



ON THE ROAD

THE OFFICIAL COMMUNICATION OF THE NEW JERSEY GASOLINE C-STORE AUTOMOTIVE ASSOCIATION
www.NJGCA.org

\$5.95



THE 2016 YEAR IN REVIEW

**Auto
Repair and
Tire Shop
Summit!**

**23¢
Gas Tax
Increase**

**Gas and
C-Store
Summit!**

**Presidential
Election!**



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Message From Executive Director Sal Risalvato

2016... A Year of NJGCA Firsts... More in 2017

Every 3 months the NJGCA staff gathers in my office to begin laying out the next *On the Road* Newsletter. This is the 39th OTR since I introduced it to members back in August 2008. The purpose of this

newsletter is to communicate information that is important for you to keep aware of. Yes, we send out a weekly Road Warrior email, but by having this newsletter arrive in your mailbox I am assured that even members without email can be informed.

Although I usually have a topic in mind to author, I often change direction at the last minute because current events dictate that I opine about something else. Often, I am not at liberty to publicly discuss something and then push that topic off to a later edition. Such is the case regarding one topic that I have hoped to write about for the past 3 editions. This is now the 4th edition that I find myself not yet at liberty to discuss this topic, as the matter is not yet resolved and our member is still in limbo. BUT...this is the OTR edition that recaps the past year and looks ahead to 2017, so that is what I will discuss.

2016 turned out to be a successful year in Trenton. Many of the tough issues we fought were decided, if only temporarily, in the last legislative voting session of the year. A year's worth of effort often comes down to one day in the life of public policy. You can read more about these successes in Eric's Legislative Update starting on page 10.

2016 was dominated by several issues with serious impacts on NJGCA members. The most contentious debate was about the gas tax. The table was set for this issue back in 2013 and NJGCA was involved from the very beginning. In fact, I am pretty sure that had NJGCA not injected itself back then, a different kind of gas tax would have emerged, and much sooner, perhaps as early as January 2014. I won't relive all of the details because you should already know them. BUT, if NJGCA did not sniff out a plot to add sales tax to gasoline, I believe the Legislature and Governor were ready to make a deal that would have raised pump prices by about 17¢ a gallon back then, and would have created a bookkeeping and administrative nightmare for you. Legislators and Governor Christie would have been able to truthfully make the statement, "I did not raise the gas tax". Of course, this would have been political spin, but a problem to you just the same.

Although the debate lasted for almost 3 years, and was very hot at times, there were two positive results that we and our allies were able to negotiate. As part of the compromise, the dreaded NJ Estate Tax was finally abolished, and retirement income up to \$100,000 has been exempted from the NJ Income Tax. My view on the compromise is this: The gas tax is paid by your customers, and both the Estate Tax and Income Tax are paid by you. These tax reductions, coupled with a promise from the legislature not to pass a sales tax on gasoline, made us swallow hard and accept the new gas tax. Of course, my fear is that the debate begins again in another year after a new Governor is elected. If a Democrat wins, it is possible that we will have this fight and many others to wage. If a Republican wins, I am confident that the sales tax on gasoline issue will be dead for a while.

The other issue of serious impact is the effort to raise the minimum wage to \$15 per hour. Again there is too much to recap with the blow by blow of the debate, but again NJGCA was in the heat of the battle from the beginning. I will simply

say that we are definitely safe for another year, but this battle will be fought again in 2018. Regardless of whether a Republican or Democrat is elected Governor, this issue will be back and the fight will be much more fierce than this past battle.

Two successes that need be mentioned are the first ever NJGCA Repair Shop Summit that was held last February, and the first ever NJGCA Gas Station and Convenience Store Summit held in November. Both received high marks in written comments from members at their conclusion, with requests to hold them again. I feel it is important to gather members on a regular basis in order to have a face to face communication with each. NJGCA members are more than just a number to us. You are personal friends and people that we care about. The staff at NJGCA is very dedicated to making your life in any of the three industries that we represent a bit easier and more prosperous.

Another first in 2016 was our NJGCA Video Production that was unveiled at the Gasoline and C-Store Summit. This was even a first for me as I have never been a part of a production like this. Thanks to Jacy who also had her first experience with a video production, and thanks to the NJGCA members who appeared in the video.

There are two things that I had hoped to start last year that did not materialize. It has always been my goal to raise the bar in every aspect of the industries that NJGCA represents. The gasoline retail business, the auto repair business, and the convenience store business. I am hoping that my vision and my talk will turn into some action to create a special "Society" of members who represent the most professional of all. My focus will initially be on the auto repair shops of NJ, but can easily be implemented in the gasoline and convenience store sectors as well. Why shouldn't the motoring public know that NJGCA members are a cut above the others? I hope to share more with you soon.

Of course, Trenton never sleeps and we will still have to be on guard because harmful legislation always pops up and needs to be stopped. Yes, we have our own agenda to pursue, and yes, it will still include an effort to end the prohibition against customers pumping their own gas. I hope also to get some seeds planted to eventually pass legislation that will permit convenience stores to sell beer and wine. It is also time to actively begin monitoring and documenting all of the instances when you are unable to access technical info to repair a customer's car in your shops. The Right to Repair Memorandum of Understanding kicks in this year, and if we find that car manufacturers are renegeing on their promise to provide the necessary info, then we will bring our case back to the NJ Legislature. I also expect that something has to give this year regarding Motor Vehicle Emissions Inspections. It is unfathomable how poorly MVC, NJDEP, and NJ Treasury have mishandled the inspection system in NJ for years. This bubble has to burst in 2017 and a new system should be put in place. I am certain that we will be involved one way or another when this happens.

Of course, I always welcome your thoughts and enjoy hearing from members. If there is an issue that you would like to see us tackle here at NJGCA, just call or write.

I wish you all a successful and prosperous 2017!

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WHO: YOU!... And NJGCA Staff, Executive Director Sal Risalvato, and Valued Member Benefit Partners!
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WHEN: 9:30 - 11:30 AM

Passaic County

Thurs. January 19, 2017
Park Wayne Diner
721 Hamburg Turnpike
Wayne, NJ 07470

Middlesex County

Weds. February 15, 2017
Colonial Diner & Lounge
560 Highway 18 North
East Brunswick, NJ 08816

Bergen County

Weds. March 15, 2017
The Candlewyck Diner
179 Paterson Avenue
East Rutherford, NJ 07073

WHY: We want to hear from our members!

DETAILS: Join us for a **FREE breakfast!** Hear an update from Sal and share your questions, concerns, and comments.

- Participate in roundtable discussions with NJGCA staff and fellow business owners about issues and events important to your business!
- Meet Member Benefit Partners and learn how to save money and take full advantage of your NJGCA Benefits.

Please **RSVP** with an email to jacy@njgca.org or call 732-256-9646. We look forward to seeing you!

Springfield raffle winners Joe Benham of Benham's Garage in Berkeley Heights (right, with NJGCA's Debbie Hill), and Harjinder Kehal of Lukoil in Morristown (below, with Gregory Hough of Hough Petroleum).



Topics of Discussion Include:

- Self-Serve Gasoline in NJ?
- New Emissions Inspection Program
 - \$15/Hour Minimum Wage
 - Mandatory Paid Sick Leave
- Increasing Tobacco Restrictions



Labor and Employment Issues: Wage Theft

By Sal Risalvato

I still hear too many stories from my members about bad employees and disgruntled employees. Many disgruntled employees were just bad to begin with and then turn against their employer simply because it is easier to deflect blame to the boss, rather than accept responsibility for their own poor attitude or performance. The situations are numerous and we have all had them.

Because of my years in your shoes running a repair shop and gas pumps, I know all too well how often an employee that I had high hopes for, and treated properly and fairly, found some way to retaliate as he was on his way out the door.

I am also certain that I never cheated a single employee out of a penny's worth of wages, but I would be a huge target today if either NJDOL or USDOL investigated my business. I did what too many small business owners did and continue to do. I paid a salary for hours worked and included any hours that were more than 40 hours in a week. My employees were more than agreeable, they were outright pleased, but I was unknowingly breaking the law. The culture in our business today, including the culture in convenience stores is relatively still the same.

Many of you have followed over the past 5 years as NJGCA warned about USDOL and their efforts in NJ to end this culture. They are still determined to make sure that every employee is paid the proper minimum wage, proper overtime, and certainly that they are paid for every minute that they work.

Many of you have also followed over this past year as NJGCA led a coalition to fight against legislation that is titled "Wage Theft", but really goes too far. No reasonable person can argue that an employer who knowingly cheats his employees out of wages should be allowed to do so or go unpunished. It simply is not fair to employees and it is definitely unfair to competing businesses who bear the burden of paying true and possibly higher wages. NJGCA firmly supports honest employers.

Unfortunately, discussions with adversaries and legislators all too often reveal true horror stories that are used as examples when arguing for Wage Theft legislation. These bad apples at the center of the stories make it hard to debate against enacting such legislation. However, in as much as we agree to punish bad and dishonest employees, there must be an effort to recognize the difference between dishonest intent that cheats an employee, and an unintentional error. I can easily point to my own personal situation as one that had zero intent to cheat an employee, yet broke the law nevertheless.

The Wage Theft bill as it was originally proposed had some harsh penalties, some of which already exist in current law, but it added the additional exposure of permitting an employee to walk into the local courthouse and file criminal charges against you if he felt that you did not pay him properly. How many disgruntled employees do ya think will hold that over their bosses head? Of course any employee who does not have an ax to grind will simply get any misunderstandings resolved with you. My fear is that too many honest employers will get caught up in a mess.

I frequently hear of situations like this in repair shops. It seems many of you have stories of technicians doing dishonest things in your shops, and then once you are on to them, the situation deteriorates rapidly. I hear the same thing at the gas pumps and inside of convenience stores at the counter.

At this point, we are urging legislators and Governor Christie to oppose this legislation in its current form. We have successfully removed the "municipal court criminal element" but we still prefer that the bill address the difference between intentional theft and honest mistakes that clearly have no intent to cheat an employee. Articles like the one that recently appeared in *Oil Express* (see next page) make our job harder.

Labor and Employment Issues: Wage Theft



Petroleum Marketing News As It Happens

2016-12-13 04:50:29 EST

DOL Announces Recent Wage-Related Settlements Involving Gas Stations

Since Dec. 8, the Department of Labor has announced at least two separate settlements of worker-wage cases it filed against owners of multiple gas stations, and the filing of a wage-related lawsuit against a third owner of multiple stations.

The targets of these DOL actions were in different parts of the United States. DOL officials with knowledge of the cases couldn't immediately be reached to say whether there has been a special enforcement focus on gas stations recently, and whether other, similar settlements or lawsuits are coming in the next few weeks.

The three targets were in the Sacramento, Calif., area, the Buffalo, N.Y., area, and northern Indiana.

A group of six Arco AM/PM gas stations in the Sacramento area, all under common ownership, will pay 47 workers \$66,075 in overtime back wages owed and another \$66,075 in damages, for a total of \$132,150, DOL said yesterday.

The Department didn't identify the owners but listed the sites as: Lodi Oil Inc., Kamboj Oil Inc., Wraich Petroleum Corp., Broadway Petroleum Inc., Mehroke LLC and Sacramento Petroleum Inc.

DOL investigators found that the owner violated the Fair Labor Standards Act by paying workers straight time rates for overtime hours. The franchisee also provided investigators with falsified payroll records to create the appearance of compliance, DOL stated. "In addition to paying straight time for overtime hours, the employer also failed to pay workers for travel time between locations when they worked at multiple sites, resulting in unpaid hours and further overtime violations," DOL stated.

In the Buffalo case, announced today, DOL stated that Lakhwinder Gill, the owner of three gas stations, will pay \$84,000 (half of it back wages and half in damages) to 41 employees because of violations of minimum wage and overtime pay rules. The stations were Angola Food Mart Inc., LHP Food Mart Inc. and Lake Shore Mini Mart Inc.

Lakhwinder was accused of: failing to pay some workers overtime when they worked more than 40 hours a week, including one who regularly worked 70 hours a week; failing to pay some employees for all hours they worked, including time spent in training and performing work before and after their scheduled shifts; making deductions from wages for cash register shortages and damaged or missing merchandise, resulting in minimum wage and overtime violations; failing to combine the hours worked by one employee at two locations of the business when determining when overtime was due; and falsifying time records to create the appearance that workers didn't work overtime even though some regularly worked more than 40 hours a week.

"Too often we see employers paying straight time for overtime in cash off the books in this industry," said Michael Fitzgerald, assistant district attorney of DOL's Wage and Hour Division's Buffalo Area Office.

"This investigation and its outcome should send a clear message: We will continue to use every enforcement tool available to hold employers accountable, to level the playing field for those who play by the rules, and to ensure that workers are paid what they have rightfully earned."

On Dec. 8, the Department filed a lawsuit against Rinky Sharma and Bobby Singh, and four travel centers and gas stations in northern Indiana, seeking more than \$23,000 in allegedly unpaid overtime wages and damages for 13 employees. DOL alleged the companies engaged in overtime violations; failed to combine the hours of employees who worked as both a server and cashier in the same workweek when determining if overtime was due, instead paying for each task separately, at straight time; and failed to maintain accurate payroll records. The establishments were Plaza 30, Govertown Travel Plaza, Michigan City Grocery and Marathon Stop and Shop.

--Vincent Taylor, vtaylor@onisnet.com
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DEATH, TAXES AND BUY-SELL AGREEMENTS

Craig A. Cox and Francis J. Brennan, III
Attorneys, Brennan Law Firm

A gas station owner recently contacted us for help after having received a bitter wakeup call! His company, owned by two partners, had been in business for over twenty years, starting with a single service station. By 2016, the partners owned more than 20 service stations, all with gas and c-stores. The partners had become quite successful, and got along famously. They generally agreed on most business decisions, and looked forward to many years of continued good fortune.

But, in the summer of 2016, one of the partners, Ray, died very unexpectedly. Then, the surviving partner, Jack, received a second blow when he found out that Ray had left his interest in their company to his two grown children. Ray's children did not know anything about the business, but they made clear from the outset that they intended to become Jack's new partners if he did not agree to buy them out. And, they want top dollar, paid immediately. Jack was unable to reach agreeable terms with Ray's children and they had filed suit. Litigation followed, which has now become expensive and hotly contested, with no end in sight.

Ultimately, a business with more than one owner is like a marriage. When things are going great, everyone is happy. However, if problems develop, then things can get very messy, often in an instant! The same is true with partners or shareholders in a business. However, with a marriage or a business, there is a lot less to fight about if you have planned during the good times and worked out an agreement to guide you through the bad times. In a marriage, that agreement is called a prenuptial agreement. In a business, it's called a "Buy-Sell" agreement. A business can also have a more comprehensive operating or shareholders' agreement, which includes "Buy-Sell" provisions, but also addresses a variety of other issues such as how profits are shared, the management responsibilities of each owner etc.

WHAT IS A BUY-SELL AGREEMENT?

A Buy-Sell Agreement is a legally binding Agreement between business owners that provides a road map to handle future changes of ownership in the event of death and/or incapacity of a partner or if a partner wants or needs to get out of the business for any reason. Buy-Sell Agreements establish under what conditions, to whom, and under what price an owner can sell his or her interest in the business. They can also address the details of the process to be followed, and set forth methods to resolve disputes.

WHY IS A BUY-SELL AGREEMENT NECESSARY?

All businesses face the possibility of an owner dying, retiring or becoming disabled, or an owner who simply wants "out", or for some reason is being forced out. These events can create major problems, and can become contested, emotional and costly. The business owners need to sort out difficult questions, such as:

- How will the business continue?
- Who will control the business?
- Can family members of the deceased or disabled owner become involved?
- How will the remaining owner(s) finance the buy-out of the departing owner.

All of these issues can be addressed in Buy-Sell Agreements which can be negotiated and written before the business starts, or at any time thereafter. Having a Buy-Sell Agreement in place, which all owners have agreed upon and signed, offers several key advantages to your business. Such Agreements can:

- Help maintain continuity of your business by making sure the owners get to decide what happens to the business before trouble arises;
- Protect company ownership by laying out a succession plan for departing owners;
- Keep remaining owners from being saddled with unwanted owners such as spouses, children, or other relatives;
- Minimize disputes by having a strategy in place when it's time to govern future business operations; and
- Provide a market for business interests of the deceased, disabled, or retired owner.

RESTRICTIONS ON TRANSFERS

Buy-Sell Agreements should contain restrictions that limit each business owner's ability to sell their interest in the business. These restrictions allow business owners to control who owns the business. The goal of these restrictions is to prevent the sale of an ownership interest to unwanted owners and to provide an exit strategy for owners selling their interest in the company. The following are examples of the type of restrictions commonly used in Buy-Sell Agreements:

- **Consent Required:** Any sale of an interest in the Company must be approved by the other owners of the Company.
- **Right of First Refusal:** The departing owner must first offer his/her interest in the Company to the other owners on the same terms and conditions as are offered by a third party before accepting a bid from that third party.
- **Right of First Offer:** The departing owner must offer to sell his or her interest in the Company to the other partners or the Company (possibly at a stated price or formula) before offering to sell his shares to a third party.
- **Option to Purchase by Company:** The Company has an option to purchase shares from its Partners upon the occurrence of certain triggering events.
- **Option to Purchase by Other Owners - Pro Rata:** The other owners each have an option to purchase the ownership interest of the departing owner in accordance with their ownership percentage in the Company.

TRIGGERING EVENTS

A Buy-Sell Agreement should clearly identify the types of triggering events under which a business partners' interest in the company may be sold. The most critical triggering events are death and disability. However, Buy-Sell Agreements may also be structured to include other key triggering events, which would permit or require an owner to sell his or her interest in the business, such as:

- Retirement;
- Divorce;
- Criminal conviction;
- Bankruptcy;
- Resignation; or
- Termination from employment.



SUCCESSION PLAN

Buy-Sell Agreements should provide for a Succession Plan that specifies who can purchase the outgoing owner's interest in the company. The succession plan generally includes provisions for a cross-purchase and/or an entity-purchase. Cross-purchase provisions specify that the remaining owner(s) will buy out the ownership interest of the departing owner. Entity-purchase provisions specify that the company itself will purchase or reclaim the ownership interest of the departing owner. Buy-Sell Agreements may also be structured to provide for a hybrid of both cross-purchase and entity purchase options.

For example, the succession plan may provide that remaining owners have the first option to purchase the ownership interest (i.e. cross-purchase) and that the un-purchased interest must be purchased by the company (i.e. entity purchase). Succession plans may also allow the sale of an ownership interest by a third party. In that event, the plan should require approval of the other owners before the ownership interest is sold to third parties. The succession plan should also provide a mechanism that permits, but also controls the sale of the entire company.

FUNDING A BUY-SELL AGREEMENT:

Buy-Sell Agreements need a funding mechanism to make sure money is available to carry out the agreement if a triggering event occurs without causing financial hardship to the parties involved.

For example, even the most carefully drafted buy-sell agreement may prove useless if there are no funds to purchase a deceased owner's interest. Several funding methods other than life insurance are available, but all have disadvantages. Other funding methods include:

- **Use of Working Capital:** Using funds from current working capital to fund an installment buyout may limit the company's ability to function unless the company is very well capitalized.
- **Borrowing Money:** Borrowing funds from a third party will result in the total amount paid for the business being much greater than the purchase price, with the final cost depending on the interest rate and length of the loan.
- **Use of a Sinking Fund:** A sinking fund is a fund established by a company by setting aside revenue over a period to pay a future debt or expense. A sinking fund is a viable solution when a business owner is uninsurable. However, one concern with this approach is that it may take years to build up or accumulate the necessary funds, but the death of the owner or other triggering events may occur at any time.

USING LIFE INSURANCE TO FUND A BUY-SELL AGREEMENT:

Life insurance is generally the most efficient and cost effective way to fund a Buy-Sell Agreement. Advantages of funding with life insurance include:

- Cash is immediately available to the entity or its surviving owners to purchase the deceased owner's interest.
- Death benefit proceeds from the life insurance policy are generally income tax free. Note, however, that life insurance owned by a C-corporation may subject the corporation to the Alternative Minimum Tax.
- It reduces the financial strain on the buyer of outgoing owner's interest.
- If a term policy is purchased, it will build up cash which then can be used to offset the cost of other triggering events such as disability or retirement.

Life Insurance may be used to fund Buy-Sell Agreements under both the cross-purchase and entity purchase structures of Buy-Sell Agreements. When insurance is used for a cross-purchase, each owner of the company purchases and maintains life insurance on each of the other owners of the company. If one of the owners dies, the life insurance is used by the other owners to purchase the deceased owners interest in the Company. Advantages of insurance for cross-purchases include that the policies are owned by the individual owners and not the company, and that insurance is not subject to the company's creditors. There are also disadvantages of using insurance for cross-purchase, namely that you must use your personal income to purchase the insurance, and such plans can be cumbersome to administrator with multiple owners because each owner needs their own insurance policy to cover each of the other owners.

Under an entity purchase plan, the company (rather than the individual owners) purchases and maintain insurance on all the owners of the company. The life insurance then provides the source of funds to purchase a deceased owner interest in the company. There are several key benefits to using insurance for an entity purchase such as only one policy must be purchased for each owner, and the company pays the premium. Disadvantages include that the policies and the cash value are subject to creditors of the business, life insurance premium costs are not deductible, and life insurance policies owned by C-corporations may be subject to the Alternative Minimum Tax.

VALUATION OF COMPANY INTERESTS

Establishing the value of your business is a critical part of implementing a Buy-Sell Agreement. For example, if you are a surviving partner, you want to be fair to your deceased partner's family after he/she passes. However, you do not want to pay more for the business than it is actually worth. On the other hand, if you are the deceased owner's family, you want to make sure the family is properly compensated for the business. Therefore, it is important to establish an objective procedure for determining the value of the business and a fair buy out price. Many Buy-Sell Agreements include a requirement for periodic business valuations, as well as a valuation upon the partner's passing.

How the buy-out price is determined can also differ based upon the trigger for the buy-out. The buy-out price for the interest of a deceased owner may be structured differently than the buy-out from a voluntary retirement. Also, the payment terms may differ based on the reason the owner is leaving the business. For example, a death benefit buy out may provide for a lump sum payment funded by a life insurance policy, while a mandatory retirement buy-out may provide the buy-out of the ownership interest funded by the business or the remaining owners over time.

There are many different methods of determining a business' fair market value. Some methods work better for different types of businesses.

Depending on the primary function of the business, methods of valuation could include the following:

- The market for a business of a similar nature, including comparable sales, industry rule of thumb, and per-share earnings ratio methods;
- Historical earnings, including the capitalization of earnings or cash flow, debt-paying ability, gross income multipliers, and dividend-paying ability methods;
- The value of the business assets themselves, including liquidation value and/or book value methods;
- A combination of assets and earnings, often called the excess earnings method; and,
- Future earnings, including discounted future cash flow or earnings method.

Business valuation can be a complex and detailed process. The Buy-Sell Agreement should require that a Certified Public Accountant or a Professional Business Appraiser conduct all required company valuations. Note that the IRS can impose harsh penalties for understating the value of a business.

ROLE OF AN ATTORNEY AND ACCOUNTANT

It is critical to retain an Attorney who is experienced in preparing Buy-Sell Agreements. Your Buy-Sell Agreement should be carefully drafted to fit the specific needs of your business. The format of a Buy-Sell Agreement that makes sense for one business may not be suitable for your business. The size of your business, the number of current owners, the involvement of family members, expected growth and potential for new owners are among the many factors that should be considered when preparing a Buy-Sell Agreement. The structure of your business should also be considered. If your business is a Partnership, the Buy-Sell Agreement should be drafted to work with your Partnership Agreement. If you are a Limited Liability Company, the Buy-Sell Agreement must not conflict with the LLC Operating Agreement. If your business is a Corporation, the Company By-laws, Articles of Incorporation as well as any Shareholder Agreement should be reviewed by the Attorney preparing the Buy-Sell Agreement. Whether your Company is a C-corporation or S-corporation can also affect the nature your Buy-Sell Agreement. If your company adopts a Buy-Sell Agreement, notes or "legends" should be used on the stock certificates which provide notice that the company stock is restricted and governed by a Buy-Sell Agreement.

You should also work closely with an accountant in preparing a Buy-Sell Agreement that fits your business. As noted above, many issues, such as funding and valuation, will need to be reviewed and considered by an accountant familiar with your company's finances. If your company is a C-Corporation or S-Corporation, critical issues, such as possible Alternative Minimum Taxes and cash for value transfers, need to be considered when deciding on the best method of funding the Buy-Sell Agreement.

CONCLUSION

The only two certainties in life are death and taxes. To prepare for the inevitable, we prepare Wills and file tax returns. It is also unavoidable that all businesses change over time. If your business has multiple owners, it is likely that in the future one of the owners will pass away or need to leave the business. If you have a successful business, you have probably met with an Attorney for estate planning. It is just as important to plan for your business. Just as a Will is essential for estate planning, a Buy-Sell Agreement is necessary to plan for the future of your business.



Craig A. Cox, Attorney



Frank Brennan, Attorney

For more information contact Craig Cox or Frank Brennan of the Brennan Law Firm at 609-395-5533.



Important Issues Affecting Your Business

By: Eric Blomgren

REMINDER: CHANGES IN 2017

The start of 2017 brought with it a number of changes in the state's tax rates. The petroleum products gross receipts tax on diesel fuel and kerosene went up 15.9¢ a gallon, with a floor stocks tax in effect for any inventory in the ground. The tax on diesel will go up again on July 1st. The rate of increase has not been officially announced but it should be about 10.8¢ a gallon. The sales tax on all products dropped from 7% to 6.875%. On January 1, 2018 it will drop again to 6.625%. If you have a business located in Bridgeton, Camden, Newark, Plainfield, and/or Trenton, its status as an Urban Enterprise Zone (UEZ) expired and you are now required to charge full sales tax. As of this writing there is a bill on the Governor's desk to extend the UEZ program for another 2 years, but it is unclear whether he will sign it.

The minimum wage increased from \$8.38 an hour to \$8.44 an hour, if you had any employees earning less than that please ensure that your payroll company knows to increase their salary appropriately. Payroll services DO NOT make this change automatically. YOU MUST notify them to make the appropriate changes.

The phase-out of the NJ estate tax has begun. Currently if your estate is worth \$675,000 or more then it will pay a tax as high as 37% upon your demise. The amount has been increased to \$2 million as of January 1, 2017, and will be completely eliminated on January 1, 2018.

For those of you who are of retirement age, increasing of the income tax exemption for retirement income has also begun. Currently you are only exempt from the first \$20,000 of retirement income. Over the next four years, the exemption will be increased to \$100,000. If you are near retirement it may be worth revisiting your accountant and financial planner to evaluate your retirement plans.

\$15 MINIMUM WAGE

The plan to raise the state minimum wage to \$15 an hour through a constitutional amendment died out this year. After Governor Christie's veto of a bill that would have enacted this change, the leaders of the Legislature announced they would again go around him and put the issues to the voters through a constitutional amendment. Because of a ferocious fight put up by NJGCA and the coalition of organizations that we formed, the effort in the Legislature was killed for now. The narrow support for this issue helped to stall it since in order for it to be on the ballot, identical language needed to pass both houses of the Legislature by the end of 2016. Ultimately, there was too much division over how it should be enacted, and whether there should be any exemptions to the \$15 rate. NJGCA and others argued that a training wage should be established that would exempt workers under the age of 18 from being paid

\$15 per hour. However, the issue itself is not dead. Once a new Governor takes over in January 2018 supporters plan to try again (all of the Democratic candidates running have said they support a \$15 an hour rate). Even if they succeed, making the change by law is preferable to a constitutional amendment, which can only be changed by another amendment, which the public would be unlikely to support.

WAGE THEFT

NJGCA has been a leader in working to amend a bill, A-862, which would dramatically increase the fines, penalties, and enforcement of wage theft. The theoretical goal of this legislation is one which everyone can support: cracking down on employers who are stealing from the employees. However, the way the language has been worded would mean every employer who violates state wage and hour laws would be subject to massive penalties, even just for a paperwork violation, (including permitting your employees to file criminal charges in local municipal court). We are pushing to have this bill amended so that the huge penalties (200% in damages, plus multiple fines, plus any attorney's fees for the employees) are only brought against willful violators of the law, who are proven to be deliberately scamming their employees. The bill was scheduled for a vote by the General Assembly in December but pulled from consideration because NJGCA was successful urging legislators to vote NO. As a result it did not have the support to pass and was pulled from the schedule. We are hopeful we can come to a reasonable compromise with the sponsors in 2017.

STATE OF EMERGENCY/GOUGING REFORM

NJGCA has been part of a coalition of other organizations and industries quietly working to fix an issue with the state's ban on price gouging. According to the letter of the law, the gouging laws have technically been in effect for all of the last six years. Gouging laws are in effect until 30 days after any declared State of Emergency has been terminated. Since Governor Christie has never rescinded any of his declarations of State of Emergency, technically gouging laws have never been removed. In 2012 NJGCA and our friends at FMANJ negotiated an understanding and an assurance with the Attorney General's Office (considering how strange the situation is) that they would not bring any prosecutions for violations of the letter of the law, and would only enforce the spirit of the law, for businesses that truly took advantage of consumers. Over the last year, hoping to avoid any scrutiny of consumer advocates who might oppose our efforts, we have quietly had a bill introduced, amended, passed two committees, and passed both houses unanimously that fixes this issue. It is expected that Governor Christie will sign it soon.

FEDERAL OVERTIME RULE

In November a judge in Texas froze the new federal overtime rules that were expected to go into effect on December 1st.

The regulations are being challenged in court, with business groups saying the changes made by the Obama Administration exceeded their authority under the law, and the judge felt the case had a good enough chance of succeeding that the rules should be frozen until the case was determined. Even if the courts determine the change to be legal, both the Republican Congress and the new Administration have said they support repealing it. These rules would have raised the salary level at which overtime did not apply to certain employees, like store managers. The rate would have gone from \$23,660 per year to \$47,476. Anyone earning less would have needed to be paid time and half whenever they work more than 40 hours in a week.

TIRE ISSUES

A few bills have been circulating the Statehouse recently related to tires. The General Assembly recently unanimously passed a bill that would ban the sale of unsafe used tires, defined as having one of several serious flaws, such as treads below 1/16th of an inch or reinforcing plies exposed.

A State Auditor report a few months ago found that there is a growing problem of scrap tires not being properly recycled, but instead thrown in the woods in big piles. You may remember this was once such a big problem that a tax on tires was instituted to deal with it. It seems the State has taken their eye off the ball in dealing with this problem in the last decade, and now some legislators are looking for ways to crack down. Aerial and infra-red photos are revealing that illegal dumping of tires is still a problem. NJGCA has been monitoring these efforts to ensure that the burden does not fall unfairly on our members. So far the bill with the most traction requires tire recyclers to be licensed with the State and would only require shops to use these credible licensed recyclers. Our goal is to make sure that if you hire an authorized recycler or hauler to take away your scrap tires, and keep the required receipt, then you should not have any liability should the entity that you hired to haul the scrap tires disposes of them improperly.

Finally, the Assembly Environment Committee passed a bill that would ban the sale or installation of wheel weights made with lead or mercury. One study estimated that 12 tons of lead/mercury are deposited into the NJ environment every year because of these weights, and weights made from other materials are available for approximately the same cost. Seven other states have already banned these products (including NY) and the federal government has considered a national ban. If the bill were signed into law (which would not be for several months from now), the ban would take effect six months later.

TOBACCO/VAPING UPDATE

On Election Day voters in Colorado, Missouri, and North Dakota all voted against increases in their cigarette taxes, while California voters passed a significant increase in their tax. Earlier this year, Pennsylvania increased their statewide tax rate to \$2.60 a pack, while the rate in Philadelphia is \$4.60 a pack (NJ remains \$2.70). The FDA announced new regulations for cigars and vaping devices which will require new products to undergo an extremely expensive certification process. There is a grandfather date of 2007, but in 2007 there were virtually no vaping devices on the market. The effect

of this rule will be that all small producers of these products will close shop and only a few of the biggest corporations will be able to afford the massive costs of having their products certified. That will lead to less choice of products and higher costs for what is left. Thankfully, efforts are under way in Congress to change this regulation and mitigate the worst effects. Earlier in 2016, NJGCA blocked efforts that would have added \$2.70 for EVERY cigar in new taxes. Efforts to revive this tax in 2017 will be fought once again with great vigor.

INSPECTION UPDATE

It has now been a full year since the State announced what their plans were for the new inspection program and the bidding was opened. While originally everyone expected the new program to have gone online in the early summer, it is still up in the air and no one has technically been awarded the contract yet. The current contract with Parsons has been extended from May 2016 to November 2017 as the various bidders go back and forth with the Motor Vehicle Commission and the courts. The bids that were submitted in February 2016 were evaluated and a letter of "Intent to Award" was issued to SGS. However protests and lawsuits were filed by Parsons who essentially would have been removed after running the program for the past 17 years. The legal maneuvers have stalled the award. The second place bidder was a company named OPUS who actually had the best deal as it relates to NJGCA member shops. NJGCA had to file an "OPRA" (Open Public Records Act) in order to obtain this information. The OPRA was originally denied but a letter from our attorney indicating legal actions could be taken seemed to reverse the denial of information.

STAGE II VAPOR RECOVERY REPEAL

NJDEP is continuing to work aggressively to repeal the State's outdated Stage II requirements. However, the regulatory process takes time to complete. An Administrative Order was issued in October that in effect exempts new stations or substantially renovated stations from needing to comply with Stage II. NJGCA and the Fuel Merchants Association of NJ have reached out asking for an exemption for new product dispensers as well, and are awaiting a response as of this writing. We expect the complete repeal of Stage II sometime in the first half of 2017.

INTERNET LOTTERY

In December NJGCA testified against a bill that would legalize lottery "couriers". The bill was sold as a way to give companies a legal way to buy tickets on behalf of seniors and individuals who couldn't make it to a physical store to buy lottery tickets. However, the way the bill is written would provide backdoor internet lottery. These companies are not required to deliver the tickets they purchase on someone else's behalf, only to email them what the numbers are. No doubt they will target their advertising to regular lottery players who will be less likely to come in to brick and mortar retailers if they make their purchase online. The bill is on the Governor's desk and we are asking him to veto it.

POLITICAL UPDATE

At this point everyone is now aware of Donald Trump's narrow yet shocking win in the 2016 Presidential Election.

Republicans across the country did better than expected and the federal government will now be controlled by one party for the first time since 2010 and the first time Republicans have controlled it since 2006. House Speaker Paul Ryan has indicated that the Congress will be aggressive in repealing burdensome regulations on businesses, so after years of gridlock we may finally see meaningful changes coming from DC. This was the first time since 2010 that one of New Jersey's incumbent Representatives was defeated for reelection. Rep. Scott Garrett (R) was defeated by Democrat Josh Gottheimer in the 5th District, stretching from Sussex and Warren County through the northern half of Bergen County.

2017 is a very big year for New Jersey. The state will be electing a successor for Governor Christie, who is not eligible to run again. On the Democratic side, the overwhelming frontrunner is Phil Murphy, a former Goldman-Sachs Executive and Ambassador to Germany who received the backing of most of the county political leaders. Asm. John Wisniewski (D-Middlesex) is also running for the nomination. On the Republican side, the frontrunner is Lieutenant Governor Kim Guadagno, who has not yet formally announced. Also running are Asm. Jack Ciattarelli (R-Republican) and Nutley Councilman Steve Rogers. Comedian and talk show host Joe Piscopo is also considering running. In addition, all 120 members of the state Legislature will be up for reelection.

NJGCA PAC

With so many of our allies in the Legislature on the ballot this year (including some in tough races), our political action committee needs all the support it can get from you so we can make the voice of our industry as loud and influential as possible. Please make a contribution to NJGCA PAC and mail to 4900 Route 33, Suite 100, Wall Twp. NJ 07753.

MEMBER TESTIMONIAL

“For years my business was using Provident Bank of New Jersey to process our credit cards. After reviewing the NJGCA Member Benefit Partner Brochure, I called Louis Puglisi from MPX Credit Card Processing. Lou came in and reviewed my credit card statements. What a great experience! Lou was able to lower our credit card processing rate, and get us next day funding on American Express. Over the next year I expect to save \$1,700!! Thanks NJGCA and Louis Puglisi for your support!!”

- Sam DeMarco, Broadway Sunoco

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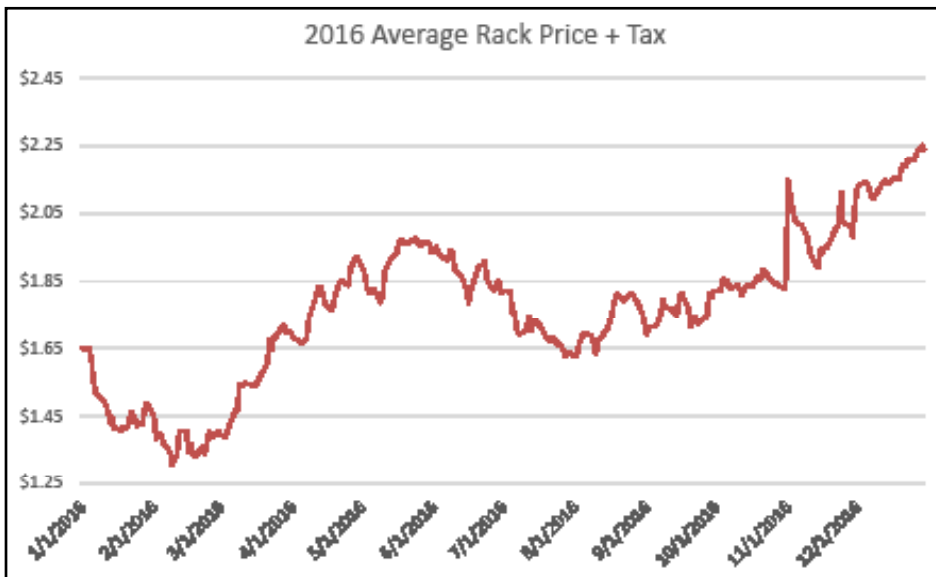
2016: The Year in Gas Prices

By: Eric Blomgren

While gas prices bounced around in 2016, overall we saw the lowest prices in at least a decade. The average rack price for gas, plus tax, for 2016 was just \$1.77 a gallon. February 2016 was the lowest average price in at least ten years, coming in 4¢ lower than December 2008, in the depths of the Great Recession. After that though, prices shot up over 50¢ a gallon in the spring, before dropping a bit in early summer.

One of the most notable points on the chart comes right on November 1st, when the gas tax increase went into effect and the price spiked. Wholesale prices dipped a bit after that, lessening the blow of the increase. Now we are in the midst of increasing prices, which normally we do not see this time of year. This is mostly due to recent decisions by OPEC to cut back on supply in order to drive up prices. More precisely, this increase is due to speculation that has come as a response to recent statements by OPEC. It remains to be seen whether they will actually follow through on their promises of prices increases; and if they do, will they be stymied by the US producers who will start operating again once the price of oil goes back up and they can afford to start fracking again. The other factor that could cause a spike in oil prices is an increase in global instability, which seems likely given the incoming Presidential Administration.

Even with the price spikes and gas tax increase we saw this year, prices are still substantially below where they have been. The last 25 months have all been cheaper than any prices we saw in the period of 2011-2014, when wholesale prices were well over \$3 a gallon. In fact, the average price of gas this year was almost half of what it was in 2012, when the average was \$3.32 a gallon and the average price in the month of April that year hit \$3.54 a gallon. The average rack price on February 9th, \$1.30, was the lowest single day price since Christmas 2008 when the average price bottomed at \$1.28.



2016	Average Rack Price + Tax	Change from Previous Month
January	\$1.48	-\$0.16
February	\$1.37	-\$0.11
March	\$1.57	\$0.20
April	\$1.80	\$0.23
May	\$1.91	\$0.11
June	\$1.88	-\$0.03
July	\$1.70	-\$0.17
August	\$1.73	\$0.03
September	\$1.76	\$0.03
October	\$1.84	\$0.08
November	\$2.01	\$0.16
December	\$2.16	\$0.16

EMISSIONS INSPECTIONS UPDATE

by Debbie Hill

The NJMVC Inspection Program has been frustrating! Back in June of 2016 we heard NJMVC sent a letter of intent to award the contract to one of the bidders for the New Jersey Emissions Inspection Program. At that time, we also heard that another bidder was planning on appealing the award. Several of the bidders that lost the bid for the contract filed protests. The entire process is still in protest.

The state had no choice but to extend the current contract with Parsons until November 2017. However if the protest is resolved sooner, the State can cancel that extension with a 90 day notice. NJMVC is prohibited from sharing any information with NJGCA. All information that NJGCA has been able to obtain has been the result of filing an "OPRA" (Open Public Records Act) request.

Since implementation of the new program is being held up, NJMVC is now accepting New Jersey Private Inspection Facility Applications. If you are not a Private Inspection Facility (PIF) and you want your location to be one, now is the time to get started! It takes several months to process the entire application from beginning to end. You have to start with having a Licensed New Jersey Emissions Inspector (check out our upcoming class schedule to enroll a student!) Once that step is complete, you can submit your completed PIF application to NJMVC to become a licensed PIF.

Once the transition begins to the new program, NJMVC will not be processing any new applications until after the new program is up and running. If you need help with acquiring your PIF and Inspectors licenses, contact Debbie Hill at 732-256-9646 or debbie@njgca.org

COMMUNITY RIGHT TO KNOW UPDATE

by Debbie Hill

Community Right to Know forms are available online through your DEP ONLINE account, and must be completed by March 1, 2017!

About Community Right to Know

The Community Right to Know (CRTK) program collects, processes, and disseminates the chemical inventory, environmental release and materials accounting data required to be reported under the New Jersey Worker and Community Right to Know Act and the federal Emergency Planning and Community Right to Know Act of 1986.

What the Community Right to Know Program Does

The Community Right to Know program performs the following functions and supplies the following services:

- ◊ Collects and stores chemical inventory information
- ◊ Assists emergency planners and first responders by providing them with information about on-site chemical hazards
- ◊ Provides compliance assistance
- ◊ Investigates complaints and notifications of unauthorized activities
- ◊ Conducts inspections
- ◊ Issues enforcement documents, both formal and informal, which may include assessed penalties

MEMBERSHIP MEMO!

Happy New Year to all of you and your Fams.

I hope you were able to unwind and re-charge even for a little bit over the Christmas and New Year Holidays. Some of you may have seen me during the fall as I've been trying to get out and visit our members.

I've been out with Mike Leneghan of Association Master Trust stopping in to see how things are going, if there were any questions about the health benefits program or any other MBP programs and just to say hello. It is important to me that NJGCA members get the most value from their membership, and I hate to see businesses leave money on the table. There is too much savings for you to ignore by participating in our AMT Health Coverage Program. I look forward to continuing my visits with Mike as the New Year begins.

As always, my goal is to increase membership and as in the past, I'm asking for your help.

If you can take a moment to think of one business owner who you believe may benefit from membership in our association, please pass their information to me and I'll contact or visit them. NJGCA's strength is the result of our members. More members means more strength, which results in more credibility and strength in Trenton.

I'd also like to remind you that our 2017 Member Benefit Partner Brochure will be issued soon so please look through it and let us know if we can help connect you with a program that will work for you. That's all for now. I hope to see many more of you this year at your locations and at our events.

Thanks for reading. Until next time.

Cheers!

Greg Cannon
Membership Director, NJGCA

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Winter/Spring 2017 TRAINING CLASS SCHEDULE

Classes will be held at NJGCA Headquarters
4900 Route 33 West, Wall Township, NJ 07753
Call Debbie at 732-256-9646 or email debbie@njgca.org to register

1. ENTIRE Emission Technician Education Program & ETEP Re-Certification Courses

If you need re-certification of your Emission Repair Technician License, or would like to get your Emission Repair Technician License for the first time, this course will offer exactly what you need. Take the entire course or pick up where you left off if you've already completed part of the program!

CLASSES: Tuesdays and Thursdays from 1:00 PM to 9:00 PM

Entire ETEP Program: Two days per week for five weeks
February 14, 16, 21, 23, 27 and March 2, 7, 9, 14, 16

ETEP Re-Certification: Two days per week for two weeks
March 7, 9, 14 and 16

Snow Days are March 21 and 23

Manuals Included in Cost of Class

FEES: Entire ETEP Class:

NJGCA Member = \$1,995

Non-Member = \$2,295

** \$500 deposit due upon registration **

ETEP Re-Certification:

NJGCA Member = \$635

Non-Member = \$765

2. One Day Class for NJ Emissions Inspectors Training

To be licensed as a Motor Vehicle Emissions Inspector, you must complete this course and pass a "Written Exam" given by the State of New Jersey. NJGCA offers this training in a ONE DAY State approved training program that will provide an understanding of inspection related issues including EPA Regulations, Safety, Diesel, Customer Service, and the New Jersey State Specific Curriculum.

This specially tailored NJGCA course fulfills all requirements.

This 1-Day Class will be offered THREE different times, for your convenience!!

Class Options: January 31 *OR* February 23 *OR* March 23

Class Time: 6:30 AM to 3:00 PM (Donuts & Coffee and Pizza & Soda provided)

Class Fees: Members = \$250

Non-Members = \$300

Manuals are included and payment is due upon registration. We accept credit cards.

****PLUS** License Fee of \$50.00 ... check made payable to NJ MVC
NJ Drivers License Required... If out-of-State, 6 Points of ID Required**

New Jersey Department of Environmental Protection
Training for Underground Storage Tank Owners
Hosted by NJGCA and sponsored by **Peak Environmental**

Please join NJGCA for a detailed training class on Underground Storage Tanks on **Thursday, January 26, 2017**. **Representatives from Peak Environmental will also be present to answer any questions and provide additional information.**

John Olko, Acting Bureau Chief of Compliance and Enforcement and Mike Hollis also from Compliance and Enforcement will be doing a presentation on:

- new UST Regulations,
- Operator Training Requirements,
- Changes in Stage II Vapor Recovery;
- and How to Pass a UST Compliance Inspection!

If you own or operate a gas station - don't miss this opportunity! This class could save you thousands of dollars in penalties from the NJDEP.

New UST Regulations are requiring changes in how you operate your business.

Learn more about: *UST Registration Changes* *Secondary Containment*
Spill Bucket Testing *Release Detection Monitoring* *Insurance Requirements* *Corrosion Protection* *Overfill Protection* and More!!

Join us for coffee and donuts in the morning, and pizza and soda for lunch!!

Class time: 9:00 am to 2:00 pm.

NJGCA Members: \$25.00

Non-Members of NJGCA: \$35.00

To Register: Simply call our office 732-256-9646, go to www.njgca.org for the registration form or email debbie@njgca.org

ATTENDEE INFORMATION

Full Name: _____

Full Address: _____

Cell: (____) _____ Work: (____) _____ Date of Birth: ____/____/____

Email Address: _____

Business Name: _____

MEMBERSHIP AND PAYMENT

Are you an NJGCA Member? YES or NO (circle one)

How are you paying? CHECK / CASH / CREDIT CARD (circle one)

CREDIT CARD INFORMATION

Card Type: VISA / MASTER CARD / AMERICAN EXPRESS (circle one) Expiration Date: _____

Card Number: _____ Security Number (on back of card): _____

Name of Cardholder: _____

Cardholder Billing Address: _____

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NJGCA has seen many legislative successes over the past few years. We'd like to take some time to tell you a little bit about the men and women who have been instrumental in helping your small business prosper.



Lieutenant Governor Kim Guadagno

Lt. Gov. Guadagno (R) was first elected to her office in 2009 as the running mate chosen by Chris Christie. She is the first Lieutenant Governor in New Jersey history. Previously, the Senate President would serve as Governor if the Governor resigned before his or her term was completed.

Lieutenant Governor Guadagno previously worked as an Assistant US Attorney and Assistant NJ Attorney General. In 2005, she was elected to her local town council in Monmouth Beach and in 2007 she was elected Monmouth County Sheriff, the first woman to hold the post.

In addition to serving as Lt. Governor, she is also the NJ Secretary of State, oversees the New Jersey Partnership for Action, leads the NJ Business Action Center, and is Chair of the Red Tape Review Commission.

It is in this last position that the Lt. Governor has been most directly helpful to NJGCA members. After our testimony to the Red Tape Review Commission regarding the ongoing and unnecessary burden of Stage II vapor recovery equipment maintenance, Lt. Governor Guadagno immediately took the issue to the Governor and saw to it that the repeal of this regulation was made a top priority for the DEP.

Even more recently, the Lieutenant Governor was the Keynote Speaker at the NJGCA Gas & C-Store Summit, where she gave a masterful and incredibly well-received speech about all the issues facing small businesses in New Jersey and all the effort she has put into outreach to the business community. She also spoke out against the harmful effects of the \$15 minimum wage and mandatory paid sick leave.

The Lt. Governor is actively considering running to be the next Governor of the state of New Jersey. Whatever her future holds, we look forward to working her, knowing she is always eager to stand with small business owners.



2016: The Year of Two Summits

In 2016, NJGCA hosted our first day-long Summits for business owners in the auto repair, gasoline and c-store industries. In February of 2016, NJGCA's first ever Auto Repair and Tire Shop Summit was headlined by Keynote Speaker Ray Martinez, Chief of the Motor Vehicle Commission. Repair shop owners learned about changing DOL and OSHA regulations, became informed about legislative issues affecting their business such as mandatory paid sick leave, \$15/hour minimum wage, mandatory tire registration, and Right to Repair, and of course, sought out answers regarding the new Emissions Inspection Program, which, 10 months later, still has not been implemented. However, our program was very successful and our members told us that they wanted more events like it in the future.

In November, NJGCA hosted a Gas Station and Convenience Store Summit, headlined by Lieutenant Governor Kim Guadagno. Since this event was targeted at gas station and convenience store owners, officials from NJ DEP and the Office of Weights and Measures provided critical information about compliance and regulations, and attendees also received a legislative update and information about credit card issues such as the transition to EMV, efforts to reduce interchange fees and ways to increase security to prevent skimming. NJGCA also unveiled its first ever video production highlighting our advocacy in Trenton, and members who talked about their experiences over the years with NJGCA, and the benefits that they have received. The Lieutenant Governor's Keynote address was by far the most popular program of the day, as she was energetic, enthusiastic, and displayed a true understanding of the issues that small business owners are facing in New Jersey. NJGCA was again encouraged to continue organizing similar events, and we are considering a repeat in 2017. Below are some pictures from the recent Gas Station and C-Store Summit.



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Group Health Coverage through NJGCA and Association Master Trust

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Association Master Trust

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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!



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- **License and Permitting Assistance** - Assistance with UST Registrations, General Air Permits, and Community Right to Know Surveys
- **NOV Resolution** - Guidance and assistance with the resolution of Notices of Violation issued by NJDEP

Member of NJGCA, Petroleum Contractors Equipment Association, Petroleum Equipment Institute, National Association of Corrosion Engineers, NFPA

START



NJGCA has partnered with Environmental Alliance, Inc. (Alliance) to ease and alleviate your pain, fears and threat of loss as it relates to: maintaining environmental compliance, site assessment and investigation, and site remediation of your property. Alliance is a local, full-service environmental consulting and engineering firm specializing in:

- Consultation and addressing NJDEP Requirements
- Licensed Site Remediation Professional Needs
- UST Investigation and Closure
- Environmental Liability Risk Management
- Turn-key Remediation Solutions
- Real Estate Due Diligence (Phase I & II Site Investigations)
- Site Monitoring and Sampling Programs
- Permitting and Regulatory Compliance
- Insurance Claims and Litigation Support

Environmental Alliance, Inc.

Contact Dan Black at 732-537-0250 or
dblack@envalliance.com for more information.



FINISH



DEP Launches Mobile Application for Reporting of Non-Emergency Environmental Incidents

Who is affected by this advisory?

Members of the public with smartphones or other mobile devices who want to report non-emergency environmental incidents electronically.

Why is DEP issuing this advisory?

The Department of Environmental Protection has launched a pilot mobile application that will enhance protection of public health and the environment by enabling the public to use smartphones and other mobile devices to conveniently report non-emergency environmental incidents. The app utilizes GPS technology for pinpoint location of environmental incidents and also allows users to submit photos as part of their reports to the DEP.

What should I do?

The pilot app can be downloaded through Google Play, the Apple app store and the Microsoft app store. Enter WARN NJDEP in the search bar. Once the app has been downloaded, it can be used to report non-emergency environmental incidents. The types of non-emergency incidents that may be reported through the application include improper storage or disposal of waste and other materials, odor complaints, sewage leaks, smoke and dust complaints, underground storage tank incidents, and wetlands or stream encroachment issues. **The app is not intended to report life-threatening and/or environmental emergencies. These should be reported by calling 9-1-1, local police or the DEP's hotline.**

What is DEP doing?

The Department is committed to engaging the public as partners in strong environmental protection. The application utilizes the latest technology to enhance protection of the environment by making it convenient for people to report incidents that can negatively impact New Jersey communities.

Where can I get more information?

For Apple Devices: <https://itunes.apple.com/us/app/warn-njdep/id1133675885?mt=8>

For Android Devices: <https://play.google.com/store/apps/details?id=com.nicusa.NJ.WARNNJDEP>

For Windows Devices: <https://www.microsoft.com/en-us/store/p/warn-njdep/9nbkqg4v0px>

Save TODAY with NJGCA Member Benefit Partners!

THE NJGCA MEMBER BENEFIT PARTNER PROGRAM

NJGCA has been working hard to bring you and your business value through our Member Benefit Partners (MBPs). Hopefully, you are already taking advantage of many money-saving plans offered by our Member Benefit Partners. Our 2017 Member Benefit Partner Brochure will be printed shortly, and this year we are introducing six new Member Benefit Partners. They are listed in blue and marked with asterisks below. We are excited about the great opportunities that you have to save money with these partners!

Here is a list of our current MBPs:

ABLE-TECH - Computers, Financial Management, Video Security Systems
AFFINITY FEDERAL CREDIT UNION - Financing, Mortgages
ALFA-TRONICS - Pump & Tank Monitoring Services, Dispenser Security Specialists
ALPHA CARD SERVICES - Payroll and ATM Services
AMATO INSURANCE AGENCY - Business, Garage Liability, Home and Auto Insurance
ASSOCIATION MASTER TRUST (AMT) - Health Coverage
ATS ENVIRONMENTAL SERVICES - Tank & Vapor Testing, NJDEP Compliance
AUTOPART INTERNATIONAL - Premium Parts Supplier
AUTOMOTIVE TRAINING INSTITUTE (ATI) - Education for a More Profitable Business
BELLOMO FUELS - Gasoline and Diesel Supplier
BRENNAN LAW - Environmental, Petroleum and Real Estate Law Specialists
BUCKEYE ENERGY SERVICES, LLC - Gasoline and Diesel Supplier
C-3 TECHNOLOGIES - Tank and Vapor Testing, NJDEP Compliance
COLE, SCHOTZ, MEISEL, FORMAN & LEONARD - Legal Services
****CONSUMERS OIL CORP.** - Gasoline and Diesel Supplier
CROMPCO - Tank & Vapor Testing, NJDEP Compliance
DANA TANK INSURANCE SPECIALISTS - Underground Storage Tank Insurance
ENERGY MARKETING PARTNERS, INC. - Gasoline and Diesel Supplier
ENVIRONMENTAL ALLIANCE, INC. - Environmental Remediation & LSRP Services
****EWMA** - Environmental Remediation & LSRP Services
GILL ENERGY - Gasoline and Diesel Supplier
HAROLD LEVINSON ASSOCIATES - Convenience Store Distributor
HOUGH PETROLEUM - Gasoline, Diesel, Motor Oil & Lubricants Supplier
****LAW OFFICES OF KENNETH L. BAUM** - Legal Services
LENDING CAPITAL - Commercial Financing
LIBERTY / EWING OIL - Gasoline and Diesel Suppliers
****LISKO ENVIRONMENTAL** - Environmental Remediation & LSRP Services
****MARC LAW** - Legal Services
MEADOWBROOK INSURANCE GROUP - Workers Compensation Insurance
MERCHANT PRO EXPRESS - Credit Card Processing & Consulting
MITCHELL1 - Shop Management System, OEM Information
P.F.I. INC. / NORTHWEST PETROLEUM - Gasoline and Diesel Supplier
PALISADES FUEL - Gasoline and Diesel Supplier
PEAK ENVIRONMENTAL - Environmental Remediation & LSRP Services
****PEAPACK GLADSTONE BANK** - Full Service Commercial Banking
PPC LUBRICANTS/CASTROL OIL - Motor Oil and Lubricant Supplier
PRESTIGE ENVIRONMENTAL - Environmental Remediation & LSRP Services
SERVICE STATION VENDING EQUIPMENT - Service Station Vending, Air & Vacuum Systems
SPARK CONTRACTORS - Tank and Pump Replacement & Generator Installation & Service
T & R OIL COMPANY - Gasoline and Diesel Suppliers
TMP ENERGY SOLUTIONS - Discounted Electricity and Natural Gas
TRINITY SOLAR - Solar and Generator Power
UNIFIRST - Uniform Service and Station Supplies

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

4900 Route 33 West, Suite 100

Wall Township, NJ 07753

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!***



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