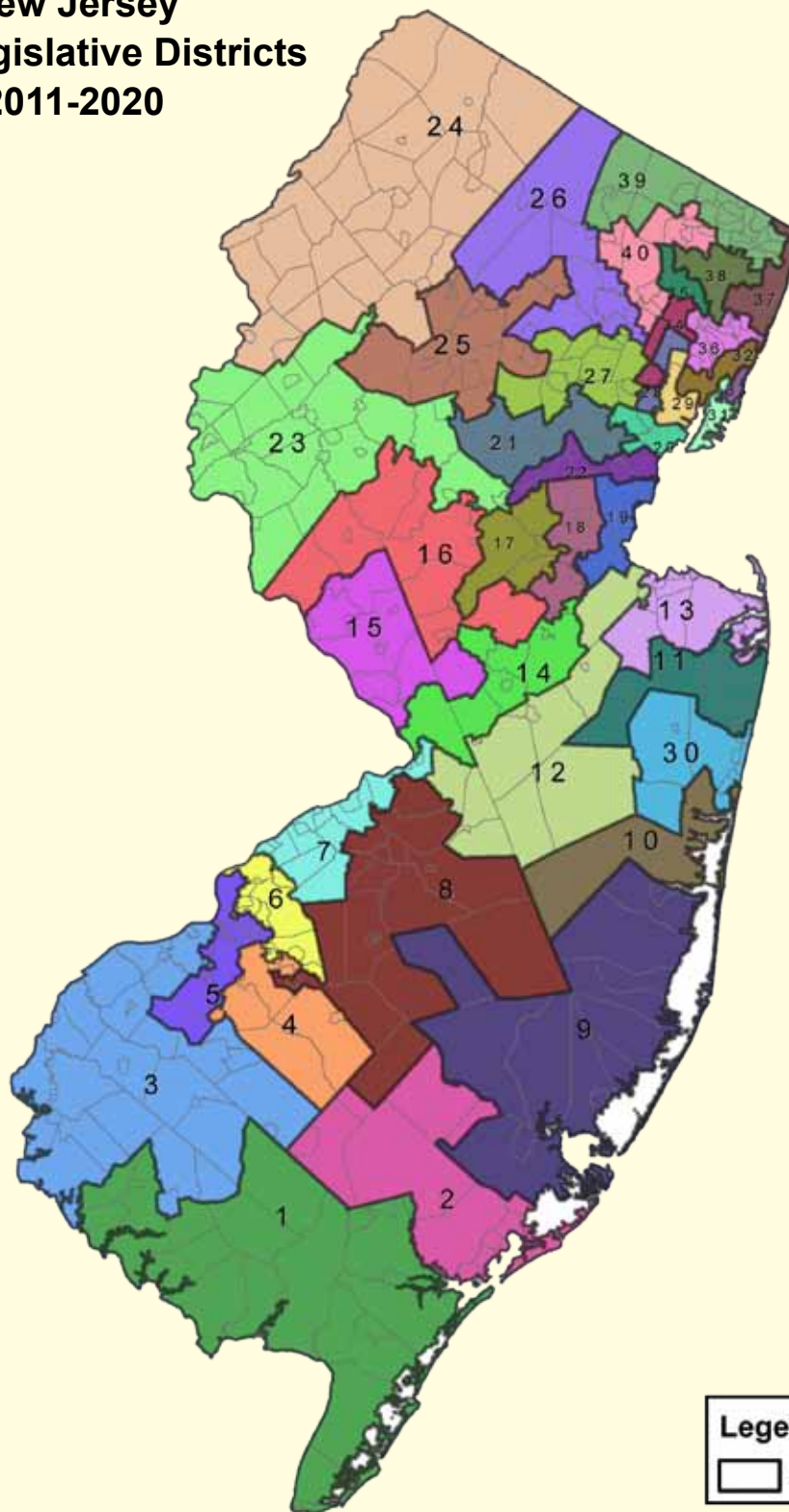
Redistricting Update

In April we talked to you about the process of redistricting. Once every ten years, the government conducts a census. After the results have been released, a committee works to redraw the Legislative District map for the state to ensure that all 40 districts have approximately 220,000 people living in them. In April the Legislative Redistricting Committee officially decided on what the new map will be. Offered the choice between one map designed by the Democrats and one designed by the Republicans, the committee's deciding member picked the Democratic map because it did a better job of protecting incumbents. This new map will likely mean that it will be difficult for Republicans to control a majority of the Legislature, but it is certainly possible and is believed to be easier than it was under the current map that was drawn up in 2001.

Several members of the Legislature woke up to find that they now lived in a different district than the one they had been representing. Several chose to retire, two moved in order to remain in their district, and several others opted to run in their new districts. Assemblyman Domenick DiCicco is running in the 3rd district instead of the 4th. Senator Jen Beck and Assemblywoman Caroline Casagrande are running in the 11th district instead of the 12th. Assemblyman Sam Thompson is running for the Senate in the 12th instead of running for the Assembly in 13th. Assemblyman Ron Dancer is running for Assembly in 12th instead of the 30th. Assemblyman Declan O'Scanlon is running for Assembly in 13th instead of the 12th. Senator Sean Kean is running for the Assembly in 30th instead of running for the Senate in the 11th. Assemblyman David Rible is running for 30th district instead of the 11th. ■



New Jersey State Legislative Districts 2011-2020



Legend
□ District Boundary



WHAT DISTRICT DO I LIVE (VOTE) IN?

Atlantic County: **District 1:** Corbin City, Estell Manor, and Weymouth. **District 2:** Absecon, Atlantic City, Brigantine, Buena, Buena Vista, Egg Harbor City, Egg Harbor Township, Folsom, Hamilton, Linwood, Longport, Margate, Mullica, Northfield, Somers Point, and Ventnor. **District 8:** Hammonton. **District 9:** Galloway and Port Republic.

Bergen County: **District 32:** Edgewater and Fairview. **District 35:** Elmwood Park and Garfield. **District 36:** Carlstadt, Cliffside Park, East Rutherford, Little Ferry, Lyndhurst, Moonachie, North Arlington, Ridgefield, Ridgefield Park, Rutherford, South Hackensack, Teterboro, Wallington, and Wood-Ridge. **District 37:** Alpine, Bogota, Cresskill, Englewood, Englewood Cliffs, Fort Lee, Hackensack, Leonia, Northvale, Palisades Park, Rockleigh, Teaneck, and Tenafly. **District 38:** Bergenfield, Fair Lawn, Glen Rock, Hasbrouck Heights, Lodi, Maywood, New Milford, Oradell, Paramus, River Edge, Rochelle Park, and Saddle Brook. **District 39:** Closter, Demarest, Dumont, Emerson, Harrington Park, Haworth, Hillsdale, Mahwah, Montvale, Norwood, Oakland, Old Tappan, Park Ridge, Ramsey, River Vale, Saddle River, Upper Saddle River, Washington, Westwood, and Woodcliff Lake. **District 40:** Allendale, Franklin Lakes, Ho-Ho-Kus, Midland Park, Ridgewood, Waldwick, and Wyckoff.

Burlington County: **District 6:** Maple Shade. **District 7:** Beverly City, Bordentown City, Bordentown Township, Fieldsboro, Burlington City, Burlington Township, Cinnaminson, Delanco, Delran, Edgewater Park, Florence, Moorestown, Mount Laurel, Palmyra, Riverside, Riverton, and Willingboro. **District 8:** Eastampton, Evesham, Hainesport, Lumberton, Mansfield, Medford, Medford Lakes, Mount Holly, Pemberton Borough, Pemberton Township, Shamong, Southampton, Springfield, Westampton, and Woodland. **District 9:** Bass River, Tabernacle, and Washington. **District 12:** Chesterfield, New Hanover, North Hanover, and Wrightstown.

Camden County: **District 4:** Chesilhurst, Clementon, Gloucester Township, Laurel Springs, Lindenwold, and Winslow. **District 5:** Audubon, Audubon Park, Barrington, Bellmawr, Brooklawn, Camden, Gloucester City, Haddon Heights, Lawnside, Magnolia, Mount Ephraim, Runnemede, and Woodlynne. **District 6:** Berlin Township, Cherry Hill, Collingswood, Gibbsboro, Haddon Township, Haddonfield, Hi-Nella, Merchantville, Oaklyn, Somerdale, Pennsauken, Stratford, Tavistock, and Voorhees. **District 8:** Berlin Borough, Pine Hill, Pine Valley, and Waterford.

Cape May County: **District 1:** Entire County.

Cumberland County: **District 1:** Commercial, Downe, Fairfield, Greenwich, Hopewell, Lawrence, Maurice River, Millville, Shiloh, Stow Creek, and Vineland. **District 3:** Bridgeton, Deerfield, and Upper Deerfield.

Essex County: **District 26:** Fairfield, North Caldwell, Verona, and West Caldwell. **District 27:** Caldwell, Essex Fells, Livingston, Maplewood, Millburn, Roseland, South Orange, and West Orange. **District 28:** Bloomfield, Glen Ridge, Irvington, Newark (part), and Nutley. **District 29:** Belleville and Newark (part). **District 34:** East Orange, Montclair, and Orange. **District 40:** Cedar Grove.

Gloucester County: **District 3:** Clayton, East Greenwich, Elk, Franklin, Glassboro, Greenwich, Logan, National Park, Newfield, Paulsboro, South Harrison, Swedesboro, West Deptford, Woodbury Heights, and Woolwich. **District 4:** Monroe, Pitman, and Washington Township. **District 5:** Deptford, Harrison, Mantua, Wenonah, Westville, and Woodbury.

Hudson County: **District 31:** Bayonne and Jersey City (part). **District 32:** East Newark, Guttenberg, Harrison, Kearny, North Bergen, Secaucus, and West New York. **District 33:** Hoboken, Jersey City (part), Union City, and Weehawken.

Hunterdon County: **District 15:** East Amwell, Lambertville, and West Amwell. **District 16:** Delaware, Flemington, Raritan, Readington, and Stockton. **District 23:** Alexandria, Bethlehem, Bloomsbury, Califon, Clinton Town, Clinton Township, Franklin, Frenchtown, Glen Gardner, Hampton, High Bridge, Holland, Kingwood, Lebanon Borough, Lebanon Township, Milford, Tewksbury, and Union.

Mercer County: **District 14:** East Windsor, Hamilton, Hightstown, and Robbinsville. **District 15:** Ewing, Hopewell Borough, Hopewell Township, Lawrence, Pennington, Trenton, and West Windsor. **District 16:** Princeton Borough and Princeton Township.



WHAT DISTRICT DO I LIVE (VOTE) IN?

Middlesex County: **District 12:** Old Bridge. **District 14:** Cranbury, Jamesburg, Monroe, Plainsboro, and Spotswood. **District 16:** South Brunswick. **District 17:** Milltown, New Brunswick, North Brunswick, and Piscataway. **District 18:** East Brunswick, Edison, Helmetta, Highland Park, Metuchen, South Plainfield, and South River. **District 19:** Carteret, Perth Amboy, Sayreville, South Amboy, and Woodbridge. **District 22:** Dunellen and Middlesex Borough.

Monmouth County: **District 11:** Allenhurst, Asbury Park, Colts Neck, Deal, Freehold Borough, Freehold Township, Eatontown, Interlaken, Loch Arbour, Long Branch, Neptune City, Neptune Township, Ocean Township, Red Bank, Shrewsbury Borough, Shrewsbury Township, Tinton Falls, and West Long Branch. **District 12:** Allentown, Englishtown, Manalapan, Matawan, Millstone, Roosevelt, and Upper Freehold. **District 13:** Aberdeen, Atlantic Highlands, Fair Haven, Hazlet, Highlands, Holmdel, Keansburg, Keyport, Little Silver, Marlboro, Middletown, Monmouth Beach, Oceanport, Rumson, Sea Bright, and Union Beach. **District 30:** Avon-by-the-Sea, Belmar, Bradley Beach, Brielle, Farmingdale, Howell, Lake Como, Manasquan, Sea Girt, Spring Lake Borough, Spring Lake Heights, and Wall.

Morris County: **District 21:** Chatham Borough and Long Hill. **District 24:** Mount Olive. **District 25:** Boonton Town, Boonton Township, Chester Borough, Chester Township, Denville, Dover, Mendham Borough, Mendham Township, Mine Hill, Morristown, Mount Arlington, Mountain Lakes, Netcong, Randolph, Rockaway Borough, Roxbury, Victory Gardens, Wharton, and Washington. **District 26:** Butler, Jefferson, Kinnelon, Lincoln Park, Montville, Morris Plains, Parsippany-Troy Hills, and Rockaway Township. **District 27:** Chatham Township, East Hanover, Florham Park, Hanover, Harding, and Madison. **District 40:** Pequannock and Riverdale.

Ocean County: **District 9:** Barnegat Township, Barnegat Light, Beach Haven, Beachwood, Berkeley, Eagleswood, Harvey Cedars, Lacey, Little Egg Harbor, Long Beach, Ocean Township, Ocean Gate, Pine Beach, Seaside Park, South Toms River, Ship Bottom, Stafford, Surf City, and Tuckerton. **District 10:** Bay Head, Brick, Island Heights, Manchester, Lakehurst, Lavallette, Mantoloking, Point Pleasant Beach, Seaside Heights, and Toms River. **District 12:** Jackson and Plumsted. **District 30:** Lakewood and Point Pleasant.

Passaic County: **District 26:** West Milford. **District 34:** Clifton. **District 35:** Haledon, North Haledon, Paterson, and Prospect Park. **District 36:** Passaic City. **District 38:** Hawthorne. **District 39:** Bloomingdale, Ringwood, and Wanaque. **District 40:** Little Falls, Pompton Lakes, Totowa, Wayne, and Woodland Park.

Salem County: **District 3:** Entire County.

Somerset County: **District 16:** Branchburg, Hillsborough, Manville, Millstone, Montgomery, Rocky Hill, and Somerville. **District 17:** Franklin. **District 21:** Bernards, Far Hills, Warren, and Watchung. **District 22:** Green Brook and North Plainfield. **District 23:** Bedminster, Bound Brook, Bridgewater, Peapack & Gladstone, Raritan, and South Bound Brook. **District 25:** Bernardsville.

Sussex County: **District 24:** Entire County.

Union County: **District 20:** Elizabeth, Hillside, Roselle, and Union. **District 21:** Berkeley Heights, Cranford, Garwood, Kenilworth, Mountainside, New Providence, Roselle Park, Springfield, Summit and Westfield. **District 22:** Clark, Fanwood, Linden, Plainfield, Rahway, Scotch Plains, and Winfield.

Warren County: **District 23:** Alpha, Franklin, Greenwich, Hackettstown, Harmony, Lopatcong, Mansfield, Philipsburg, Pohatcong, Washington Borough, and Washington Township. **District 24:** Allamuchy, Belvidere, Blairstown, Frelinghuysen, Hardwick, Hope, Independence, Knowlton, Liberty, Oxford, and White.



WHO ARE THE CANDIDATES?

District 1

Senate: *Senator Jeff Van Drew (D)* & Judge David DeWeese (R)
Assembly: *Assemblyman Nelson Albano (D), Assemblyman Matt Milam (D)*, Freeholder Sam Fiocchi (R), & Mayor Suzanne Walters (R)

District 2

Senate: *Senator Jim Whelan (D)* & Assemblyman Vince Polistina (R)
Assembly: *Assemblyman John Amodio (R)*, Judge Chris Brown (R), Freeholder Alisa Cooper (D), & Damon Tyner (D)

District 3

Senate: *Senate President Steve Sweeney (D)* & Michael Mulligan (R)
Assembly: *Assemblyman John Burzichelli (D), Assemblywoman Celeste Riley (D)*, Assemblyman Domenick DiCicco (R), & Dr. Bob Villare

District 4

Senate: *Senator Fred Madden (D)* & Councilman Giancarlo D'Orazio (R)
Assembly: *Assemblyman Paul Moriarity (D)*, Gabriela Mosquera (D), Shelley Lovett (R), & Patricia Fratticcioli (R)

District 5

Senate: *Senator Donald Norcross (D)* & Keith Walker (R)
Assembly: *Assemblyman Angel Fuentes (D), Assemblyman Gilbert "Whip" Wilson (D)*, Terrell Ratliff (R) & William Levins (R)

District 6

Senate: *Senator Jim Beach (D)* & Phil Mitsch (R)
Assembly: *Assemblyman Lou Greenwald (D), Assemblywoman Pamela Lampitt (D)*, Gregory Horton (R) & Allan Richardson (R)

District 7

Senate: *Senator Diane Allen (R)* & Mayor Gail Cook (D)
Assembly: *Assemblyman Herb Conaway (D)*, Troy Singleton (D), Chris Halgas (R), & Mayor Jim Keenan (R)

District 8

Senate: *Senator Dawn Marie Addiego (R)*
Assembly: *Assemblyman Scott Rudder (R)*, Freeholder Chris Brown (R), Committeewoman Anita Lovely (D), &

Committeewoman Pam Finnerty (D)

District 9

Senate: *Senator Christopher Connors (R)* & Dorothy Ryan (D)
Assembly: *Assemblyman Brian Rumpf (R), Assemblywoman DiAnne Gove (R)*, Carla Kearney (D), & Bradley Billhimer (D)

District 10

Senate: Assemblyman Jim Holzapfel (R) & Charles Tivenan (D)
Assembly: *Assemblyman David Wolfe (R)*, Councilman Gregory McGuckin (R), Bette Wary (D), & Eli Eytan (D)

District 11

Senate: Senator Jen Beck (R) & Raymond Santiago (D)
Assembly: *Assemblywoman Mary Pat Angelini (R)*, Assemblywoman Caroline Casagrande (R), Vin Gopal (D), & Kathy Horgan (D)

District 12

Senate: Assemblyman Sam Thompson (R) & Bob Brown (D)
Assembly: Assemblyman Ron Dancer (R), Freeholder Robert Clifton (R), Bill Spedding (D), & Catherine Tinney Rome (D)

District 13

Senate: *Senator Joe Kyrrillos (R)* & Mayor Chris Cullen (D)
Assembly: *Assemblywoman Amy Handlin (R)*, Assemblyman Declan O'Scanlon (R), Mayor Kevin Lavan (D), & Patrick Short

District 14

Senate: *Senator Linda Greenstein (D)* & Richard Kanka (R)
Assembly: *Assemblyman Wayne DeAngelo (D), Assemblyman Daniel Benson (D)*, Mayor Wayne Wittman (R), & Councilwoman Sheree McGowan (R)

District 15

Senate: *Senator Shirley Turner (D)* & Councilman Donald Cox (R)
Assembly: *Assemblyman Reed Gusciora, Assemblywoman Bonnie Watson Coleman (D)*, Peter Yull (R), & Kathy Kilcommons (R)

District 16

Senate: *Senator Christopher "Kip" Bateman (R)* & Maureen Vella (D)
Assembly: *Assemblyman Pete Biondi (R)*, Freeholder Jack Ciattarelli (R), Marie Corfield (D), & Councilman Joe Camarota (D)



WHO ARE THE CANDIDATES?

District 17

Senate: *Senator Bob Smith (D)* & Jordan Rickards (R)
 Assembly: *Assemblyman Upendra Chivukula (D)*,
Assemblyman Joe Egan (D), Carlo DiLalla (R), & Mayor
 Robert Mettler (R)

District 18

Senate: *Senator Barbara Buono (D)* & Gloria Dittman (R)
 Assembly: *Assemblyman Patrick Diegnan (D)*, *Assemblyman
 Peter Barnes (D)*, Joseph Sinagra (R), & Marcia Silva (R)

District 19

Senate: *Senator Joe Vitale (D)* & Paul Lund (R)
 Assembly: *Assemblyman John Wisniewski (D)*, *Assemblyman
 Craig Coughlin (D)*, Angel Leon (R), & Shane Robinson (R)

District 20

Senate: *Senator Ray Lesniak (D)* & Helen Rosales (R)
 Assembly: *Assemblyman Joe Cryan (D)*, *Assemblywoman
 Annette Quijano (D)*, & John Donoso (R)

District 21

Senate: *Senator Tom Kean, Jr. (R)* & Paul Swanicke (D)
 Assembly: *Assemblyman Jon Bramnick (R)*, *Assemblywoman
 Nancy Munoz (R)*, Bruce Bergen (D), & Mayor Norman Albert
 (D)

District 22

Senate: *Senator Nick Scutari (D)* & Michael Class (R)
 Assembly: *Assemblywoman Linda Stender (D)*, *Assemblyman
 Jerry Green (D)*, Joan Van Pelt (R), & Councilman Jeffrey First
 (R)

District 23

Senate: *Senator Michael Doherty (R)* & John Graf (D)
 Assembly: *Assemblyman Erik Peterson (R)*, *Assemblyman
 John DiMaio (R)*, Mayor Scott McDonald (D), & Karen Carroll
 (D)

District 24

Senate: *Senator Steven Oroho (R)* & Edwin Shelby (D)
 Assembly: *Assemblyman Gary Chiusano (R)*, *Assemblywoman
 Alison Littell McHose (R)*, Leslie Huhn (D), & Jim Nye (D)

District 25

Senate: *Senator Tony Bucco (R)* & Rick Thoeni (D)

Assembly: *Assemblyman Michael Patrick Carroll (R)*,
Assemblyman Anthony Bucco (R), George Stafford (D), & Gale
 Heiss Colucci (D)

District 26

Senate: *Senator Joe Pennachio (R)* & Dr. Wasim Khan (D)
 Assembly: *Assemblyman Alex DeCroce (R)*, *Assemblyman Jay
 Webber (R)*, Elliot Isibor (D), & Joseph Raich (D)

District 27

Senate: *Governor Dick Codey (D)* & William Eames (R)
 Assembly: *Assemblyman John McKeon (D)*, *Assemblywoman
 Mila Jasey (D)*, Mayor Nicole Hagner (R), & Lee Holtzman (R)

District 28

Senate: *Senator Ron Rice (D)* & Russell Mollica (R)
 Assembly: *Assemblyman Ralph Caputo (D)*, *Assemblywoman
 Cleopatra Tucker (D)*, Carol Humphreys (R), & David Pinckney
 (R)

District 29

Senate: *Senator Teresa Ruiz (D)* & Aracelis Sanabria Tejada (R)
 Assembly: *Assemblywoman L. Grace Spencer (D)*,
Assemblyman Alberto Coutinho (D), Elaine Guarino (R), & Lisa
 Kistner (R)

District 30

Senate: *Senator Robert Singer (R)* & Steve Morlino (D)
 Assembly: *Senator Sean Kean (R)*, *Assemblyman David Ribble
 (R)*, Rabbi Howard Kleinhendler (D), & Councilman Shaun
 O'Rourke (D)

District 31

Senate: *Senator Sandra Bolden Cunningham (D)* &
 Donnamarie James (R)
 Assembly: *Assemblyman Charles Mainor (D)*, *Assemblyman
 Jason O'Donnell (D)*, Michael Alonso (R), & Daniel Beckelman
 (R)

District 32

Senate: *Senator Nick Sacco (D)* & Edward O'Neill (R)
 Assembly: *Assemblyman Vincent Prieto (D)*, Angelica Jimenez
 (D), Ronald Tarolla (R), & Michael Bartulovich (R)

District 33

Senate: *Senator Brian Stack (D)* & Beth Hamburger (R)
 Assembly: *Assemblyman Ruben Ramos (D)*, Sean Connors (D),



WHO ARE THE CANDIDATES?

Fernando Uribe (R), & Christopher Garcia (R)

District 34

Senate: *Senator Nia Gill (D)* & Ralph Bartnik (R)
Assembly: *Speaker Sheila Oliver (D)*, *Assemblyman Tom Giblin (D)*, Joan Salensky (R), & Steve Farrell (R)

District 35

Senate: Assemblywoman Nellie Pou (D) & Mayor Ken Pengitore (R)
Assembly: Shavonda Sumter (D), Councilman Benjie Wimberly (D), William Connolly (R), & Donna Puglisi (R)

District 36

Senate: *Senator Paul Sarlo (D)* & Donald DiOrio (R)
Assembly: *Assemblyman Gary Schaer (D)*, Marlene Caride (D), Sara Rosengarten (R), & John Genovesi (R)

District 37

Senate: *Senator Loretta Weinberg (D)* & Robert Lebovics (R)
Assembly: *Assemblywoman Valerie Vainieri Huttle (D)*, *Assemblyman Gordon Johnson (D)*, Keith Jensen (R), &

Gregory John Aslanian (R)

District 38

Senate: *Senator Bob Gordon (D)* & Freeholder John Driscoll (R)
Assembly: *Assemblywoman Connie Wagner (D)*, Mayor Timothy Eustace (D), Mayor Richard Goldberg (R), & Fernando Alonso (R)


District 39

Senate: *Senator Gerald Cardinale (R)* & Lorraine Waldes (D)
Assembly: *Assemblyman Robert Schroeder (R)*, Holly Schepisi (R), Anthony Iannarelli (D), & Michael McCarthy (D)

District 40

Senate: *Senator Kevin O'Toole (R)* & John Zunic (D)
Assembly: *Assemblyman Scott Rumana (R)*, *Assemblyman David Russo (R)*, William Brennan (D), & Cassandra Lazzara (D)

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HOW DID THEY VOTE?

We have only included those bills which came up for a vote since the last election. The Assembly last faced an election in 2009 and the Senate has not been before voters since 2007. Some bills have only been voted on by one chamber and not the other.

Elimination of Safety Inspections

NJGCA's battle to stop this bill was one of our most hard-fought ever. Ultimately, the sheer political force of the new Governor allowed this bill to be narrowly passed. It eliminated the state's requirement that vehicles undergo safety inspections and extended the waiver for new cars to 5 years, hurting road safety and thousands of small businesses in the automotive repair industry. It was passed in June 2010 and became law. A **NO** vote on this bill supported NJGCAs position.

First Right of Refusal * Votes only in Senate

Arguably the most significant bill for our organization in the last 30 years is the Right of First Refusal. This bill ensured that when big oil companies like Exxon, Shell and Lukoil sell off their service station real estate, they must first offer to sell the property to the franchisees who have been leasing and operating them for years. This truly historic piece of legislation has given hundreds of small businessmen the chance to finally own the property of the businesses they have been managing for years. It was passed with almost no votes against it in May 2009 and is now law. A **YES** vote on this bill supported NJGCAs position.

Rebate Bill (A-3133) * Votes only in Assembly

This bill, in the form it was voted on by the Assembly, is the result of a compromise between NJGCA, the supermarkets, and the sponsor of the original bill. Originally, A-3133 would have allowed back door below cost selling by letting big businesses use giveaways to force gas retailers to sell below cost. The compromise bill still prohibits "Below Cost Selling". This new proposal requires supermarkets to pay participating gasoline retailers for loyalty rewards given to supermarket customers when the rewards are to be redeemed for the purchase of gasoline, yet it still allows enterprising gasoline retailers to partner with supermarkets to attract customers. This bill continues to ban promotions and giveaways that are earned with the purchase of gasoline. The bill was passed in the Assembly with no opposition in June 2011. A **YES** vote on this bill supported NJGCAs position.

Cash/Credit Signage Bill (S-847) * Votes only in Senate

This bill, sponsored primarily by Senator Shirley Turner (D-15), requires all gas stations using cash/credit pricing to identify on their street sign that they are charging different prices for cash and credit, and those prices must match the prices on the pump. Since this practice is already required as a regulation put forth by

the Department of Weights and Measures, it effectively does not change the way prices presently must be posted when utilizing cash/credit pricing. This bill would only convert present regulations into a NJ Statute. NJGCA is generally supportive of this version of the bill, but not the Assembly version (A-3862) which would mandate that ALL gas stations show both the cash and credit price for EACH grade of fuel. It was passed in the Senate in March 2011. *NJGCA is neutral on this bill.*

Pension/Benefit Reform

This bill, which enacted significant reforms to the state's pension and health benefits program, was one of the landmark pieces of legislation this session. Over the years these programs have grown vastly out of control, offering benefits far superior to any offered in the private sector. Costs have skyrocketed, plunging the state into further debt and deficit. To pay for these plans we have seen higher income taxes, sales taxes, and especially property taxes. Every million dollars that went towards these benefits was less money for education, infrastructure, tax relief, or anything else the government could or should spend money on. These reforms are expected to save the state \$120 billion over the next 30 years, while leaving public workers with a pension program and health benefits that are still the same or better than anything in the private sector. This reform, passed with bipartisan support in both houses, is an important step in bringing costs under control. It was passed in June of 2011 and is now law. A **YES** vote on this bill supported NJGCAs position.

Fiscal Year 2012 Budget

This budget covers July 1, 2011-June 30, 2012 and was crafted by the Democratic majority. It was a \$30.6 billion budget that included a 6% increase on a variety of spending items, including education, aid to municipalities, and healthcare. Supporters of this budget said the spending increases reflected what the state's priorities should be. It was based on revenue projections which many, especially Governor Christie, considered unrealistic and too optimistic. Opponents argued that the budget was unconstitutional because it was not truly balanced. In the final hours before the budget was due, the Governor cut approximately \$900 million from the budget in order to ensure it was balanced. Supporters of the Governor say that just like your business, government cannot spend money it does not have. It was passed in June 2011 and became law after a line item veto. A **NO** vote on this bill supported NJGCAs position.



HOW DID THEY VOTE? (CONTINUED)

Millionaire's Tax (2011)

This was the most recent version of the millionaire's tax. Supporters say that in order to adequately fund many of the state's programs, the government must collect more revenue and the best place to collect it is on income over \$1 million. This tax was estimated to bring in an additional \$600 million. Opponents of this tax increase said that it would hit individuals and businesses at a time when the economy cannot afford it because when government takes more money out of an already weak economy it means there is less capital available to create jobs and growth. A continued weak economy would mean your customers have less money to spend on items in your c-store, or it may mean they will put off repairs on their cars. Opponents also pointed out that previous tax increases did not bring in close to the expected revenues. The bill was passed and vetoed in June 2011. A **NO** vote on this bill supported NJGCAs position.

Carry Forward of Losses

This bill allows small businesses which generate revenue from different types of businesses to offset gains from one type with losses from another. This small-business friendly bill received bipartisan support, with no legislator voting against it. It was passed in March 2011 and became law. A **YES** vote on this bill supported NJGCAs position.

Arbitration Reform

This bill was a key component of Governor Christie's reform agenda. The outdated system of arbitration was one of the primary causes for the rampant growth of property tax rates throughout the state. This bill, the result of a compromise between the Governor and the Democratic Legislature, brings significant reforms to the process by which local governments negotiate salaries and benefits with teachers and other public employees. Over time, it will curb the growth of property taxes and hopefully begin to bring tax rates down. The bill was passed in December 2010 and became law. A **YES** vote on this bill supported NJGCAs position.

Cap 2.0

This bill was one of the most significant of this Legislative session and was another compromise between the Governor and the Democratic Legislature. It prevents property taxes from increasing more than 2% per year, with a few limited exceptions. The people of a town are now able to vote on whether they want to increase their taxes further. Although NJGCA would have liked to see a stronger cap with fewer exceptions, this bill represents the best attempt to stop the growth of property taxes in this state. It was passed in July 2010 and became law. A **YES** vote on this bill supported NJGCAs position.

Fiscal Year 2011 Budget

This budget, covering July 1, 2010-June 30, 2011, was the first budget of the Christie Administration. Faced with an \$11 billion deficit, this budget reduced state spending in a variety of areas without raising taxes. Opponents criticized it for cutting funding to education, healthcare, and other programs without asking the richest to pay higher rates. Supporters praised it for offering what they said was a remarkable break from the past decades of bad budgeting that politicians of both parties were responsible for. It was passed in June 2010 and became law. A **YES** vote on this bill supported NJGCAs position.

Millionaire's Tax (2010)

This bill would have increased the tax rate in the state on incomes over \$1 million. Advocates of the tax said that it was a fair way to generate revenue to pay for more state programs. Opponents charges that while supporters of this tax could have extended it anytime before Governor Christie was inaugurated, they instead waited so that they could use his veto as a political wedge. They say that raising taxes now would only hurt businesses and suffocate the economy. Critics argue that raising taxes ever higher to make up for falling revenues has been the strategy Trenton has used for years and the only result has been a fiscal catastrophe. The bill passed and was vetoed in May 2010. A **NO** vote on this bill supported NJGCAs position.

Fiscal Year 2010 Budget * Votes only in Senate

This budget, covering July 1, 2009-June 30, 2010, was the final budget passed during the Jon Corzine Administration. Supporters of the budget pointed to the fact that it cut spending significantly over the previous years while maintaining funding for many social programs, and that it was the best that could be done in the face of the recent economic collapse. Many opponents of the budget charged that this was an effort designed to push the state's problems off to future years. It spent all of the stimulus money received from the federal government in one year, rather than spreading it out over several years, which meant that Governor Corzine did not have to cut education funding in an election season. Opponents have pointed to this budget as being partly responsible for the fiscal emergency the state found when trying to balance the 2011 budget. This budget was passed in June 2009 and became law. A **NO** vote on this bill supported NJGCAs position.

Cigarette Tax Increase * Votes only in Senate

This bill raised the state tax on cigarettes by 12.5 cents to make it \$2.70 per pack, one of the highest cigarette taxes in America. Cigarettes sales have long been a key staple of gas stations and



HOW DID THEY VOTE? (CONTINUED)

c-stores. Increasing this tax hurts these small businesses by driving down sales. These higher taxes lower cigarette sales because customers purchase their cigarettes from out of state or over the internet, which hurts not only businesses but also the government which does not collect the tax revenue it planned for. A recent study showed that because of the high tax, 40% of all cigarettes in New Jersey were illegally smuggled in from states with lower tax rates. If all these cigarettes had been taxed, they would have brought in more revenue than the “millionaire’s tax” would have. This bill was passed in June 2009 and is now law. A **NO** vote on this bill supported NJGCAs position.

“Millionaire’s Tax” (2009) * Votes only in Senate

The original millionaires tax was brought up as a way to provide revenue for the FY 2010 budget. This bill increased taxes on all income over \$400,000 a year and increased the tax on lottery winnings. It was sold as being a temporary tax increase that would only last for a year, although advocates have reintroduced it in each of the two years since it expired. Supporters believed it was a necessary way to raise revenue to make up for the revenue lost during the economic collapse. Opponents say that higher taxes over the years have forced people out of the state, hurting the economy and tax revenue. This bill was passed in June 2009 and expired in 2010. A **NO** vote on this bill supported NJGCAs position.

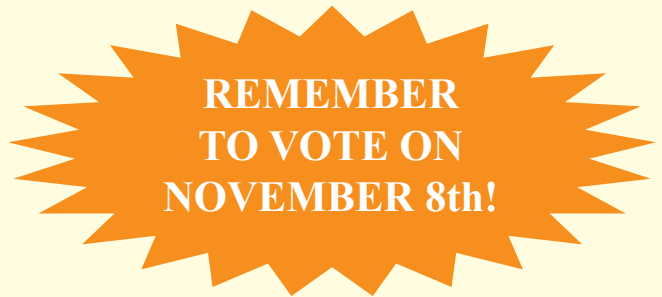
Fiscal Year 2009 Budget * Votes only in Senate

This budget provided for state spending from July 1 2008-June 30, 2009. Proponents of this budget argued that it was a fiscally responsible budget that was balanced not by gimmicks and one-shot deals but by making cuts without hurting eliminating crucial services. Critics of this budget argued it resulted in higher property taxes and it ignored any serious reforms to state spending or to the Transportation Trust Fund. In order for it to pass the state’s debt was increased by billions of dollars. They claimed that budgets like this represent the way Trenton has worked for years; ignoring New Jersey’s major problems, watching things in the state get worse and worse, and hoping that the bill doesn’t come due until it’s not their problem anymore. This bill was passed in June 2008 and became law. A **NO** vote on this bill supported NJGCAs position.

Paid Family Leave * Votes only in Senate

This bill gives all employees six weeks of paid family leave to care for a family member or a new child. Advocates of this bill believe that this law will better the lives of workers throughout the state, especially for working families who would otherwise be forced to choose between their obligations to their family and their obligations to their employer during a difficult time.

Opponents of the bill say that it hurts small business’ ability to hire workers and criticize it for being funded by an increase in the payroll tax. NJCGA pushed hard for an exemption for all small businesses with less than 50 employees, a reasonable compromise that was ultimately rejected, although those businesses do not have to guarantee that a worker who takes leave will still have a job when they come back. Workers are to be given up to \$524 per week during the period they are not working. The bill was passed in April 2008 and is now law. A **NO** vote on this bill supported NJGCAs position. ■





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DECISION

THE NJGCA VOTER GUIDE



2011



VOTING RECORDS - STATE SENATE

Name	District	Party	Elimination of Safety Inspections	First Right of Refusal	Senate Signage Bill (S-847)	Pension/Benefit Reform	FY 2012 Budget	Millionaire's Tax	Carry-forward of losses	Arbitration Reform	Cap 2.0	FY 2011 Budget	Millionaire's Tax (2010)	FY 2010 Budget	Cigarette Tax Increase	"Millionaire's" Tax (2009)	FY 2009 Budget	Paid Family Leave
Jeff Van Drew	1	D	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	Yes	Yes	
Jim Whelan	2	D	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Steve Sweeney	3	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Fred Madden	4	D	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Donald Norcross	5	D	No		Yes	Yes	Yes	Yes	Yes	Yes	No	Yes						
Jim Beach	6	D	No	NV	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	No			
Diane Allen	7	R	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	No	No	No	No	NV	NV	
Dawn Marie Addiego	8	R	Yes*	Abs*	Yes	Yes	No	No	Yes	Yes	Yes*	No*	No*	No*	No*	No*	No*	
Christopher Connors	9	R	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	No	No	No	No	No	No	
Jen Beck	11	R	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	No	No	No	No	No	
Joe Kyrillos	13	R	Yes	Yes	NV	Yes	No	No	Yes	Yes	Yes	Yes	No	No	No	No	No	NV
Linda Greenstein	14	D	No*	Yes*	Yes	No	Yes	Yes	Yes	Yes	Yes	No*	Yes*	Yes*	Yes*	Yes*	Yes*	Yes*
Shirley Turner	15	D	No	Yes	Yes	No	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	No
Christopher "Kip" Bateman	16	R	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	No	No	No	No	No	
Bob Smith	17	D	No	Yes	NV	No	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Barbara Buono	18	D	No	Yes	Yes	No	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Joe Vitale	19	D	No	Yes	Yes	No	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Ray Lesniak	20	D	No	Yes	NV	No	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Tom Kean	21	R	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	No	No	No	No	No	No
Nick Scutari	22	D	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Mike Doherty	23	R	Yes	Abs*	No	Yes	No	No	Yes	Yes	Yes	Yes	No	No*	No*	No*	No*	No*
Steve Oroho	24	R	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	No	No	No	No	No	No
Anthony R. Bucco	25	R	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	No	No	No	No	No	No
Joe Pennachio	26	R	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	No	No	No	No	No	No
Dick Codey	27	D	No	Yes	Yes	No	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Ron Rice	28	D	No	Yes	Yes	NV	Yes	Yes	Yes	Yes	No	No	Yes	Yes	No	Yes	Yes	NV
Teresa Ruiz	29	D	No	Yes	Yes	Yes	Yes	Yes	NV	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Bob Singer	30	R	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	No	No	No	No	No	No
Sean Kean	30	R	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	No	No	No	No	No	NV
Sandra Cunningham	31	D	No	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Nick Sacco	32	D	NV	Yes	Yes	No	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Brian Stack	33	D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Nia Gill	34	D	No	NV	Yes	No	Yes	Yes	Yes	Yes	NV	No	Yes	Yes	Yes	Yes	Yes	No
Paul Sarlo	36	D	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes
Loretta Weinberg	37	D	No	Yes	Yes	No	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Bob Gordon	38	D	NV	Yes	Yes	No	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Gerald Cardinale	39	R	Yes	Yes	Yes	Yes	No	No	Yes	Yes	Yes	No	No	No	No	No	No	No
Kevin O'Toole	40	R	Yes	Yes	NV	Yes	No	No	Yes	Yes	Yes	Yes	No	No	No	No	No	No

Note: Green indicates the position of NJGCA, NV=Not Voting, Abs=Abstain, an * indicates that Senator was not a member of the Senate at the time of this vote, but was a member of the Assembly. A blank space indicates they were not a member of either house of the Legislature at the time of that vote



VOTING RECORDS - GENERAL ASSEMBLY

Name	District	Party	Elimination of Safety Inspections	Rebate Bill (A-3133)	Pension/Benefit Reform	FY 2012 Budget	Millionaire's Tax Reform	Carry-forward of losses	Arbitration Reform	Cap 2.0	FY 2011 Budget	Millionaire's Tax (2010)
Nelson Albano	1 D	No	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Matt Milam	1 D	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
John Amodeo	2 R	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes	No
Vince Polistina*	2 R	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes	No
John Burzichelli	3 D	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
Celeste Riley	3 D	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
Domenick DiCicco	3 R	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes	No
Paul Moriarity	4 D	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
Angel Fuentes	5 D	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
Gilbert "Whip" Wilson	5 D	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
Lou Greenwald	6 D	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
Pamela Lampitt	6 D	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
Herb Conaway	7 D	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
Scott Rudder	8 R	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes	No
DiAnne Gove	9 R	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes	No
Brian Rumpf	9 R	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes	No
Jim Holzapfel*	10 R	Yes	Yes	Yes	No	No	NV	Yes	Yes	Yes	Yes	No
David Wolfe	10 R	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes	No
Mary Pat Angelini	11 R	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes	NV
Caroline Casagrande	11 R	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes	No
Sam Thompson*	12 R	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes	No
Ronald Dancer	12 R	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes	No
Declan O'Scanlon	13 R	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes	No
Amy Handlin	13 R	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes	No
Wayne DeAngelo	14 D	No	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
Dan Benson	14 D		Yes	No	Yes	Yes	Yes	Yes	Yes	Yes		
Reed Gusciora	15 D	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
Bonnie Watson Coleman	15 D	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	No	No	Yes
Peter Biondi	16 R	Yes	NV	NV	NV	NV	Yes	NV	Yes	Yes	Yes	No
Upendra Chivukula	17 D	No	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Joe Egan	17 D	Yes	Yes	No	Yes	Yes	NV	Yes	Yes	Yes	No	Yes
Patrick Diegnan	18 D	No	Yes	No	Yes	Yes	Yes	Yes	No	No	No	Yes
Peter Barnes	18 D	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
John Wisniewski	19 D	No	Yes	No	Yes	Yes	Yes	Yes	No	No	No	Yes



VOTING RECORDS - GENERAL ASSEMBLY (CONTINUED)

Name	District	Party	Elimination of Safety Inspections	Rebate Bill (A-3133)	Pension/Benefit Reform	FY 2012 Budget	Millionaire's Tax Reform	Carry-forward of losses	Arbitration Reform	Cap 2.0	FY 2011 Budget	Millionaire's Tax (2010)
Craig Coughlin	19	D	No	Yes	No	Yes	Yes	Yes	Yes	No	Yes	
Joe Cryan	20	D	No	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Annette Quijano	20	D	No	Yes	No	Yes	Yes	NV	NV	No	No	Yes
Jon Bramnick	21	R	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	No
Nancy Munoz	21	R	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	No
Linda Stender	22	D	No	Yes	No	Yes	Yes	Yes	Yes	Yes	No	Yes
Jerry Green	22	D	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	No	Yes
Erik Peterson	23	R	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	No
John DiMaio	23	R	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	No
Gary Chiusano	24	R	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	No
Alison Littell McHose	24	R	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	No
Michael Patrick Carroll	25	R	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	No
Anthony M. Bucco	25	R	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	No
Alex DeCroce	26	R	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	No
Jay Webber	26	R	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	No
John McKeon	27	D	No	Yes	No	Yes	Yes	Yes	Yes	Yes	No	Yes
Mila Jasey	27	D	No	Yes	No	Yes	Yes	Yes	Yes	Yes	No	Yes
Ralph Caputo	28	D	No	Yes	No	Yes	Yes	Yes	Yes	Yes	No	Yes
Cleopatra Tucker	28	D	No	Yes	No	Yes	Yes	Yes	Yes	Yes	No	Yes
L. Grace Spencer	29	D	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes
Albert Couthino	29	D	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Dave Rible	30	R	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	No
Charles Mainor	31	D	Yes	Yes	No	Yes	Yes	Yes	No	Yes	No	Yes
Jason O'Donnell	31	D		Yes	No	Yes	Yes	Yes	Yes			
Vincent Prieto	32	D	No	Yes	No	Yes	Yes	Yes	Yes	Yes	No	Yes
Ruben Ramos	33	D	No	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Sheila Oliver	34	D	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Tom Giblin	34	D	No	Yes	No	Yes	Yes	Yes	Yes	Yes	No	Yes
Nellie Pou*	35	D	NV	Yes	No	Yes	Yes	Yes	Yes	Yes	NV	Yes
Gary Schaar	36	D	No	Yes	No	Yes	Yes	Yes	NV	Yes	No	NV
Valerie Vaineri Huttie	37	D	No	Yes	No	Yes	Yes	Yes	Yes	NV	No	Yes
Gordon Johnson	37	D	No	Yes	No	Yes	Yes	Yes	Yes	Yes	No	Yes
Connie Wagner	38	D	No	Yes	No	Yes	Yes	Yes	Yes	Yes	No	Yes
Robert Schroeder	39	R	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	No
Scott Rumana	40	R	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	No
David Russo	40	R	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	No

Note: Green indicates the position of NJGCA, NV=Not Voting, Abs=Abstain, a blank space indicates they were not a member of the Legislature at the time of that vote, * designates that candidate is not running for reelection to the Assembly but is running for Senate



COMMITTEE VOTES

These two bills were voted on in Committee but have not been voted on by either house of the Legislature.

Internet Lottery Sales (A-2676)

Voted on by the Assembly Regulatory Oversight and Gaming Committee in December 2010.

A **NO** vote supported NJGCAs position.

Name	District	Party	Vote
Vince Polistina	2	R	No
John Burzichelli	3	D	Yes
Caroline Casagrande	11	R	No
Annette Quijano	20	D	Yes
Ralph Caputo	28	D	Yes

Opportunity Scholarship Act (S-1872)

Voted on by the Senate Budget and Appropriations Committee in January 2011.

A **YES** vote supported the NJGCAs position.

Name	District	Party	Vote
Jeff Van Drew	1	D	No
James Beach	6	D	Yes
Linda Greenstein	14	D	No
Barbara Buono	18	D	No
Mike Doherty	23	R	Yes
Steve Oroho	24	R	Yes
Tony Bucco	25	R	Yes
Joe Pennachio	26	R	Yes
Teresa Ruiz	29	D	Yes
Sandra Cunningham	31	D	No
Brian Stack	33	D	Yes
Paul Sarlo	36	D	No
Kevin O'Toole	40	R	Yes



2011 CANDIDATE SURVEY RESULTS

Every year, NJGCA sends out a survey to the prospective candidates for office. This year, almost 50% of the candidates, both incumbents and challengers, responded to the NJGCA Candidate Survey. This shows just how seriously candidates are taking this election and how important the votes of the small business community are. Below are the exact questions asked of every candidate, followed by a chart showing their responses. In some cases, candidates wrote in special notes clarifying their answers. Those answers are shown with a footnote on the chart and are explained below.

1. Gasoline Retailers are America's quintessential small businesses. New Jersey currently has laws which prohibit the sale of gasoline below cost. These laws are absolutely essential to maintaining a functioning marketplace in the state. Any elimination of these laws would allow big box chains to undercut smaller retailers and force these small businesses to close down. Once the competition is eliminated these chains would be able to dramatically increase gasoline prices on the consumer. Do you support allowing businesses to sell gasoline for below cost?

2. A-3133 is a bill which would allow supermarkets and other retail establishments to cross-market with gasoline stations and give away gift cards that can be redeemed at gas retailers in the same way they give away other products, a practice which is not presently allowed. Would you support the passage of this bill?

3. Currently, in order to purchase lottery tickets, consumers must visit an authorized NJ Lottery vendor (typically at a grocery store, convenience store, or similar retail business) to make their purchase. A-2676 would permit the sale of lottery tickets over the internet. This bill would give customers an incentive to avoid patronizing their local retailers who use ticket sales as a tool to increase foot-traffic and attract customers to purchase higher margin items. It would also be overbearing for the State of New Jersey to compete directly with thousands of small businesses that are already fighting to keep their doors open, particularly during such a poor economy. Would you support the passage of A-2676?

4. Currently, all gasoline retailers which use Cash/Credit pricing must post the separate prices for regular gasoline on top of their pumps, and if displaying a street sign they must also display at least the cash and credit price of the regular grade on their street sign. A-3862 is a bill which mandates that all gasoline retailers must post cash and credit pricing for every grade of fuel sold. This could mean that a sign that presently displays three prices may be required to display as many as 8 prices. Increasing the number of required prices would be burdensome to small businesses, which will have to purchase larger, more expensive signs to replace their current street signs. Additionally, these retailers will have to contend with local municipal ordinances which already limit the size and shape of their signs. Additional numbers and letters will make it even harder to discern what motorists are capable of reading than already is experienced., thereby make them virtually ineffective and decreasing road safety as drivers are forced to read smaller numbers while driving. Would you vote for A-3862 or a similar bill?

5. Major car manufacturers continue to deny small independent facilities the codes necessary to repair modern computer-managed vehicles. "Right to Repair" legislation would provide for

an even playing field and allow consumers the ability to choose when, where, and how their car is repaired. Do support a motor vehicle owner's "Right to Repair"?

6. Zone pricing is when big oil companies, or large distributors carve the state into hundreds of smaller zones, and sell gasoline at higher prices to some retailers, while selling at a lower price to others. This is done to game the market and reap larger profits in geographic areas where they determine consumers will pay a higher price. Retailers of the same brand often pay as much as 25 cents more per gallon than competitors right down the street. Motorists must pay higher prices while thinking that their local retailer is charging excessive prices. Would you support legislation which would ban zone pricing?

7. Do you support an increase in the state's gasoline tax?

8. Automobile emissions inspections are mandated by the Federal Government. Although NJ permits motorists to have their vehicle emissions tests performed at Private Inspection Facilities (PIFs), most motorists opt to have their vehicles inspected at State run Central Inspection Facilities (CIFs), costing New Jersey taxpayers over \$35 million every year. All of New Jersey's neighbors do not operate state run inspection lanes and require motorists to have their vehicles inspected at private facilities only. NJ can save millions of dollars a year by ending its competition with over 1000 small businesses that operate PIFs. By closing the CIFs and requiring all inspections to be performed at private shops, New Jersey can then sell the valuable real estate now occupied by state inspection lanes. Will you support moving New Jersey to a system in which all inspections are done at Private Inspection Facilities?

9. A strong business relies on a competent, educated workforce. Small businesses struggle to find competent employees that can perform necessary mathematical tasks or read and write with the fundamental skills to be relied upon. Unfortunately, too many students in this state are trapped in failing schools. A-2810, The Opportunity Scholarship Act is a bill with bipartisan support that would give scholarship opportunities to students seeking a better chance to receive a quality education, by providing tax credits to businesses that contribute to their scholarships. Will you support the Opportunity Scholarship Act?

10. With economic conditions as they are, small businesses are struggling to keep costs in line in order to prevent further unemployment. An increase in the state's minimum wage under current conditions would lead many small businesses to have to lay off some employees to pay for the rest. Do you support an increase in the state's minimum wage? ■

DECISION

THE NJGCA VOTER GUIDE



2011



2011 CANDIDATE SURVEY RESULTS

Name	Office	Incumbent	District	Party	Below Cost Selling	A3133	Online Lottery	Cash/Credit Signage Bill	Right to Repair	Outlaw Zone Pricing	Gas Tax Increase	Inspection Privatization	Opportunity Scholarship Act	Minimum Wage Increase
Jeff Van Drew	Senate	*	1	D	No	?	No	No	No	Yes	No	?	No	No [10]
Nelson Albano	Assembly	*	1	D	No	?	No	No	No	Yes	No	?	No	No [10]
Matt Milam	Assembly	*	1	D	No	?	No	No	No	Yes	No	?	No	No [10]
David DeWeese	Senate		1	R	No	Yes	No	No	Yes	Yes	No	Yes	Yes	No
Sam Fiocchi	Assembly		1	R	No	Yes	No	No	Yes	Yes	No	Yes	Yes	No
Suzanne Walters	Assembly		1	R	No	Yes	No	No	Yes	Yes	No	Yes	Yes	No
Jim Whelan	Senate	*	2	D	No	No	No	Yes	Yes	No	No	No	No	No [10]
Vince Polistina	Senate		2	R	RF	Yes	No	RF	RF	RF	RF	RF	Yes	RF
John Amodeo	Assembly	*	2	R	No	Yes	No	No	Yes	Yes	?	?	No [3]	No [10]
Steve Sweeney	Senate	*	3	D	No	Yes	Yes	?	Yes	Yes	No	No	No	Yes
John Burzichelli	Assembly	*	3	D	No	Yes	Yes	?	Yes	Yes	No	?	No	Yes
Celeste Riley	Assembly	*	3	D	No	Yes	Yes	?	Yes	Yes	No	?	No	Yes
Domenick DiCicco	Assembly		3	R	No	Yes	No	Yes	Yes	Yes	No	Yes	Yes	No
Fred Madden	Senate	*	4	D	No	Yes	No	No	Yes	Yes	No	No	No	No [10]
Giancarlo D'Orazio	Senate		4	R	No	Yes	No	No	Yes	No	No	?	Yes	No
Paul Moriarity	Assembly	*	4	D	?	Yes	No	No	Yes	Yes	No	?	No [4]	No [10]
Gabriela Mosquera	Assembly		4	D	No	Yes	No	No	Yes	Yes	No	No	Yes	Yes
Donald Norcross	Senate	*	5	D	RF	RF	RF	RF	RF	RF	RF	RF	RF	RF
Keith Walker	Senate		5	R	No	Yes	No	No	Yes	Yes	No	No	No	No
Angel Fuentes	Assembly	*	5	D	RF	RF	RF	RF	RF	RF	RF	RF	RF	RF
Gilbert "Whip" Wilson	Assembly	*	5	D	RF	RF	RF	RF	RF	RF	RF	RF	RF	RF
Phil Mitsch	Senate		6	R	No	Yes	No	No	Yes	Yes	No	Yes	Yes	Yes
Lou Greenwald	Assembly	*	6	D	No	Yes	?	No	?	?	?	?	Yes	No [10]
Pamela Lampitt	Assembly	*	6	D	No	Yes	?	No	?	?	?	No	?	No [10]
Diane Allen	Senate	*	7	R	No	Yes	No	?	Yes	Yes	No	Yes	No [5]	No
Gail Cook	Senate		7	D	No	Yes	No	No	Yes	Yes	No	No	No	Yes
Chris Halgas	Assembly		7	R	No	Yes	No	No	Yes	Yes	No	Yes	Yes	No
Jim Keenan	Assembly		7	R	No	Yes	No	No	Yes	Yes	No	Yes	Yes	No
Herb Conaway	Assembly	*	7	D	No	Yes	No	Yes	Yes	Yes	No	No	No	No [10]
Troy Singleton	Assembly		7	D	No	Yes	No	No	Yes	Yes	?	No	Yes	Yes
Christopher Connors	Senate	*	9	R	No	Yes	No	No	?	Yes	No	Yes	No	No
Brian Rumpf	Assembly	*	9	R	No	Yes	No	No	?	Yes	No	Yes	No	No
DiAnne Gove	Assembly	*	9	R	No	Yes	No	No	?	Yes	No	Yes	No	No
Jim Holzapfel	Senate		10	R	No	Yes	No	No	No	Yes	No	Yes	Yes	No
David Wolfe	Assembly	*	10	R	No	Yes	No	No	No	Yes	No	Yes	Yes	No
Mary Pat Angelini	Assembly	*	11	R	No	Yes	No	?	Yes	Yes	No	Yes	Yes	No
Sam Thompson	Senate		12	R	No	Yes	No	No	Yes	Yes	No	?	Yes [6]	No
Robert Brown	Senate		12	D	No	Yes	No	No	Yes	Yes	No	Yes	Yes	No
Ron Dancer	Assembly	*	12	R	No	Yes	No	?	Yes	Yes	No	Yes	Yes	No
Rob Clifton	Assembly		12	R	No	Yes	No	No	Yes	Yes	No	?	Yes	No
Joe Kyrillos	Senate	*	13	R	RF	RF	RF	RF	RF	RF	RF	RF	RF	RF
Amy Handlin	Assembly	*	13	R	No	Yes	No	No	Yes	Yes	No	Yes	Yes	No
Kevin Lavan	Assembly		13	D	No	Yes	No	No	Yes	Yes	No	Yes	Yes	Yes
Wayne DeAngelo	Assembly	*	14	D	No	Yes	No	No	Yes	Yes	No	No	No	?
Bonnie Watson Coleman	Assembly	*	15	D	No	Yes	No	No	Yes	Yes	No	No	No	Yes
Kip Bateman	Senate	*	16	R	No	Yes	No	?	Yes	Yes	No	Yes	Yes	No
Bob Smith	Senate	*	17	D	No	No	No	No	?	Yes	Yes [1]	?	No	No [10]
Jordan Rickards	Senate		17	R	Yes	Yes	No	No	No	No	No	Yes	Yes	No
Uendra Chivukula	Assembly	*	17	D	No	Yes	No	No	Yes	Yes	?	Yes	No [7]	Yes
Robert Mettler	Assembly		17	R	No	Yes	No	No	Yes	Yes	No	Yes	Yes	No
Carlo DiLalla	Assembly		17	R	No	No	No	No	Yes	Yes	No	Yes	Yes	No
Barbara Buono	Senate	*	18	D	?	Yes	No	No	Yes	Yes	No	?	No	No [10]
Gloria Dittman	Senate		18	R	Yes	Yes	No	No	Yes	Yes	No	?	No	No
Patrick Diegnan	Assembly	*	18	D	No	No	No	No	Yes	Yes	No	No	No	Yes
Joseph Sinagra	Assembly		18	R	Yes	Yes	No	No	Yes	Yes	No	Yes	Yes	No
Joe Vitale	Senate	*	19	D	?	?	No	Yes	Yes	?	Yes [1]	?	No	No [10]
John Wisniewski	Assembly	*	19	D	RF	RF	RF	RF	RF	RF	RF	RF	RF	RF
Craig Coughlin	Assembly	*	19	D	No	Yes	No	No	Yes	Yes	Yes	Yes	No	Yes
Helen Rosales	Senate		20	R	Yes	Yes	No	Yes	Yes	Yes	No	No	Yes	Yes
Jeffrey First	Assembly		22	R	No	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	No

DECISION

THE NJGCA VOTER GUIDE



2011



Name	Office	Incumbent	District	Party	Below Cost Selling	A3133	Online Lottery	Cash/Credit Signage Bill	Right to Repair	Outlaw Zone Pricing	Gas Tax Increase	Inspection Privatization	Opportunity Scholarship Act	Minimum Wage Increase
Joan Van Pelt	Assembly		22	R	No	No	No	Yes	Yes	Yes	No	Yes	Yes	No
Mike Doherty	Senate	*	23	R	No	Yes	Yes	No	No	Yes	No	Yes	Yes	No
Erik Peterson	Assembly	*	23	R	No	Yes	No	No	Yes	No	No	?	Yes	No
Karen Carroll	Assembly		23	D	No	Yes	No	No	Yes	Yes	No	Yes	Yes	No [10]
Scott McDonald	Assembly		23	D	No	Yes	No	No	Yes	Yes	Yes	No	No	Yes
Gary Chiusano	Assembly	*	24	R	No	Yes	No	No	Yes	Yes	No	Yes	Yes	No
Alison Littell McHose	Assembly	*	24	R	No	Yes	No	No	No	Yes	No	Yes	Yes	No
Anthony R. Bucco	Senate	*	25	R	No	Yes	No	Yes	Yes	Yes	No	Yes	Yes	No
Anthony M. Bucco	Assembly	*	25	R	No	Yes	No	?	Yes	Yes	No	Yes	Yes	No
Joe Pennachio	Senate	*	26	R	RF	RF	RF	RF	RF	RF	RF	RF	RF	RF
Alex DeCroce	Assembly	*	26	R	RF	RF	RF	RF	RF	RF	RF	RF	RF	RF
Jay Webber	Assembly	*	26	R	?	Yes	?	?	No	?	No	?	Yes	No
Joe Raich	Assembly		26	D	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	No	Yes
Eliot Isibor	Assembly		26	D	No	Yes	No	No	Yes	Yes	No	Yes	Yes	No
Mila Jasey	Assembly	*	27	D	No	No	No	?	Yes	Yes	Yes	No	No	Yes
Nicol Hagner	Assembly		27	R	No	Yes	Yes	No	Yes	Yes	No	Yes	Yes	No
Lee Holtzman	Assembly		27	R	No	Yes	No	No	Yes	Yes	No	Yes	Yes	No
Ron Rice	Senate	*	28	D	No	Yes	No	No	Yes	Yes	No	No	No [8]	Yes
Arcelis Sanabria Tejada	Senate		29	R	No	Yes	No	No	Yes	Yes	No	No	Yes	No
Albert Couthino	Assembly	*	29	D	No	Yes	No	No	Yes	Yes	Yes [1]	Yes	Yes	No
Robert Singer	Senate	*	30	R	No	Yes	No	Yes	?	Yes	No	Yes	Yes	No
Sean Kean	Assembly		30	R	No	Yes	No	No	No	Yes	No	Yes	Yes	No
Dave Rible	Assembly	*	30	R	No	Yes	No	No	Yes	Yes	No	Yes	Yes	No
Shaun O'Rourke	Assembly		30	D	No	Yes	No	No	Yes	Yes	No	No	Yes	No
Charles Mainor	Assembly	*	31	D	No	Yes	No	No	Yes	Yes	No	No	No	Yes
Ruben Ramos	Assembly	*	33	D	No	Yes	?	Yes	Yes	Yes	No	No	No	Yes
Sheila Oliver	Assembly	*	34	D	?	Yes	No	No	Yes	Yes	Yes [1]	?	?	No [10]
Tom Giblin	Assembly	*	34	D	No	Yes	No	No	Yes	Yes	Yes [1]	Yes	Yes	No [10]
Nellie Pou	Senate		35	D	No	Yes	No	Yes	Yes	Yes	Yes [1]	?	No	No [10]
Shavonda Sumter	Assembly		35	D	No	Yes	No	Yes	Yes	Yes	?	No	No	Yes
Gary Schaefer	Assembly	*	36	D	No	Yes	No	No	Yes	Yes	No	?	Yes	No [10]
Sara Rosengarten	Assembly		36	R	No	Yes	No	No	Yes	Yes	No	Yes	Yes	No
Loretta Weinberg	Senate	*	37	D	No	Yes	No	Yes	Yes	Yes	Yes	No	No	No [10]
Robert Lebovics	Senate		37	R	No	Yes	No	No	Yes	Yes	Yes	Yes	Yes	No
Gordon Johnson	Assembly	*	37	D	No	Yes	No	Yes	Yes	Yes	Yes	Yes [2]	No	No [10]
Valerie Vainieri Huttle	Assembly	*	37	D	No	Yes	?	No	Yes	Yes	?	No	No [9]	No [10]
Keith Jensen	Assembly		37	R	No	?	No	No	Yes	Yes	No	Yes	Yes	No
John Aslanian	Assembly		37	R	No	?	No	No	Yes	Yes	No	Yes	Yes	No
Bob Gordon	Senate	*	38	D	No	Yes	No	No	No	Yes	No	Yes	No	Yes
Connie Wagner	Assembly	*	38	D	No	Yes	No	No	Yes	Yes	No	Yes [2]	No	No [10]
Tim Eustace	Assembly		38	D	No	Yes	No	No	Yes	Yes	No	Yes [2]	No	No [10]
Richard Goldberg	Assembly		38	R	Yes	Yes	No	No	Yes	?	?	?	Yes	No
Fernando Alonso	Assembly		38	R	Yes	Yes	No	No	Yes	Yes	No	Yes	Yes	No
Gerry Cardinale	Senate	*	39	R	No	Yes	No	No	Yes	?	No	No	Yes	No
Robert Schroeder	Assembly	*	39	R	No	Yes	No	No	Yes	Yes	No	Yes	Yes	No
Cassandra Lazzara	Assembly		40	D	No	No	No	No	Yes	Yes	No	No	No	Yes

2011 CANDIDATE SURVEY RESULTS

Note: Green indicates the position of NJGCA. RF means they returned a letter stating they respectfully refused to answer the survey. A ? Indicates either that they do not have a position on that issue, they need more information, or their support would be based on the actual text of the bill

- [1] Designates the candidate will only agree to gas tax increase if it is only used to fund the Transportation Trust Fund.
- [2] Designates the candidate will only support privatization if the right protections are in place.
- [3] Candidate's opposition is because none of the proposed schools are in their district.
- [4] Does support a different school choice bill.
- [5] Candidate feels there needs to be more oversight in the program before they will support it.
- [6] Candidate supports the goals of the legislation but would like to see amendments.
- [7] Candidate would like to see it expanded across the state before they will support it.
- [8] Candidate supports the concept for preschoolers.
- [9] Candidate does support some tax credits to businesses who donate to schools but not this bill.
- [10] Designates that while candidate opposes an increase now, it is because of the current bad economy; if the economy were to improve then their position is likely to change.



RETIREMENT ACKNOWLEDGEMENTS

NJGCA wishes to say farewell to all those legislators we have worked with who recently retired or are retiring at the end of this Legislative session.

We wish them all good luck in their future endeavors and thank them for their public service.

Senator Andrew Ciesla (R-Ocean), Senate 1992-2012

Senator John Girgenti (D-Passaic), Senate 1990-2012, Assembly 1978-1990

Senator Phil Haines (R-Burlington), Senate 2008-2010

Senator Bill Baroni (R-Mercer), Senate 2008-2010, Assembly 2004-2008

Assemblyman Jack Connors (D-Camden), Assembly 1998-2011

Assemblywoman Denise Coyle (R-Somerset), Assembly 2008-2012

Assemblyman Joe Malone (R-Burlington), Assembly 1993-2012

Assemblywoman Joan Quigley (D-Hudson), Assembly 1994-2012

Assemblywoman Caridad Rodriguez (D-Hudson), Assembly 2008-2011

Assemblywoman Elise Evans (D-Passaic), Assembly 2007-2012

Assemblyman Frederick Scalera (D-Essex), Assembly 2003-2011

Assemblyman Kevin Ryan (D-Essex), Assembly 2011-2012

Assemblywoman Joan Voss (D-Bergen), Assembly 2004-2012

Assemblywoman Charlotte Vandervalk (R-Bergen), Assembly 1991-2012

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Legislative Roundup

Important Issues impacting your business!

By Eric Blomgren

Please see the updates below for the most recent activity in Trenton and around the state. These issues are important to all NJGCA members!

Lame Duck Session

This summer, like most, was a quiet one for state government. Following the enactment of the budget, the members of the Legislature went on vacation until September. Though they are back to work, most observers don't expect much action until after Election Day. That's the beginning of the so-called "Lame-Duck" session, before the newly elected members are sworn in this January. Lame duck sessions are always one of the craziest times of the legislative calendar when anything can happen and happen quickly. Once the new Legislative session begins in mid-January every piece of legislation that has not been signed into law will become invalid. This means that advocates for any bill will have to start all over again unless they get their bill passed in time. The good news is that if we can hold the line against the several pieces of legislation we have been fighting, they will go out with a whimper and those pushing them will face a setback. Make sure to pay close attention for any communication NJGCA sends you in the next few weeks, we may need you and need you fast.

Below Cost Selling

Over the course of the summer NJGCA met with many legislators from all over the state and from both political parties. We used the time to ensure that members of key committees were aware of our positions on the issues that affect your business. One bill we always made sure to discuss was A-2932, which would allow Below Cost Selling. Big box chains are pushing this legislation so they can use gas as a loss-lead, something you can't afford to do. Thankfully, there is bipartisan agreement that this is a bad bill and that no one should be allowed to sell gasoline below cost. However, the sponsor of the bill is Assemblyman Wisniewski (D-Middlesex). He is both the Chairman of the committee and the chairman of the state Democratic Party. This gives him more power and influence than the sponsors of other bills, so we are keeping a close eye on this bill as the election heats up and as we head into the lame duck session.

Online Lottery Ticket Sales

A-2676, the bill which would allow lottery tickets to be sold over the internet, was also a topic of conversation in our meeting with legislators. Once again, they were mostly in agreement with us that online lottery ticket sales would seriously hurt convenience stores and gas stations all over the state. Going forward, we will continue to be on the

lookout for anything that would result in lottery tickets being sold online.

Signage Bill

A-3862 is the bill which would require gas stations to post the separate cash/credit pricing for all grades of fuel sold, meaning your sign might be required to have up to 8 different prices! This was the third topic NJGCA discussed in our meeting with legislators. Once again, the feedback we heard from them was largely in agreement with our position. Some even expressed bewilderment as to why anyone would want to make such a provision law. Because this bill is already out of committee and eligible for a floor vote, NJGCA will be keeping a close eye on it to make sure it isn't pushed through in a rush during the lame duck session.

Rebate Bill

A-3133 is the compromise bill that NJGCA has been working on with the supermarkets for over a year now. This bill originally was a way to allow back door below cost selling, but thankfully we were able to reach a compromise after many months that makes this bill much friendlier to you by allowing your business to partner with other businesses to offer discounts on gas, but the discounts will be paid for by those stores. A-3133 has already passed the Assembly, and we have heard that the senate version, S-2927, will be voted on by the Senate in the Lame Duck session.

Education Reform

The quality of the state's education system has a significant influence on how well your business runs. Today's students are tomorrow's employees and if they haven't received a quality education it's your business that suffers. The Governor has been emphasizing education reform since he was first elected, but little has been enacted. There have been some recent comments, however, that education reform will be addressed in the upcoming lame duck session. Hopefully, the state Legislature will take some meaningful action to reform the broken schools in New Jersey, and not just throw more money at the problem as they have done for years. ■



Common Cents by Debbie Hill

Balancing Multiple Hats In YOUR Business

The success of your business depends on your ability to wear all the different hats needed to keep your businesses running successfully. At any given time you could easily be the front counter person – dealing with the customers, back office – counting money - checking credits – ordering gas – ordering parts – writing detailed repair orders - or out on the island pumping gas. Small business owners have to manage it all. Lets face it; Most of the time your job is overwhelming.

No matter what – you have to keep your plan and set your goal for SUCCESS. Make time to work on YOUR business (not just in YOUR business). It is so easy to get lost in the daily grind. Now is the time to schedule time each week to think about better opportunities; and what you want to implement for long term planning.

What areas of your business do you love? Where do you need more discipline? By identifying your areas of weakness, you can see where you can best get assistance from another. When hiring in your small business; its always best to maximize your own strengths and fill in the

gaps for your weaknesses.

Small business owners have to learn not to micromanage; but rather empower those around you. Down the road; you will have a more capable workforce. It may be hard to give up some control over some of the day to day details. But if you do – you will FREE yourself to focus on your LONG TERM PLAN.

Where does the money come from to run your business? Your Customers! No matter how you decide to move ahead in the coming year; you will want to stay close to your Customers. The best way to stay close to them is through SALES and CUSTOMER SERVICE.

Keep your HATS on!

If you have any questions or comments, please feel free to call Debbie Hill at debbie@njgca.org or call 973-376-0066. ■

Exxon-Shell-Lukoil In The Bull's Eye of Right of First Refusal

What began as an announcement from ExxonMobil back in June 2008 has taken a journey that has traveled through a few courtrooms, the NJ Legislature, and the Governor's office. The journey is not yet complete and continues as New Jersey waits for Exxon to disclose its final plans to divest of their franchise properties.

In the early days of 2009 it appeared as if both Shell and Exxon had similar ideas and were rushing to execute plans to turn over their real estate in New Jersey to a third party distributor. NJGCA had already been working on legislation that would guarantee that all Franchise Lessee Dealers would be able to match any offer being made by another supplier to purchase the gas station property that they currently lease.

Eventually the legislation passed and was signed on June 10, 2009. New Jersey finally had a solid Right of First Refusal law that was effectuated in only one other state-California. Exxon's efforts to sell off their properties were slowed because of the new law. Exxon has sold off virtually all of their properties nationwide and only recently announced their deal in California. Obviously with strong RFR laws, it made sense that Exxon was hindered in making deals in California and New Jersey.

A deal had been expected to be announced in New Jersey several months ago, but Exxon has not yet moved. Once Exxon announces that a deal has been made, all Exxon Lessee Dealers in NJ will be offered the opportunity to match whatever Exxon has on the table with a third party distributor.

Shell originally sought to deal their properties in early 2009 and consummated a deal with a third party right after Governor Corzine signed our new law. Shell then delivered cumbersome phone book sized packages to all their franchise dealers in August 2009 offering them the opportunity to purchase their properties under the new RFR.

The offers were so outrageous that no intelligent entity could possibly have made the offers to Shell in the first place. Shell dealers and NJGCA smelled a rat. Ultimately Shell dealers had to file suit in Federal Court in order to compel Shell to reveal the third party deal that they claimed they were offering for the dealers to match. Three days before the case was to be heard before a Federal Judge, Shell took the entire deal off the table and announced that the locations were no longer for sale.

Fast forward to 2011. Shell made a deal with distributor Lehigh Gas to sell over 100 locations in Northern New Jersey. Under the RFR law all of the Franchise Lessee Dealers had to first be made the same offer. About 50 of the dealers accepted the terms and have closed on their properties.

One supplier Lukoil decided to ignore the RFR law altogether and now finds themselves embroiled in a lawsuit with Lukoil dealers. Lukoil which wholly owns Getty made a cash sale transfer of their branded locations that were leased by Lukoil dealers directly from Getty Real Estate. Lukoil did this five months after Governor Corzine signed our new law. The RFR law demands that those Lukoil dealers should have been offered the right to purchase those properties for the same price as Lukoil was purchasing them from Getty. Because Lukoil made the sale without first offering the properties to the dealers, NJGCA asked the dealers to band together and consider legal action. A lawsuit was filed in 2010 that has gone all the way to the point of defendant Lukoil's legal counsel taking depositions in preparation for the case to be heard in court. Lukoil counsel has included NJGCA Executive Director Sal Risalvato in their subpoena to depose witnesses.

NJGCA will keep you informed as developments occur with both Exxon and Lukoil.

Save TODAY with NJGCA Member Benefit Partners!

NJGCA continues to revamp our Member Benefit Partners (MBPs) program to better serve your small business. Most MBPs offer discounts and special programs exclusively for NJGCA members ONLY – You cannot get these negotiated arrangements anywhere else!!

Here is a list of our current MBPs:

ASSOCIATION MASTER TRUST (AMT) – *Health Coverage*
MEADOWBROOK INSURANCE GROUP – *Workers Compensation*
THE AMATO INSURANCE AGENCY – *Garage Liability, Auto, Homeowners, Flood, Disability, Income Protection*
DANA TANK INSURANCE SPECIALISTS – *Tank Insurance*
MERCHANT ADVOCATE – *Credit Card Processing & Consulting*
AFFINITY FEDERAL CREDIT UNION – *Credit Union*
ABLE-TECH – *Industry Specific Business Consulting*
ENVIRONMENTAL ALLIANCE, INC. – *Environmental Remediation Services*
ATS ENVIRONMENTAL SERVICES – *Tank & Vapor Testing, NJDEP Compliance*
PH2 SOLUTIONS – *Quick Diagnostic Emissions Tools*
AUTOBOSS USA – *Scanners, Wheel Alignment Equipment*
SERVICE STATION VENDING EQUIPMENT – *Air & Vacuum Systems*
TMP ENERGY SOLUTIONS – *Discounted Electricity and Natural Gas*



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Distributor Litigation Developments



Litigation continues as a result of dealer dissatisfaction with refiners abdicating to distributors their roles as landlords and suppliers. Two recent decisions are typical.

East River Petroleum Realty, LLC v. Woodhaven Realty Corp., 2011 NY Slip Op. 31597U (Nassau Cty. 2011), involved a dealer who debranded the service station that he owned after his supply agreement for Mobil branded products was assigned to a distributor.

The distributor sued the dealer in New York state court for breach of the supply agreement, claiming among other things a right to liquidated damages.

The dealer counterclaimed, asserting that the distributor had breached the assigned supply agreement by “unilaterally raising tank wagon prices in bad faith such that the prices . . . were not competitive.”

As often occurs in such circumstances, the distributor moved to dismiss the dealer’s counterclaim, contending that the assigned supply agreement’s open price term gave it almost unlimited pricing discretion, and that the dealer’s “mere allegation of bad faith” was insufficient as a matter of law.

The trial court denied the distributor’s motion, and permitted the dealer’s claim to proceed to discovery. Emphasizing that the dealer’s counterclaim identified at least one instance where the dealer tank price that it had been charged was higher than the retail prices charged by its competitors, the court concluded that the dealer’s counterclaim “adequately alleges a viable cause of action” for bad faith pricing by the distributor.

The court’s conclusion appears to be correct. Too often, trial courts – and especially federal trial courts – have treated open price term provisions as an unlimited license to gouge the dealer. This court recognized, however, that the distributor’s discretion is limited by the requirement of good faith..

Barja, Inc. v. Equilon Enterprises, LLC, 2011 U.S. Dist. LEXIS 73177 (C.D.Cal. 2011), involved two

lessee dealers’ challenge to the sale of their stations and the assignment of their franchise agreements to a distributor. They argued that Equilon had failed to comply with the requirements of California’s right of first refusal statute because the sale to the distributor, which involved a “cluster” of service stations and included additional “rights and interests,” enabled the distributor to inflate the purchase price that it offered to pay for their service stations.

The federal court entered summary judgment against the dealers. It found that the broad distribution rights granted to the distributor were severable from the sale of the two service station properties, and that there was no evidence that the right of first refusal price offered to the dealers “differed in any material way” from the price that the distributor offered to pay for the stations.

It may be argued that the court’s decision is incorrect because it permitted the distributor to subsidize the prices that it offered for individual stations with the gains that it expected to obtain from its broader distribution rights.

The court, however, found that it was unnecessary to delve too deeply into the details of the “cluster” transaction because there appeared to be little evidence that the dealers had been victimized. One of them no longer even challenged the specific price allocated to its station. Further, the distributor could point to the significant investigation that it had taken in determining the price to be offered for each service station.

As often happens, bad facts create bad – or at least questionable – law.■

eMail: pgunst@agtlawyers.com

To access the latest articles by the Service Station Dealer’s legal counsel, please visit the “Service Station Dealers: Legal Issues” section of the Astrachan Gunst Thomas Rubin, P.C. website at:

<http://www.agtlawyers.com/resources/petroleum.html>

REFORMING THE NEW JERSEY EMISSIONS INSPECTION PROGRAM

by Eric Blomgren

The state of New Jersey currently utilizes a hybrid system for its motor vehicle inspections, in which state-owned Centralized Inspection Facilities (CIFs) compete with Private Inspection Facilities (PIFs). The New Jersey Gasoline, C-Store, Automotive Association (NJGCA) believes that it is in the interest of the government and the people of New Jersey to transition to an inspection system which uses only PIFs.

In 2008, the State of New Jersey signed a 5 year, \$286 million contract with Parsons Commercial Technology Group to provide Motor Vehicle Safety and Emissions Inspections at Centralized Inspection Facilities at a rate of \$21.95 per inspection. Effective August 1 2010, the State decided that safety inspections were no longer necessary, and that motorists would only need to be inspected for emissions biennially. The successful bid Parsons entered in 2008 stated the cost of the safety portion of an inspection to be \$3.24; therefore the State would now be paying \$18.71 per inspection.

By utilizing inspection reports from the seven month period August 1 2010-February 28 2011, NJGCA is able to estimate that in the first year of New Jersey performing only emissions inspections; it will have cost the taxpayer approximately \$31 million.

In addition to the \$31 million, the state would see increased revenue through an expansion of business the private sector.

In this year, the state will pay for over 1.6 million inspections at CIFs, while the number performed by PIFs will only be 361,000. By having all inspections performed at PIFs, these small businesses could be able to nearly quadruple the number of inspections they perform. With all this extra work coming into their business, revenue for automotive shops will go up, which means an increase in the amount of money the business pays in taxes to the state. Additionally, if there is an increase in workload and an increase in revenue, businesses will respond with an increase in employment at a time when jobs are sorely needed. While there are currently over 1,100 PIFs, there are approximately 4,800 automotive repair shops in New Jersey. Faced with the prospect of increased demand for inspections, many will likely seek to become licensed to give inspections, each of which will pay for a permit, causing an increase in the amount of revenue collected from fees.

Switching to an all PIF system for inspection would increase competition among repair shops for the glut of new business, driving down the price of inspections. As for the remaining cost to the consumer, drivers have already agreed to undertake financial obligations when they became vehicle owners. They already must pay for vehicle registration, car insurance, upkeep, and fuel. The cost of an inspection would only amount to roughly half a tank of gas once every two years.

The properties that the state currently holds could be sold off to provide a onetime boost to state revenue. Additionally, the state does not pay property taxes for this land, which future owners would, helping the budgets of several local municipalities throughout the state. Additionally, every Northeast state from Maine through Delaware has private inspections only (except NJ).

At a time when the state government must save every dollar it can, switching to an entirely private system for emissions inspections is a commonsense way to help out New Jersey's small businesses while conserving both taxpayer dollars and the air we all breathe. ■

	Total CIF inspections	Total PIF inspections	Total Inspections	Cost
8/1/10-2/28-11	966,244	210,850	1,177,094	\$18,078,425
Per Month	138,035	30,121	168,156	\$2,582,632
Estimate for Year	1,656,418	361,457	2,017,875	\$30,991,586



The Membership Memo

Insurance, Insurance, Insurance - The Curse of doing Business!

by Phil Apruzzi

Let me ask you do you know when all your business (and personal) insurance policies expire? When was the last time you took the time to review your current policies and make a conscious decision to get competitive quotes? You know, save money on your insurance without sacrificing coverage. The first thing you need to do is create a simple chart you can use to “remind” yourself when your policies will expire and what each cost. Here is an example:

Policy	Policy Expires	Cost
Health	12/1/2011	\$35,000
Workers Comp	11/15/2011	\$5,000
Shop Liability	3/1/2012	\$4,400
*Tank Insurance	5/1/2012	\$3,000
Income Protection	1/1/2012	\$890
Disability	1/1/2012	\$1,200
*Flood Insurance	6/1/2012	\$690
Business Interruption Insurance	3/1/2012	\$795
<i>*Where Applicable</i>		

Ideally, you would love to have all your policies expire on the same date to make it easy to remember. On the other hand, having policies expire at different times, gives you better cash flow. **The point I am trying to make is that you usually don’t remember a policy is about to expire until you get a notice from your insurer and now it’s too late to get a competitive bid.**

With this chart you know when all your policies will expire and their costs. Call NJGCA or speak to your Territory Manager at least a month prior to expiration to get the best quotes from our insurance partners; **The Association Master Trust** provides health coverage, **Meadowbrook Insurance** provides Workers Comp, **Dana Risk Management** provides Tank Insurance, and **The Amato Agency** provides Liability, Income Protection, and Disability coverage. Each offers you the best opportunity to save on your shop’s insurance needs. **The Association Master Trust, Meadowbrook & The Amato Agency** have even paid dividends to qualifying policy holders when dividends were available. **Dana Risk Management** offers you best tank coverage at the lowest prices available.

Why not contact me or your Territory Manager? We love to hear from you. Gives us the opportunity to get you the best coverage’s available at the best price. You have nothing to lose and everything to gain for you and your business. – **Phil Apruzzi, Membership Director – 973-376-0066. ■**

KNOW YOUR TERRITORY MANAGER



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THE NJGCA PAC

www.njgcapac.org

DEFENDING OUR
MEMBERS.



PROTECTING YOUR
INTERESTS.

ANSWER THE CALL & CONTRIBUTE TODAY!!

Promoting our agenda in Trenton is of utmost importance to NJGCA and our members. However, in order to truly affect the debate, we must ensure our friends in the Legislature are re-elected.

It is for this reason that your Association has established the NJGCA PAC.

For too long, the weight of funding our Political Action Committee, the arm of the Association responsible for political donations, has rested upon a few. This is not only unfair to those few members who have shouldered this burden, but means we are not utilizing our full strength to affect the debate in Trenton.

To truly understand the importance of supporting our allies, consider our successes in Trenton:

We defeated **BELOW COST SELLING**

We made history in getting **FIRST RIGHT OF REFUSAL** signed into law!

We have built large support for **RIGHT TO REPAIR** and got it passed out of the Assembly

We defended your small business against the false accusations of Attorney General Anne Milgram

We gained wide support to move New Jersey to an all PIF Inspection System and close the CIF lanes

...and MUCH MORE!!

In each instance, we achieved these goals with the help of our friends in the Legislature!

If every member contributes just \$100 we can help to ensure victory for our allies.

PLEASE SEND YOUR CONTRIBUTIONS TO:

NJGCA PAC

66 Morris Avenue

Springfield, NJ 07081

Please make your donation payable to NJGCA PAC

***We have made great progress in Trenton, but more needs to be done-
I hope that you will answer the call and contribute to the NJGCA PAC TODAY!***



Two Recent Legal Developments – Attorney Fees & the FTC



A recurrent issue in supplier versus dealer litigation is whether a supplier that successfully defends against a dealer’s Petroleum Marketing Practices Act (“PMPA”) claim can go back after the dealer to recover attorney fees. Very often, franchise agreements purport to require the dealer to reimburse the supplier for attorney fees in that or other circumstances.

Dealers have countered that such “prevailing party” contract provisions are inapplicable to PMPA claims, because § 2805(d)(3) of the Act expressly restricts a supplier’s right to claim attorney fees to those rare instances where the court determines that the dealer’s PMPA claim was “frivolous”.

The Ninth Circuit Court of Appeals recently considered the issue of supplier entitlement to attorney fees in *Chevron USA, Inc. v. M&M Petroleum Services, Inc.*, 2011 WL 4014316 (9th Cir. Sept. 2, 2011).

Chevron sued the dealer seeking a declaration from the federal district court that it could terminate the dealer under the PMPA because the dealer had systematically underreported sales to Chevron, thereby depriving Chevron of percentage rent due it, as well as defrauding the California and federal taxing authorities. The dealer responded by filing a counterclaim under the PMPA that was “essentially the mirror image of Chevron’s claim for declaratory relief.”

After a six-day trial, the district court ruled in Chevron’s favor, finding that the dealer had “knowingly and intentionally misrepresented income to Chevron,” thereby justifying Chevron’s right to terminate the franchise relationship.

Chevron then went after the dealer to recover attorney fees. Rejecting Chevron’s claim to recover its fees under the express fee-shifting provision of the franchise agreement, the court held that § 2805(d)(3) of the PMPA “preempts the attorneys’ fees provision of the agreement.” That, however, was not the end of the story.

The court went on to hold that because the dealer was not content with merely defending against Chevron’s claim, but had also filed its “mirror image” counterclaim, it had opened itself to a claim for attorneys’ fees under §2805(d)(3).

That was so because §2805(d)(3) provides that “the court may, in its discretion, direct that reasonable attorney and expert witness fees be paid” if it finds that the action brought by the dealer “is frivolous.” The court so found.

On appeal, the Ninth Circuit agreed with the district court’s

conclusion. Emphasizing that the dealer had not only failed to submit proof to back up its PMPA counterclaim, but also had engaged in perjury and spoliation of evidence, the appeals court concluded that a counterclaim – like an original complaint – may open the door to attorney fee liability.

Given the apparent egregious nature of the dealer’s behavior, as found by the district court and affirmed by the Ninth Circuit, it is difficult to disagree with the court’s conclusion. Still, it is worth noting that the dealer could have avoided attorney fee liability by simply defending against Chevron’s claim, and not pursuing a duplicative counterclaim.

Also of interest is the Federal Trade Commission’s recently released report summarizing the activities of the oil and natural gas industries for the reporting period January-June 2011. In the report, the FTC referred to “possibly anticompetitive conduct” in the petroleum industry, noting that “U.S. refiners’ refining margins had increased more than 90% between the beginning of 2011 and early May.”

The FTC reported that it had “recently opened an investigation – including authorization to use compulsory process – to determine whether certain oil producers, refiners, transporters, marketers, physical and financial traders, or others have engaged or are engaging in any anticompetitive or manipulative practices.”

It will be interesting to see where, if anywhere, the FTC’s investigation leads. At the very least, it appears to recognize a concern that refiners have been profiting unfairly at the expense of the public and of dealers, many of whom have found their own margins tightly squeezed. ■

eMail: pgunst@agtlawyers.com

To access the latest articles by the Service Station Dealer’s legal counsel, please visit the “Service Station Dealers: Legal Issues” section of the Astrachan Gunst Thomas Rubin, P.C. website at:

<http://www.agtlawyers.com/resources/petroleum.html>

Great News for NJGCA Members

Group Health Coverage through NJGCA and Association Master Trust

Unless you're a large business with hundreds or thousands of employees, providing and administering a health benefits plan can be a huge burden. However, if you're a NJGCA member, you can now take advantage of a great group offering through the **Association Master Trust**

NJGCA member companies are eligible for comprehensive self-funded health and dental benefits through Association Master Trust. The Association Master Trust covers approximately 10,000 participants from thirteen trade and member association benefit trusts.

Qualifying NJGCA member firms can now enjoy all of the benefits of network services and modern claims administration. By being a member of AMT you're part of a large group, and have access the same great health benefits plans the big guys do!



*To learn more about AMT's self-funded health
benefits plans call today and ask for Joy
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RSVP WITH DEBBIE HILL AT
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You need to attend these meetings for 3 important reasons:

#1

CALIBRATION & INVENTORY CONCERNS: Recent and disturbing findings in the field indicate that 9 out of 10 Gas Stations are losing BIG Dollars and Don't even know it! Ethanol is wreaking havoc with your meter calibration causing you to GIVE AWAY gas to your customers and causing tank monitoring systems to give inaccurate results. Our calculations show that a station pumping 75,000 gallons a month could be losing \$840 every month

#2

US DEPARTMENT OF LABOR CONCERNS: Since December 2010 USDOL has been systematically conducting employment and payroll audits of every business in our industry. Headlines have embarrassed gas stations/auto repair shop owners-USDOL plans to further investigate every gas station and auto repair location in NJ. USDOL has found employers in these small businesses owe an average of \$3500 per employee due to improperly paid wages and taxes.

#3

NJDEP CONCERNS: In 2007 NJDEP began inspecting all locations with UST and Vapor recovery system for proper compliance of NJDEP regulations. NJDEP has set about inspecting every location on a 3-4 year interval. NJDEP is beginning the next cycle of inspections and enforcement.. Many gasoline dealers have already been fined thousands of dollars in the first cycle! NJDEP will instruct a refresher seminar that will include; proper testing requirements, registration, and record keeping.