

OCTOBER 2010



VOLUME 2 - ISSUE 5



ON THE ROAD

THE OFFICIAL COMMUNICATION OF THE NEW JERSEY GASOLINE C-STORE AUTOMOTIVE ASSOCIATION
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ELECTION 2010



VOTER GUIDE



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Although many people associate the arrival of November each year with Thanksgiving and the beginning of the Holiday season, Election Day deserves its own place to behold in the minds of those who appreciate democracy and liberty.

Last year the NJGCA On The Road Voter Guide Edition prominently featured the Main Attraction on Election

Day 2009. One year later, is there anyone who can say that the election of Governor Chris Christie has not made a difference in some way in their lives?

Sometimes we should step back and take a hard look at previous elections and realize what they actually have meant in terms of how we live our lives, run our businesses, and what we pay in taxes? How has government policy changed for better or worse?

Let's imagine that Governor Corzine was re-elected last year. Would Jon Corzine have been willing to oppose his union supporters and cut \$11 billion from the state budget? Would Jon Corzine have raised taxes on your business to pay for the budget shortfall? How would former Governor Corzine have handled the huge deficit in the Unemployment Trust Fund?

Because he and previous governors raided the UI Trust Fund, an automatic tax increase would have kicked in this past July that would have cost YOU as much as \$800 per employee PER YEAR! Governor Christie showed his concern for small business by opposing the unions and changed the benefits and qualifications for collecting unemployment, thereby reducing the burden on businesses to less than \$150 per employee per year. Governor Christie averted a certain burden from being thrust upon your back.

BUT....How would former Governor Corzine have handled the changes in the Motor Vehicle Safety Inspection program? Would Corzine have accepted NJGCA proposals that would have kept cars coming to you for safety inspections? Some think that Governor Corzine may have accepted NJGCA proposals to force ALL Re-inspections to be performed at PIF locations and thereby keep safety inspections ongoing. Only someone with a crystal ball

would know that answer. Obviously Governor Christie did not accept the NJGCA proposal.

The election presently before you now may determine the future of the entire Free Enterprise System. Capitalism and Entrepreneurship are what made this country an economic powerhouse with the best standard of living in the history of the world.

With all 535 seats in the United States House of Representatives up for re-election, the course that President Obama has steered us on with Health Care could be derailed if enough Free Enterprise thinking candidates are elected.

This issue of On The Road gives you a flavor of where the candidates that will represent you stand on some issues. Unfortunately in today's highly charged political atmosphere, candidates are reluctant to respond in writing to questions posed to them from organizations such as NJGCA. Candidates fear being pinned down and having answers misconstrued and used in TV ads against them, so they choose not to respond.

NJGCA posed a series of questions to the candidates this year as we have done in the past 3 years prior to Election Day. Unfortunately the response from both challengers and incumbents was dismal. BUT fortunately, incumbents can't deny what they have voted for in the past, so NJGCA has compiled a few key votes that were cast by incumbent Members of Congress and we have published them here for you to read and decide...and VOTE! ■

A handwritten signature in black ink, appearing to read 'Lee Gerhard'.

QUOTE FOR THOUGHT
"The wellsite footprint for wells drilled at Prudhoe Bay has been reduced from 60 acres to 6 acres since 1970."
-Lee Gerhard, AAPG Explorer in February 2001



Recently, reports have surfaced that BP jobbers are consulting lawyers about their long-term supply contracts because of the significant sales fall-offs they are encountering following BP's Gulf fiasco, and its detrimental impact on the BP brand.

Oil Express reported one jobber as saying "do the math on a 20 million gals/yr jobber losing 20% of his business because of their screwup."

The issue of getting out of or avoiding an odious long-term supply agreement can arise in many contexts.

A dealer may be presented with the "bona fide" offer to purchase his station, which is required under the Petroleum Marketing Practices Act before the dealer can be nonrenewed and his station sold out from under him. The supplier may well attempt to tie up the dealer in a long-term supply contract as a condition of sale.

In *L.M.P. Service, Inc. v. Shell Oil Co.*, 128 F. Supp. 2d 287 (D. Md. 2000), Shell tried that tactic in order to have its cake and eat it too by requiring the nonrenewed dealer to sign up for a long-term supply agreement as a condition to the offer to purchase that it presented to the dealer.

That way, Shell could pocket the sales price for the premises and still enjoy the fruits of a profitable long-term exclusive supply arrangement.

When the dealer filed suit attacking the validity of Shell's offer, Shell responded that the dealer was "entirely in error in asserting that there is some illegality in the former property owner's having a supply agreement with the new owner, whether that new owner is a third party or the former franchisee itself."

Rejecting Shell's contention, and entering judgment for the dealer, the court said that although having a supply agreement with a new owner does not violate the PMPA, "making a supply agreement a term of the offer to sell the premises ... does."

Another scenario arises where the supplier's actions – like BP's – have significantly impaired its brand value, with resultant damage to a customer bound by the terms of a long-term, exclusive supply agreement.

In 2006, Getty Petroleum Marketing, which was then licensed to supply Mobil-branded products, informed Pennsylvania jobber Shipley Fuels Marketing of its intention to rebrand the products sold through Shipley's stations to LUKOIL.

Shipley feared that replacing the well-known Mobil brand name with that of a Russian refiner having little or no market acceptance would adversely affect both its volume and profitability. It there-

fore refused to permit Getty to change the signage at its stations and began the process of debranding its stations.

Relying upon the terms of the fifteen-year distribution agreement entered into between Shipley and Getty's predecessor, the now defunct Mobil Oil Corporation, Getty filed suit in federal court and sought a preliminary injunction requiring Shipley to rebrand its stations to LUKOIL for the remainder of the term of the supply agreement.

Denying Getty's request for relief, the court found that, under a strict reading of the terms of the parties' supply contract, Getty did have the right to discontinue its sale of Mobil branded products and to offer substitute products to Shipley, but that Shipley was under no obligation to accept those substitute products.

The result in that case turned on a precise reading of the parties' rights as set forth in the distribution agreement, so the court was not required to determine whether the detrimental impact of rebranding – in and of itself – could justify a customer's repudiation of its obligations under a long-term exclusive supply agreement. Nevertheless, the case does suggest that a customer cannot in all circumstances be compelled to adhere to the terms of a long-term, exclusive supply relationship, when its supplier has materially altered the situation for the worse.

A third circumstance, yet to be litigated, could arise under the state and local laws enacted to supplement the PMPA. Recognizing that suppliers have circumvented the PMPA's bona fide purchase offer by assigning dealers' supply and lease agreements to a third-party purchaser of the station premises rather than nonrenew those agreements, some jurisdictions have expanded upon the PMPA by requiring the supplier to make a bona fide offer even where no nonrenewal has occurred.

Under those laws, can the supplier require the dealer to accept a long-term exclusive supply commitment as a condition to the offer to purchase afforded to the dealer? The analogous language and complementary purpose shared by the PMPA and those laws suggests that the conclusion reached in the *L.M.P. Service* case should apply equally in both contexts, and that the dealer should not be compelled to accept a long-term supply contract as a condition to acquiring his or her service station property.

You can contact Peter at 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
at 973-379-1090 ext. 229
for further details.*

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THE DOs AND DON'Ts LIST

BY DEBBIE HILL

1) **Don't** apply New Jersey Sales Tax to initial inspections or re-inspections. The only time you can charge New Jersey Sales Tax is for any repair or adjustments required to a vehicle to obtain the certificate of approval (sticker).

2) **Do** be careful! If you are a Private Inspection Facility: Be prepared! The Covert Vehicles are still coming to your location. Although the Safety Inspection has been eliminated from most of the vehicles you inspect – The Covert Fleet will now include Commercial and X-Plated vehicles which still require the "Safety Inspection".

3) **Do** – Check out the New Jersey Green Automotive Repair Program. You can take advantage of the program and market your business as "Green" to your customers if you pass the checklist, inspection and receive "Green" Certification from NJGARP. You can market your business as "Green". Don't miss this opportunity – NJGARP – will be targeting – Union, Somerset, and Morris Counties for new members in the Month of October. Visit their website at: www.njgreenautorepair.org

4) Are you ASE Certified? If you are re-certifying this year – for your LEVEL 1 ASE designation – we have a new class added to our schedule. **Do** check it out! It includes instruction on composite vehicles, general power train diagnosis, computerized power train diagnosis, ignition system diagnosis, fuel systems & air induction diagnosis, emission control systems and inspection maintenance failure diagnosis. Pass your ASE

Level 1 with ease!! ((See Class Schedule – Contact Debbie Hill to enroll))

5) **Don't** Miss this additional Protection for your business. If you have Underground Storage Tanks "UST's" – Here is another way to protect your business. Currently New Jersey Department of Environmental Protection requires you to paint the lids of your fill ports color coded to the fuel in the UST. **Do** add another protection by installing "Tank Collars" in the fill ports.

Contact Debbie at NJGCA to find out where you can purchase the "Tank Collars" or email to Debbie@njgca.org



<< Tank Collar Installation

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by Phil Apruzzi

During these tough economic times, all of you should be looking for ways to save money on your expenses. One area all of you should be looking at is **insurance**. Do you know exactly what is in your insurance coverage? Are you paying too much? Do you blindly pay it each month and really

haven't stopped to think what is covered and what isn't covered? Is the only time you are concerned with your coverage the time you sign up for your insurance and then basically forget about it?

You should be reviewing all your policies to make sure you are not paying too much for your coverage or paying for a policy that you do not need. However, it is also important that you maintain appropriate coverage. NJGCA offers all the insurance coverage for your business and personal needs. Let's go over a few tips to help you review your policies.

The first thing you want to do is make a chart or list of all your insurance policies. Include: the name of the insurance provider, coverage type, policy expiration date and the annual premium. Armed with this information, you can now work with NJGCA to maximize your coverage while minimizing your cost.

NJGCA has partnered with four insurance groups:

- **Association Master Trust (Horizon Blue Cross/Blue Shield)** for Health Coverage
- **Meadowbrook Insurance Group** for Workers Compensation
- **The Amato Agency** for Garage Liability, Homeowners & Automobile, Disability & Income Protection, and Flood Insurance
- **Dana Insurance & Risk Management** for Tank Insurance

Association Master Trust (AMT)

AMT has been providing health care coverage to our members since 1978. AMT is a NOT FOR PROFIT self funded association consisting of 13 trade associations with small business employees as their members. Administrative costs are kept below 15% therefore passing the savings onto its policy holders. Other insurance providers have administrative cost as high as 25%. And for the last 2 years, AMT has returned a dividend to all participating NJGCA members. Call me today to reduce your health care costs.

Meadowbrook Insurance Group

Meadowbrook has been providing workers compensation coverage to our members since 1976. While premiums are set by the state of New Jersey, discounts are offered at signing. Additionally, for 33 out of the last 35 years, dividends have been returned to policy holders. The last 2 years the dividend was 7% of the premium value. Quotes are free. Give me a call. I'll have an agent contact you.

The Amato Agency

The Amato Agency came onboard with NJGCA 3 years ago. They have been offering garage liability and auto insurance for some 45 years. This past year NJGCA was able to secure a dividend program for all members taking garage liability insurance through The Amato Agency. Savings up to 10% on premiums are available. And on top of that, all your employees and their family members can purchase auto insurance, homeowners and even flood insurance through Amato.

Dana Insurance & Risk Management (Tank Insurance)

Since 1992, DANA Insurance & Risk Management has been one of the nation's leaders in providing tank insurance to the petroleum industry. Dana works with a variety of underground fuel tank clients that include petroleum distributors, service stations, marinas, truck terminals, construction companies and auto dealers. Give me a call or contact your Territory Manager. Their names and areas of coverage are included in the *On The Road*

Let's review what NJGCA can provide you.

*NJGCA through its insurance partnerships can save you money on all your insurance needs. Give us the opportunity to show you how. At the beginning of this article, I mentioned to you what you need to do is chart all your insurance policies. If you find this difficult to do, let NJGCA do it for you. As a courtesy, if you are a member of NJGCA, we will chart your insurance policies information; the name of the insurance provider, coverage type, policy expiration date and the annual premium. We will place your information in our secure database. We will then remind you 45 days prior to a policy's expiration date that it is now time to review your policy and to begin to request quotes for your coverage. Why not take advantage of this new service? **Call Phil Apruzzi today at 973-376-0066. All information will remain confidential and not shared with anyone without your expressed permission.***



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

By Jim McCabe

Below Cost Selling

For the past few years, NJGCA has been working non-stop to prevent Below Cost Selling in New Jersey. In January, Senator Lesniak introduced legislation (S.484) that would permit motor fuel retailers to sell gasoline below his net cost. NJGCA, along with the Fuel Merchants Association, are working together to formulate a strategy to defeat this bill as we have with similar bills in years past. A letter from the Federal Trade Commission, however, may make our job a little harder this time around, as they have endorsed this bill, saying “the bill [will] encourage more aggressive price competition, which would benefit New Jersey consumers through lower gasoline prices”. We have defeated Below Cost Selling before, and NJGCA is confident that we can defeat it again. But we were successful because you raised your voices and came out to support our cause. Be prepared to write, call, and visit your legislators over this issue.

Cash Discounts

In mid-September, a bill was introduced by Assemblyman Mainor, which “prohibits retail dealers from charging in excess of five cents more per gallon for credit purchase of fuel than for cash purchase”. NJGCA and Fuel Merchants Association met with Assemblyman Mainor, who was responsive to our criticism of his bill. The Assemblyman was under the impression that retailers were profiting off of the “surcharge” they apply on credit purchases. He said that he would delay action on the bill until he does more research on the subject and meets with us again. Until then, please call his office and tell him that passage of this bill will cause you to lose profits.

Government Accountability

Senator Tony Bucco has introduced legislation that would provide the taxpayers with a little more oversight over the New Jersey Government. S.1145 would audit all state offices and agencies every five years. “We need to make sure that the taxpayers money is being spent as intended”, Bucco said. This bill would work to cut fraud and waste in Trenton, which could lead to lower taxes, as many of these agencies and offices have not been audited for many years. Putting the government on a permanent audit schedule can prevent problems before they happen.

Regulatory Flex

A bill sponsored by Assemblyman Chivukula and and Assemblywoman Alison McHose would help alleviate the pains of regulatory fines has passed the Assembly earlier this month. The components of Regulatory Flex expansion, A.2129, would force the DEP and other state regulators to show the costs and benefits of regulations, and proposes that the analysis must show that small businesses can survive such regulations, fines, and permit costs. For those members who own a gas station, there is no doubt that you will greatly benefit from this legislation. DEP would have to show that their \$50,000 fines for certain underground storage violations do not unfairly and unnecessarily burden the small independent gasoline retailers. Right now is the perfect time to pass this legislation as the struggling economy is causing legislators to consider what burdens they are willing to place on the small businesses that drive our national, state, and local economies. It is important that you continue to document those fines that are handed down even when you are currently in compliance. NJGCA will fight for this legislation because it helps prevent the state from filling its coffers with your hard earned money.



Right to Repair Fails in Massachusetts

In Massachusetts, a bill that would require automakers to turn over diagnostic and software information to auto repair shops, failed in early August. The bill passed the state Senate, but failed to win the approval in the state House. This decision was another victory for the automakers, who have successfully defeated Right to Repair bills in eight other states, including New Jersey. Though this was a blow to the national Right to Repair movement, NJGCA will not stop fighting to get the measure passed in New Jersey. ■

NJGCA encourages all our members to participate in getting our agenda passed in Trenton. If you have any questions or comments on the Issues presented here, feel free to call Jim McCabe at 973-376-0066.

QUOTE FOR THOUGHT
“Horses create 772 grams of pollution per kilometre traveled, modern cars only 72.4 grams per kilometre”
-Lee Gerhard, AAPG Explorer in February 2001

IMPORTANT DATES & TRAINING SCHEDULE

Call Debbie Hill at NJGCA to enroll in all classes at 973-376-0066

Special ASE Level 1 Preparation Course for the November 2010 Testing:

Class Instruction will be given as follows: Seven (7) hours of instruction on: Understanding the ASE composite Vehicle, General Power Train Diagnosis, Computerized Power Train Controls Diagnosis – Including OBDII, Ignition System Diagnosis, Fuel Systems and Air Induction Systems Diagnosis, Emission Control Systems Diagnosis, and Inspection Maintenance Failure Diagnosis.

NJGCA will provide a Course Manual – Power Point Presentation – Sample Testing.

Class Date: Monday – October 25th and Wednesday – October 27th

Time: 7:00 pm to 10:30 pm

Where: NJGCA Headquarters – Springfield, NJ

Class Fee: \$ 195.00 NJGCA Members \$ 255.00 NON- Members

Limiting Seating Available – Call Debbie Hill to enroll in the class at 973-376-0066 or email at debbie@njgca.org

NJGCA TRAINING CLASS GALLERY

Check out these images from recent classes offered by NJGCA



-NJGCA MEMBER QUOTE ON TRAINING CLASSES-

“I have been seriously thinking how I could expand my business by becoming a Private Inspection Facility. NJGCA made it easy for me to make this decision by providing me the certification course required in a timely manner and at a very reasonable price. Thank you NJGCA.”

– Larry Smith, Short Hills Citgo

SAVE TODAY WITH YOUR 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*

FIRST CHOICE EQUIPMENT – *Bay Equipment, Hardware, Lifts*

TMP ENERGY SOLUTIONS – *Discounted Electricity and Natural Gas*

*One of these clients chose the wrong Environmental Consultant,
the other chose Alliance.*

If you need a consultant who can handle your Environmental Due Diligence, UST Investigation and Closures, UST Fund Management, and Remediation, then please give us a call at 732-537-0250. Our turnkey service, combined with our staff's professionalism, will leave you smiling.

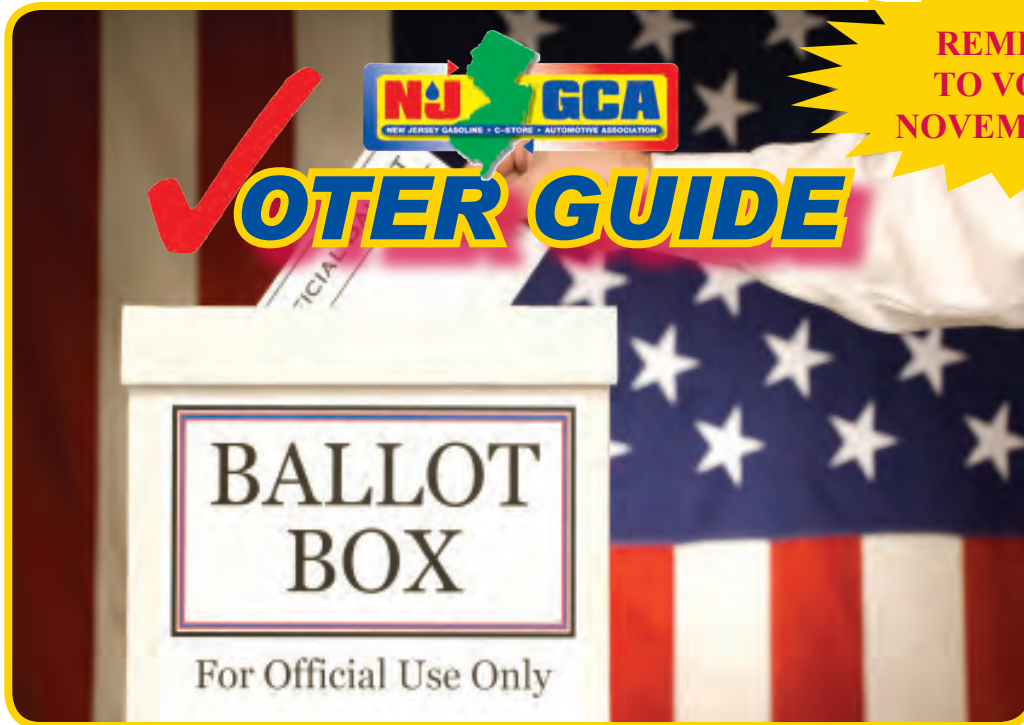


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**REMEMBER
TO VOTE ON
NOVEMBER 2nd!!**

AN ELECTION DAY MESSAGE FROM NJGCA EXECUTIVE DIRECTOR SAL RISALVATO *GET OUT AND VOTE ON NOVEMBER 2ND!*

For the past 3 years I have included in my column of the Annual Voter Guide Edition of On The Road as much encouragement and reason to you and your employees to get out and vote.

My message this year is the same, although maybe not as dramatic. After all, I don't want to sound like a broken record. All you need to do is stand at the front door of your business and look around. Stand in one spot and examine every corner of your business. You will find that behind everything you see the government, either Trenton or Washington is lurking.

Those gas pumps that you are viewing...yep...You know the government is involved there! Your signs? Your Underground Storage Tanks? How about the gas pumpers or sales associates behind the coffee counter? Do you see any government involvement with any of these?

OK, peek into the service bays. Do you see any government intrusion there?? Is your technician covered on your Health Care plan?

What's going on in your office? Are all of your tax forms and other government required filings up to date? If not, how much will you pay in fines for not having them completed?

I think you get my point. Elections do matter and your vote does count. I have always been frustrated when people don't know why they should or shouldn't vote for a particular candidate. Too many voters go into the voting booth and pull the lever for a candidate because of party affiliation. Too many voters get their impressions of candidates because of TV ads. You know I call this time of year "SILLY SEASON" because most of the TV ads are so distorted and distasteful. Many times candidates that I support anger me with the foolish nature of their advertisements.

Having said all of that I want to remind you that elected officials played a role in eliminating safety inspections, and elected officials played a role in making First Right of Refusal into law. Elected officials will be playing a role in the upcoming weeks to determine how much you can charge for gasoline when a customer pays with a credit card, and the same elected officials may even determine if your bigger competitor can sell below cost and put you out of business.

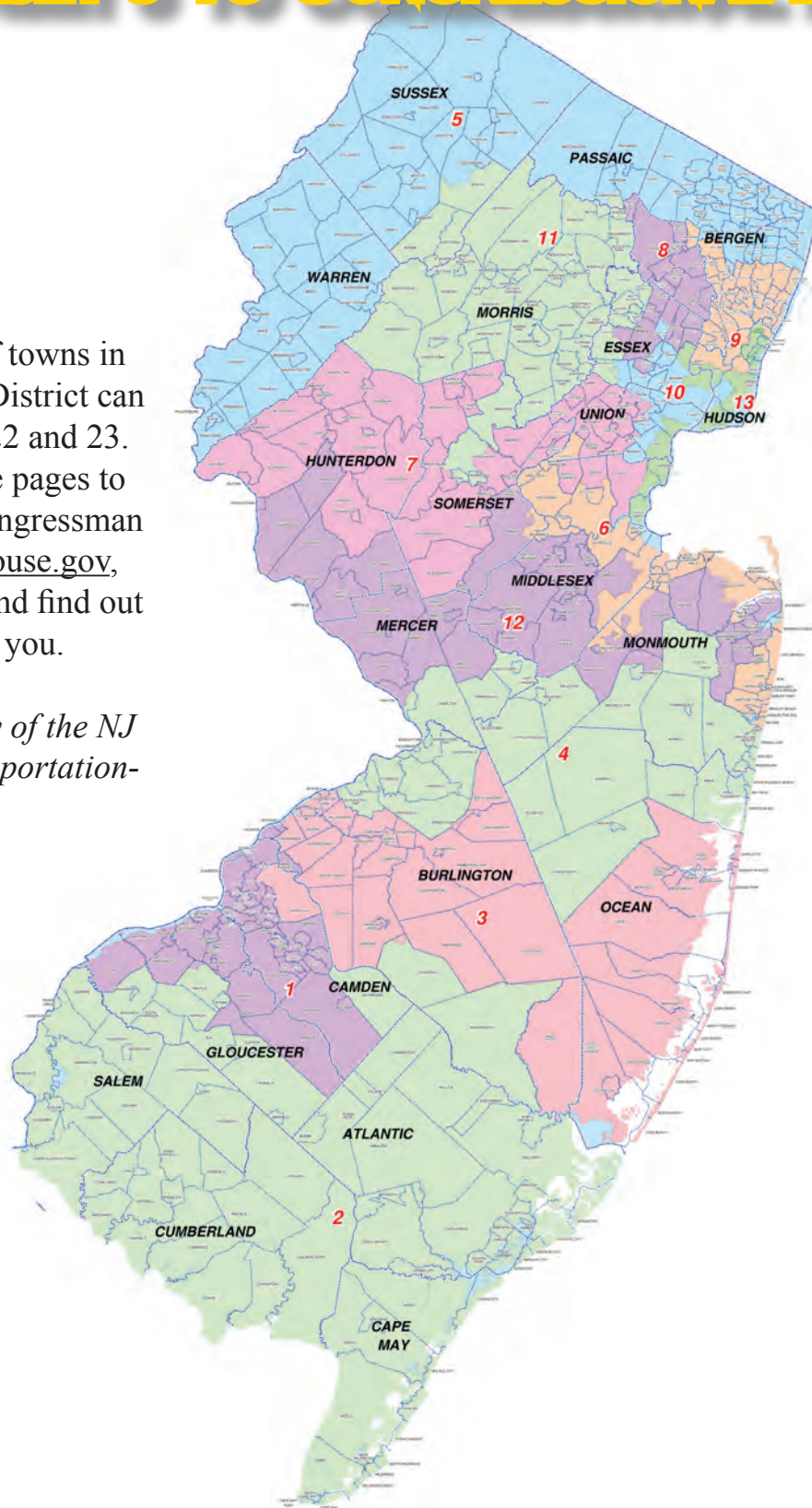
I hope that my communications throughout the year, and the extra information I share with you prior to Election Day is helpful for you to make the correct choice when you vote.



NEW JERSEY'S 13 CONGRESSIONAL DISTRICTS

A detailed listing of towns in each Congressional District can be found on Pages 22 and 23. Please refer to these pages to find out who your congressman is, or go to www.house.gov, enter your address, and find out who represents you.

This map is courtesy of the NJ Department of Transportation-GIS Unit





NEW JERSEY'S ELECTION IS ON NOVEMBER 2ND... HERE ARE YOUR CANDIDATES!

*Incumbents are listed first, and in **BOLD***

United States House of Representatives—2 Year Terms

District 1—Representing Parts of Burlington, Camden, and Gloucester Counties

Rob Andrews (D) vs. Dale M. Glading (R)

District 2—Representing Atlantic, Cape May, Cumberland, and Salem Counties; and parts of Burlington, Camden, and Gloucester Counties

Frank A LoBiondo (R) vs. Gary Stein (D)

District 3—Representing Parts of Burlington, Camden, and Ocean Counties

John Adler (D) vs. John Runyan (R)

District 4—Representing Parts of Burlington, Mercer, Monmouth, and Ocean Counties

Christopher H. Smith (R) vs. Howard Kleinhendler (D)

District 5—Representing Warren County and parts of Bergen, Passaic, and Sussex Counties

Scott Garrett (R) vs. Tod Theise (D)

District 6—Representing Parts of Middlesex, Monmouth, Somerset, and Union Counties

Frank Pallone (D) vs. Anna Little (R)

District 7—Representing Parts of Hunterdon, Middlesex, Somerset, and Union Counties

Leonard Lance (R) vs. Edward Potosnak III (D)

District 8—Representing Parts of Essex and Passaic Counties—

Bill Pascrell (D) vs. Roland Straten (R)

District 9—Representing Parts of Bergen, Hudson, and Passaic Counties

Steven R. Rothman (D) vs. Michael Agosta

District 10—Representing parts of Essex, Hudson, and Union Counties

Donald M. Payne (D) vs. Michael Alonso (R)

District 11—Representing Morris County and parts of Essex, Passaic, Somerset, and Sussex

Rodney Frelinghuysen (R) vs. Douglas Herbert (D)

District 12—Representing parts of Hunterdon, Mercer, Middlesex, Monmouth, and Somerset Counties

Rush Holt (D) vs. Scott Sippelle (R)

District 13—Representing parts of Essex, Hudson, Middlesex, and Union Counties

Albio Sires (D) vs. Henrietta Dwyer (R)



Membership in a strong Trade Association is one of the best business investments you can make....

Membership has its privileges. See for yourself -- JOIN US TODAY!



New Jersey Gasoline-Convenience-Automotive Association *Serving the Small Businesses that Serve the Motorist!*

**Advocating in Trenton • Educating members • Providing essential small business services
Enhancing public awareness • Promoting the highest ethical and professional standards**

With a proud 70 year tradition of excellence, NJGCA represents over 1,500 small business owners who serve the motoring public in the gasoline service station, convenience store, and automotive repair industries. Our members also include car washes, tire vendors, car dealerships, automotive parts dealers, financial services companies, fuel distributors, lubricant vendors, business management companies and much more!

NJGCA's mission is to serve small business owners and defend the small business community. We do this by advocating for effective public policies with legislators and state officials in Trenton; offer essential small business services to our members, often at a discounted price to help you reach maximum profitability; inform and educate NJGCA members on industry matters; enhance general awareness and project a positive image of our members to the general public, media, and Legislature; AND to promote the highest levels of ethical standards and professionalism.

NJGCA is your relentless small business advocate -- Join us and see for yourself! CALL TODAY!!



**NJGCA | 66 Morris Avenue | Springfield, NJ 07081
973-376-0066 (O) • 973-376-0766 (F) • info@njgca.org • www.njgca.org**



Candidate Responses to the Following NJGCA Questions

Answers aligning with the official position of NJGCA are in **RED**

Big Oil companies like Exxon and Shell use a practice known as zone pricing to discriminate delivery costs among gasoline retail stations. It is estimated that Exxon may have as many as 300 zones in the State of New Jersey with a wholesale price that may vary by as much as 20 cents between zones. Retailers cannot compete with like-branded locations in close proximity to their locations, which are given special pricing by an oil company. Motorists are therefore forced to pay higher prices when they fill up in these Zones.

Will you support an end to this practice of price discrimination by big oil companies?

YES represents the position of NJGCA

1st Congressional District	Rep. Rob Andrews (D)	N/A	Dale Glading (R)	YES
2nd Congressional District	Rep Frank LoBiondo (R)	N/A	Gary Stein (D)	YES
3rd Congressional District	Rep. John Adler (D)	N/A	John Runyan (R)	N/A
4th Congressional District	Rep. Christopher Smith (R)	N/A	Howard Kleinhendler (D)	YES
5th Congressional District	Rep. E. Scott Garrett (R)	NO*	Tod Theise (D)	N/A
6th Congressional District	Rep. Frank Pallone (D)	N/A	Anna Little (R)	N/A
7th Congressional District	Rep. Leonard Lance (R)	N/A	Edward Potosnak III (D)	N/A
8th Congressional District	Rep. William 'Bill' Pascrell (R)	N/A	Roland Straten (R)	N/A
9th Congressional District	Rep. Steve Rothman (D)	N/A	Mike Agosta (R)	N/A
10th Congressional District	Rep. Donald Payne (D)	N/A	Michael Alonso (R)	N/A
11th Congressional District	Rep. Rodney Frelinghuysen (R)	N/A	Douglas Herbert (D)	N/A
12th Congressional District	Rep. Rush Holt (D)	N/A	Scott Sipprelle (R)	N/A
13th Congressional District	Rep. Albio Sires (D)	N/A	Henrietta Dwyer (R)	YES

Open Supply Laws are one way to combat zone pricing, by opening the door for retail gasoline stations to buy motor fuels from alternate wholesale suppliers, so long as they maintain the brand of their supply agreement.

Will you support legislation to allow for the open supply of motor fuels?

YES represents the position of NJGCA

1st Congressional District	Rep. Rob Andrews (D)	N/A	Dale Glading (R)	YES
2nd Congressional District	Rep Frank LoBiondo (R)	N/A	Gary Stein (D)	N/A
3rd Congressional District	Rep. John Adler (D)	N/A	John Runyan (R)	N/A
4th Congressional District	Rep. Christopher Smith (R)	N/A	Howard Kleinhendler (D)	YES
5th Congressional District	Rep. E. Scott Garrett (R)	NO*	Tod Theise (D)	N/A
6th Congressional District	Rep. Frank Pallone (D)	N/A	Anna Little (R)	N/A
7th Congressional District	Rep. Leonard Lance (R)	N/A	Edward Potosnak III (D)	N/A
8th Congressional District	Rep. William 'Bill' Pascrell (R)	N/A	Roland Straten (R)	N/A
9th Congressional District	Rep. Steve Rothman (D)	N/A	Mike Agosta (R)	N/A
10th Congressional District	Rep. Donald Payne (D)	N/A	Michael Alonso (R)	N/A
11th Congressional District	Rep. Rodney Frelinghuysen (R)	N/A	Douglas Herbert (D)	N/A
12th Congressional District	Rep. Rush Holt (D)	N/A	Scott Sipprelle (R)	N/A
13th Congressional District	Rep. Albio Sires (D)	N/A	Henrietta Dwyer (R)	N/A

(*)Notates that the candidate did not respond, but public statements and media outlets provided their position
(N/A) Notates that the candidates neither responded to the survey nor have any public comments on the subject



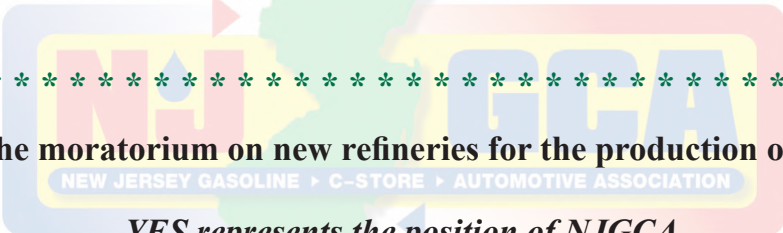
Candidate Responses to the Following NJGCA Questions

Answers aligning with the official position of NJGCA are in **RED**

Do you support drilling in offshore areas not already zoned for oil and natural gas exploration?

YES represents the position of NJGCA

1st Congressional District	Rep. Rob Andrews (D)	NO*	Dale Glading (R)	YES
2nd Congressional District	Rep Frank LoBiondo (R)	NO*	Gary Stein (D)	YES
3rd Congressional District	Rep. John Adler (D)	NO*	John Runyan (R)	N/A
4th Congressional District	Rep. Christopher Smith (R)	NO*	Howard Kleinhendler (D)	NO
5th Congressional District	Rep. E. Scott Garrett (R)	YES*	Tod Theise (D)	N/A
6th Congressional District	Rep. Frank Pallone (D)	NO*	Anna Little (R)	N/A
7th Congressional District	Rep. Leonard Lance (R)	NO*	Edward Potosnak III (D)	N/A
8th Congressional District	Rep. William 'Bill' Pascrell (R)	NO*	Roland Straten (R)	N/A
9th Congressional District	Rep. Steve Rothman (D)	NO*	Mike Agosta (R)	N/A
10th Congressional District	Rep. Donald Payne (D)	NO*	Michael Alonso (R)	N/A
11th Congressional District	Rep. Rodney Frelinghuysen (R)	N/A	Douglas Herbert (D)	N/A
12th Congressional District	Rep. Rush Holt (D)	NO*	Scott Sipprelle (R)	N/A
13th Congressional District	Rep. Albio Sires (D)	NO*	Henrietta Dwyer (R)	NO



Will you support lifting the moratorium on new refineries for the production of motor and heating fuels?

YES represents the position of NJGCA

1st Congressional District	Rep. Rob Andrews (D)	NO*	Dale Glading (R)	YES
2nd Congressional District	Rep Frank LoBiondo (R)	NO*	Gary Stein (D)	YES
3rd Congressional District	Rep. John Adler (D)	N/A	John Runyan (R)	N/A
4th Congressional District	Rep. Christopher Smith (R)	NO*	Howard Kleinhendler (D)	YES
5th Congressional District	Rep. E. Scott Garrett (R)	YES*	Tod Theise (D)	N/A
6th Congressional District	Rep. Frank Pallone (D)	NO*	Anna Little (R)	N/A
7th Congressional District	Rep. Leonard Lance (R)	N/A	Edward Potosnak III (D)	N/A
8th Congressional District	Rep. William 'Bill' Pascrell (R)	NO*	Roland Straten (R)	N/A
9th Congressional District	Rep. Steve Rothman (D)	NO*	Mike Agosta (R)	N/A
10th Congressional District	Rep. Donald Payne (D)	NO*	Michael Alonso (R)	N/A
11th Congressional District	Rep. Rodney Frelinghuysen (R)	YES*	Douglas Herbert (D)	N/A
12th Congressional District	Rep. Rush Holt (D)	NO*	Scott Sipprelle (R)	N/A
13th Congressional District	Rep. Albio Sires (D)	NO*	Henrietta Dwyer (R)	YES

(*)Notates that the candidate did not respond, but public statements and media outlets provided their position
(N/A) Notates that the candidates neither responded to the survey nor have any public comments on the subject



Candidate Responses to the Following NJGCA Questions

Answers aligning with the official position of NJGCA are in **RED**

E-85 is a blend of ethanol and gasoline and is considered an eco-friendly alternative to petrol-based motor fuel. E-85 can be sold cheaper than gasoline, especially if the federal government continues to exempt it from the Federal Excise tax on motor fuels.

Do you support a Federal exemption to the Excise tax for E-85?

YES represents the position of NJGCA

1st Congressional District	Rep. Rob Andrews (D)	YES*	Dale Glading (R)	YES
2nd Congressional District	Rep Frank LoBiondo (R)	YES*	Gary Stein (D)	YES
3rd Congressional District	Rep. John Adler (D)	N/A	John Runyan (R)	N/A
4th Congressional District	Rep. Christopher Smith (R)	YES*	Howard Kleinhendler (D)	YES
5th Congressional District	Rep. E. Scott Garrett (R)	NO*	Tod Theise (D)	N/A
6th Congressional District	Rep. Frank Pallone (D)	YES*	Anna Little (R)	N/A
7th Congressional District	Rep. Leonard Lance (R)	N/A	Edward Potosnak III (D)	N/A
8th Congressional District	Rep. William 'Bill' Pascrell (R)	YES*	Roland Straten (R)	N/A
9th Congressional District	Rep. Steve Rothman (D)	YES*	Mike Agosta (R)	N/A
10th Congressional District	Rep. Donald Payne (D)	YES*	Michael Alonso (R)	N/A
11th Congressional District	Rep. Rodney Frelinghuysen (R)	NO*	Douglas Herbert (D)	N/A
12th Congressional District	Rep. Rush Holt (D)	YES*	Scott Sipprelle (R)	N/A
13th Congressional District	Rep. Albio Sires (D)	YES*	Henrietta Dwyer (R)	YES

NEW JERSEY GASOLINE ▶ C-STORE ▶ AUTOMOTIVE ASSOCIATION

Will you support any further increases to the minimum wage?

NO represents the position of NJGCA

1st Congressional District	Rep. Rob Andrews (D)	YES*	Dale Glading (R)	NO
2nd Congressional District	Rep Frank LoBiondo (R)	YES*	Gary Stein (D)	YES
3rd Congressional District	Rep. John Adler (D)	YES*	John Runyan (R)	N/A
4th Congressional District	Rep. Christopher Smith (R)	YES*	Howard Kleinhendler (D)	NO
5th Congressional District	Rep. E. Scott Garrett (R)	NO*	Tod Theise (D)	N/A
6th Congressional District	Rep. Frank Pallone (D)	YES*	Anna Little (R)	N/A
7th Congressional District	Rep. Leonard Lance (R)	NO*	Edward Potosnak III (D)	N/A
8th Congressional District	Rep. William 'Bill' Pascrell (R)	YES*	Roland Straten (R)	N/A
9th Congressional District	Rep. Steve Rothman (D)	YES*	Mike Agosta (R)	N/A
10th Congressional District	Rep. Donald Payne (D)	YES*	Michael Alonso (R)	N/A
11th Congressional District	Rep. Rodney Frelinghuysen (R)	YES*	Douglas Herbert (D)	N/A
12th Congressional District	Rep. Rush Holt (D)	YES*	Scott Sipprelle (R)	N/A
13th Congressional District	Rep. Albio Sires (D)	YES*	Henrietta Dwyer (R)	NO

(*)Notates that the candidate did not respond, but public statements and media outlets provided their position
(N/A) Notates that the candidates neither responded to the survey nor have any public comments on the subject



Candidate Responses to the Following NJGCA Questions

Answers aligning with the official position of NJGCA are in **RED**

Will you offer tax incentives to gasoline retailers who invest in the dispensing and sale of alternate energy sources such as E-85, hydrogen, or electric power stations?

YES represents the position of NJGCA

1st Congressional District	Rep. Rob Andrews (D)	YES*	Dale Glading (R)	YES
2nd Congressional District	Rep. Frank LoBiondo (R)	YES*	Gary Stein (D)	YES
3rd Congressional District	Rep. John Adler (D)	N/A	John Runyan (R)	N/A
4th Congressional District	Rep. Christopher Smith (R)	YES*	Howard Kleinhendler (D)	YES
5th Congressional District	Rep. E. Scott Garrett (R)	NO*	Tod Theise (D)	N/A
6th Congressional District	Rep. Frank Pallone (D)	YES*	Anna Little (R)	N/A
7th Congressional District	Rep. Leonard Lance (R)	YES*	Edward Potosnak III (D)	N/A
8th Congressional District	Rep. William 'Bill' Pascrell (R)	YES*	Roland Straten (R)	N/A
9th Congressional District	Rep. Steve Rothman (D)	YES*	Mike Agosta (R)	N/A
10th Congressional District	Rep. Donald Payne (D)	YES*	Michael Alonso (R)	N/A
11th Congressional District	Rep. Rodney Frelinghuysen (R)	NO*	Douglas Herbert (D)	N/A
12th Congressional District	Rep. Rush Holt (D)	YES*	Scott Sipprelle (R)	N/A
13th Congressional District	Rep. Albio Sires (D)	YES*	Henrietta Dwyer (R)	YES

Major car manufacturers continue to deny small independent repair facilities the codes necessary to repair today's computer-managed vehicles. Consumers deserve the right to choose when, where, and how their car is repaired. Presently many consumers are forced to have their car repaired at the car dealer.

Do you support H.R. 2057--A Motor Vehicle Owners' 'Right to Repair'?

YES represents the position of NJGCA

1st Congressional District	Rep. Rob Andrews (D)	YES*	Dale Glading (R)	YES
2nd Congressional District	Rep. Frank LoBiondo (R)	N/A	Gary Stein (D)	YES
3rd Congressional District	Rep. John Adler (D)	N/A	John Runyan (R)	N/A
4th Congressional District	Rep. Christopher Smith (R)	N/A	Howard Kleinhendler (D)	YES
5th Congressional District	Rep. E. Scott Garrett (R)	N/A	Tod Theise (D)	N/A
6th Congressional District	Rep. Frank Pallone (D)	N/A	Anna Little (R)	N/A
7th Congressional District	Rep. Leonard Lance (R)	YES*	Edward Potosnak III (D)	N/A
8th Congressional District	Rep. William 'Bill' Pascrell (R)	N/A	Roland Straten (R)	N/A
9th Congressional District	Rep. Steve Rothman (D)	N/A	Mike Agosta (R)	N/A
10th Congressional District	Rep. Donald Payne (D)	YES*	Michael Alonso (R)	N/A
11th Congressional District	Rep. Rodney Frelinghuysen (R)	N/A	Douglas Herbert (D)	N/A
12th Congressional District	Rep. Rush Holt (D)	YES*	Scott Sipprelle (R)	N/A
13th Congressional District	Rep. Albio Sires (D)	N/A	Henrietta Dwyer (R)	YES

(*)Notates that the candidate did not respond, but public statements and media outlets provided their position
(N/A) Notates that the candidates neither responded to the survey nor have any public comments on the subject



Candidate Responses to the Following NJGCA Questions

Answers aligning with the official position of NJGCA are in **RED**

Do you support tax increases on any tobacco products?

A NO response represents the position of NJGCA

1st Congressional District	Rep. Rob Andrews (D)	YES*	Dale Glading (R)	NO
2nd Congressional District	Rep Frank LoBiondo (R)	YES*	Gary Stein (D)	NO
3rd Congressional District	Rep. John Adler (D)	YES*	John Runyan (R)	N/A
4th Congressional District	Rep. Christopher Smith (R)	YES*	Howard Kleinhendler (D)	NO
5th Congressional District	Rep. E. Scott Garrett (R)	NO*	Tod Theise (D)	N/A
6th Congressional District	Rep. Frank Pallone (D)	YES*	Anna Little (R)	N/A
7th Congressional District	Rep. Leonard Lance (R)	NO*	Edward Potosnak III (D)	N/A
8th Congressional District	Rep. William 'Bill' Pascrell (R)	YES*	Roland Straten (R)	N/A
9th Congressional District	Rep. Steve Rothman (D)	YES*	Mike Agosta (R)	N/A
10th Congressional District	Rep. Donald Payne (D)	YES*	Michael Alonso (R)	N/A
11th Congressional District	Rep. Rodney Frelinghuysen (R)	NO*	Douglas Herbert (D)	N/A
12th Congressional District	Rep. Rush Holt (D)	YES*	Scott Sipprelle (R)	N/A
13th Congressional District	Rep. Albio Sires (D)	YES*	Henrietta Dwyer (R)	YES

Do you support the right of workers to a private ballot for union initiatives?

A YES response represents the position of NJGCA

1st Congressional District	Rep. Rob Andrews (D)	NO*	Dale Glading (R)	YES
2nd Congressional District	Rep Frank LoBiondo (R)	NO*	Gary Stein (D)	YES
3rd Congressional District	Rep. John Adler (D)	NO*	John Runyan (R)	N/A
4th Congressional District	Rep. Christopher Smith (R)	NO*	Howard Kleinhendler (D)	NO
5th Congressional District	Rep. E. Scott Garrett (R)	YES*	Tod Theise (D)	N/A
6th Congressional District	Rep. Frank Pallone (D)	NO*	Anna Little (R)	N/A
7th Congressional District	Rep. Leonard Lance (R)	YES*	Edward Potosnak III (D)	N/A
8th Congressional District	Rep. William 'Bill' Pascrell (R)	NO*	Roland Straten (R)	N/A
9th Congressional District	Rep. Steve Rothman (D)	NO*	Mike Agosta (R)	N/A
10th Congressional District	Rep. Donald Payne (D)	NO*	Michael Alonso (R)	N/A
11th Congressional District	Rep. Rodney Frelinghuysen (R)	YES*	Douglas Herbert (D)	N/A
12th Congressional District	Rep. Rush Holt (D)	NO*	Scott Sipprelle (R)	N/A
13th Congressional District	Rep. Albio Sires (D)	NO*	Henrietta Dwyer (R)	YES

Would you support any increases in the Federal Excise Tax on gasoline?

NO represents the position of NJGCA

1st Congressional District	Rep. Rob Andrews (D)	N/A	Dale Glading (R)	NO
2nd Congressional District	Rep Frank LoBiondo (R)	N/A	Gary Stein (D)	YES
3rd Congressional District	Rep. John Adler (D)	YES*	John Runyan (R)	N/A
4th Congressional District	Rep. Christopher Smith (R)	N/A	Howard Kleinhendler (D)	NO
5th Congressional District	Rep. E. Scott Garrett (R)	NO*	Tod Theise (D)	N/A
6th Congressional District	Rep. Frank Pallone (D)	N/A	Anna Little (R)	N/A
7th Congressional District	Rep. Leonard Lance (R)	NO*	Edward Potosnak III (D)	N/A
8th Congressional District	Rep. William 'Bill' Pascrell (R)	N/A	Roland Straten (R)	N/A
9th Congressional District	Rep. Steve Rothman (D)	N/A	Mike Agosta (R)	N/A
10th Congressional District	Rep. Donald Payne (D)	N/A	Michael Alonso (R)	N/A
11th Congressional District	Rep. Rodney Frelinghuysen (R)	NO*	Douglas Herbert (D)	N/A
12th Congressional District	Rep. Rush Holt (D)	N/A	Scott Sipprelle (R)	N/A
13th Congressional District	Rep. Albio Sires (D)	N/A	Henrietta Dwyer (R)	NO

(*)Notates that the candidate did not respond, but public statements and media outlets provided their position
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Candidate Responses to the Following NJGCA Questions

Answers aligning with the official position of NJGCA are in **RED**

Do you support a Federal Paid Family Leave mandate (NO represents the position of NJGCA), and if so, will you support maintaining the current 50 employee exemption to protect small businesses?

Yes represents the position of NJGCA

1st Congressional District	Rep. Rob Andrews (D)	Y,N*	Dale Glading (R)	NO
2nd Congressional District	Rep Frank LoBiondo (R)	N/A	Gary Stein (D)	YES
3rd Congressional District	Rep. John Adler (D)	Y,N*	John Runyan (R)	N/A
4th Congressional District	Rep. Christopher Smith (R)	N/A	Howard Kleinhendler (D)	NO
5th Congressional District	Rep. E. Scott Garrett (R)	N/A	Tod Theise (D)	N/A
6th Congressional District	Rep. Frank Pallone (D)	N/A	Anna Little (R)	N/A
7th Congressional District	Rep. Leonard Lance (R)	NO*	Edward Potosnak III (D)	N/A
8th Congressional District	Rep. William 'Bill' Pascrell (R)	N/A	Roland Straten (R)	N/A
9th Congressional District	Rep. Steve Rothman (D)	N/A	Mike Agosta (R)	N/A
10th Congressional District	Rep. Donald Payne (D)	N/A	Michael Alonso (R)	N/A
11th Congressional District	Rep. Rodney Frelinghuysen (R)	N/A	Douglas Herbert (D)	N/A
12th Congressional District	Rep. Rush Holt (D)	N/A	Scott Sipprelle (R)	N/A
13th Congressional District	Rep. Albio Sires (D)	Y,N*	Henrietta Dwyer (R)	NO

The recently enacted Healthcare Reform Act has become a hotly contested topic of concern for small business owners. While reform was necessary, many believe that the new law is heavy-handed and that the new taxes levied against small business owners will only put those they employ at risk of losing their jobs.

In light of this, would you support repealing this law?

YES represents the position of NJGCA on both questions

1st Congressional District	Rep. Rob Andrews (D)	N/A	Dale Glading (R)	YES
2nd Congressional District	Rep Frank LoBiondo (R)	YES*	Gary Stein (D)	NO
3rd Congressional District	Rep. John Adler (D)	N/A	John Runyan (R)	N/A
4th Congressional District	Rep. Christopher Smith (R)	YES*	Howard Kleinhendler (D)	NO
5th Congressional District	Rep. E. Scott Garrett (R)	YES*	Tod Theise (D)	N/A
6th Congressional District	Rep. Frank Pallone (D)	N/A	Anna Little (R)	N/A
7th Congressional District	Rep. Leonard Lance (R)	YES*	Edward Potosnak III (D)	N/A
8th Congressional District	Rep. William 'Bill' Pascrell (R)	YES*	Roland Straten (R)	N/A
9th Congressional District	Rep. Steve Rothman (D)	N/A	Mike Agosta (R)	N/A
10th Congressional District	Rep. Donald Payne (D)	N/A	Michael Alonso (R)	N/A
11th Congressional District	Rep. Rodney Frelinghuysen (R)	YES*	Douglas Herbert (D)	N/A
12th Congressional District	Rep. Rush Holt (D)	N/A	Scott Sipprelle (R)	N/A
13th Congressional District	Rep. Albio Sires (D)	N/A	Henrietta Dwyer (R)	YES

(*)Notates that the candidate did not respond, but public statements and media outlets provided their position
(N/A) Notates that the candidates neither responded to the survey nor have any public comments on the subject

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!***



CONGRESSIONAL DISTRICTS BY TOWN

District 1—Burlington County—Maple Shade Twp., Palmyra, Riverton. **Camden County**—Audubon, Audubon Park, Barrington, Bellmawr, Berlin, Berlin Twp., Brooklawn, Camden, Chesilhurst, Clemnton, Collingswood, Gibbsboro, Gloucester City, Haddon Heights, Haddon Twp., Haddon Field, Hi-Nella, Laurel Springs, Lawnside, Lindenwold, Magnolia, Merchantville, Mount Ephraim, Oaklyn, Pennsauken Twp., Pine Hill, Pine Valley, Runnemede, Somerdale, Stratford, Tavistock, Voorhees Twp., Winslow Twp., Woodlynne. **Gloucester County**—Clayton, Deptford Twp., East Greenwich Twp., Glassboro, Greenwich Twp., Logan Twp., Mantua Twp. (also in District 2), Monroe Twp., National Park, Paulsboro, Pitman, Washington Twp., Wenonah, West Deptford Twp., Westville, Woodbury Heights, Woodbury

District 2—All of Atlantic, Cape May, Cumberland, and Salem Counties. Burlington County—Shamong Twp. (also in District 3), Washington Twp. **Camden County**—Waterford Twp. **Gloucester County**—Elk Twp., Franklin Twp., Harrison Twp., Mantua Twp. (also part of District 1), Newfield, South Harrison Twp., Swedesboro, Woolwich Twp.

District 3—Burlington County—Bass River Twp., Beverly, Burlington Twp. (part; also in 4), Cinnaminson Twp., Delanco Twp., Delran Twp., Eastampton Twp., Edgewater Park Twp., Evesham Twp., Hainesport Twp., Lumberton Twp., Medford Lakes, Medford Twp., Moorestown Twp., Mount Holly Twp., Mount Laurel Twp., New Hanover Twp., North Hanover Twp., Pemberton Twp., Pemberton, Riverside Twp., Shamong Twp. (part; also in 2), Southampton Twp., Tabernacle Twp., Westampton Twp., Willingboro Twp., Woodland Twp., Wrightstown. **Camden County**—Cherry Hill Twp., **Ocean County**—Barnegat, Barnegat Light, Beach Haven, Beachwood, Berkeley Twp., Eagleswood Twp., Harvey Cedars, Island Heights, Lacey Twp., Lavallette, Little Egg Harbor Twp., Long Beach Twp., Ocean Gate, Ocean Twp., Pine Beach, Seaside Heights, Seaside Park, Ship Bottom, South Toms River, Stafford Twp., Surf City, Toms River Twp., Tuckerton

District 4—Burlington County—Bordentown Twp., Bordentown, Burlington Twp. (part; also in 3), Burlington, Chesterfield Twp., Fieldsboro, Florence Twp., Mansfield Twp., Springfield Twp., Mercer County, East Windsor Twp., Hamilton Twp., Hightstown, Trenton (part; also in 12), Robbinsville Twp. (known as Washington Twp., Until 2007) **Monmouth County**—Allentown, Brielle, Colts Neck, Farmingdale, Freehold, Freehold Twp. (part; also in 12), Howell Twp., Manasquan, Millstone Twp., Roosevelt, Sea Girt, Spring Lake, Spring Lake Heights, Upper Freehold Twp., Wall Twp. **Ocean County**—Bay Head, Brick Twp., Jackson Twp., Lakehurst, Lakewood, Manchester Twp., Mantoloking, Plumsted Twp., Point Pleasant Beach, Point Pleasant

District 5—All of Warren County—Bergen County—Allendale, Alpine, Bergenfield, Closter, Cresskill, Demarest, Dumont, Emerson, Franklin Lakes, Glen Rock, Harrington Park, Haworth, Hillsdale, Ho-Ho-Kus, Mahwah Twp., Midland Park, Montvale, New Milford (part; also in 9), Northvale, Norwood, Oakland, Old Tappan, Oradell, Paramus, Park Ridge, Ramsey, Ridgewood, River Vale, Rochelle Park, Rockleigh, Saddle River, Tenafly, Upper Saddle River, Waldwick, Washington Twp., Westwood, Woodcliff Lake, Wyckoff Twp. **Passaic County**—Bloomingdale (part; also in 11), Ringwood, Wanaque, West Milford, **Sussex County**—Andover Twp., Andover, Branchville, Frankford Twp., Franklin, Fredon Twp., Green Twp., Hamburg, Hampton Twp., Hardyston Twp., Hopatcong, Lafayette Twp., Montague Twp., Newton, Ogdensburg, Sandyston Twp., Sparta Twp. (part; also in 11), Stillwater Twp., Sussex, Vernon Twp., Walpack Twp., Wantage Twp.

District 6—Middlesex County—Dunellen, Edison (part; also in 7), Highland Park, Metuchen, Middlesex, New Brunswick, Old Bridge Twp. (part; also in 12), Piscataway Twp., Sayreville, South Amboy, South River. **Monmouth County**—Aberdeen Twp., Allenhurst, Asbury Park, Atlantic Highlands, Avon-by-the-Sea, Belmar, Bradley Beach, Deal, Hazlet Twp., Highlands, Interlaken, Keansburg, Keyport, Lake Como, Loch Arbour, Long Branch, Manalapan Twp. (part; also in 12), Marlboro Twp. (part; also in 12), Matawan, Middletown Twp. (part; also in 12), Monmouth Beach, Neptune City, Neptune Twp., Ocean Twp., Red Bank, Sea Bright, Union Beach, West Long Branch. **Somerset County**—Franklin Twp. (part; also in 11) **Union County**—Plainfield

District 7—Hunterdon County—Alexandria Twp., Bethlehem Twp., Bloomsbury, Califon, Clinton, Clinton Twp., Flemington,





DECISION 2010



Glen Gardner, Hampton, High Bridge, Holland Twp., Lebanon, Lebanon Twp., Milford, Raritan Twp., Readington Twp., Tewksbury Twp., Union Twp. **Middlesex County**—Edison (part; also in 6), South Plainfield, Woodbridge Twp. (part; also in 13) **Somerset County**—Bedminster, Bernardsville, Bound Brook, Branchburg, Bridgewater Twp. (part; also in 11), Far Hills, Green Brook, Hillsborough, Manville, Millstone, Montgomery, North Plainfield, Peapack and Gladstone, Rocky Hill, South Bound Brook, Warren Twp., Watchung **Union County**—Berkeley Heights, Clark, Cranford, Fanwood, Garwood, Kenilworth, Linden (part; also in 10 and 13), Mountainside, New Providence, Roselle Park, Scotch Plains, Springfield Twp., Summit, Union Twp. (part; also in 10), Westfield, Winfield

District 8— **Essex County**—Belleville, Bloomfield, Cedar Grove, Glen Ridge, Livingston (part; also in 11), Montclair (part; also in 10), Nutley, South Orange (part; also in 10), Verona, West Orange (part; also in 10) **Passaic County**—Clifton, Haledon, Little Falls, North Haledon, Passaic, Paterson, Pompton Lakes, Prospect Park, Totowa, Wayne, West Paterson

District 9— **Bergen County**—Bogota, Carlstadt, Cliffside Park, East Rutherford, Edgewater, Elmwood Park, Englewood, Englewood, Cliffs, Fair Lawn, Fairview, Fort Lee, Garfield, Hackensack, Hasbrouck Heights, Leonia, Little Ferry, Lodi, Lyndhurst, Maywood, Moonachie, New Milford (part; also in 5), North Arlington, Palisades Park, Ridgefield, Ridgefield Park, River Edge, Rutherford, Saddle Brook, South Hackensack, Teaneck, Teterboro, Wallington, Wood-Ridge **Hudson County**—Jersey City (part; also 10 and 13), Kearny (part; also in 13), North Bergen (part; also in 13), Secaucus **Passaic County**—Hawthorne

District 10— **Essex County**—East Orange, Irvington, Maplewood, Millburn (part; also in 11), Montclair (part; also in 8), Newark (part; also in 13), Orange, South Orange (part; also in 8), West Orange (part; also in 8). **Hudson County**—Bayonne (part; also in 13), Jersey City (part; also 9 and 13) **Union County**—Elizabeth (part; also in 13), Hillside, Linden (part; also in 7 and 13), Rahway, Roselle, Union Twp. (part; also in 7)

District 11— **All of Morris County**— **Essex County**—Caldwell, Essex Fells, Fairfield, Livingston (part; also in 8), Millburn (part; also in 10), North Caldwell, Roseland, West Caldwell **Passaic County**—Bloomingdale (part; also in 5). **Somerset County**—Bernards Twp., Bridgewater Twp. (part; also in 7), Raritan, Somerville. **Sussex County**—Byram Twp., Hopatcong, Ogdensburg, Sparta Twp. (part; also in 5), Stanhope

District 12— **Hunterdon County**—Delaware Twp., East Amwell Twp., Franklin Twp., Frenchtown, Kingwood Twp., Lambertville, Stockton, West Amwell Twp. **Mercer County**—Ewing Twp., Hopewell Twp., Hopewell, Lawrence Twp., Pennington, Princeton Borough, Princeton Twp., Trenton (part; also in 4), West Windsor Twp. **Middlesex County**—Cranbury Twp., East Brunswick Twp., Helmetta, Jamesburg, Milltown, Monroe Twp., North Brunswick Twp., Old Bridge Twp. (part; also in 6), Plainsboro Twp., South Brunswick Twp., Spotswood. **Monmouth County**—Eatontown, Englishtown, Fair Haven, Freehold Twp. (part; also in 4), Holmdel Twp., Little Silver, Manalapan Twp. (part; also in 6), Marlboro Twp. (part; also in 6), Middletown Twp. (part; also in 6), Oceanport, Rumson, Shrewsbury Twp., Shrewsbury, Tinton Falls. **Somerset County**—Franklin Twp. (part; also in 6)

District 13— **Essex County**—Newark (part; also in 10). **Hudson County**—Bayonne (part; also in 10), East Newark, Guttenberg, Harrison, Hoboken, Jersey City (part; also 9 and 10), Kearny (part; also in 9), North Bergen (part; also in 9), Union City, Weehawken Twp., West New York. **Middlesex County**—Carteret, Perth Amboy, Woodbridge Twp. (part; also in 7) **Union County**—Elizabeth (part; also in 10), Linden (part; also in 7 and 10)

REMEMBER YOUR CIVIC DUTY --

GO VOTE

ON NOVEMBER 2ND!!





How They Voted On Issues YOU Care About

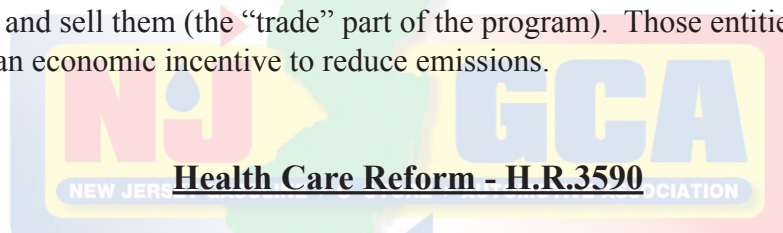
Incumbent Candidates' Voting Records On Five Important Issues

- Please review the following to see how your representative voted on the following issues -

Cap and Trade – H.R. 2454

The bill proposes a cap and trade system, under which the government sets a limit on the total amount of greenhouse gases that can be emitted nationally. Companies then buy or sell permits to emit these gases, primarily carbon dioxide. The legislation will set a cap on total emissions over the 2012–2050 period, and would require regulated entities to hold rights, or allowances, to emit greenhouse gases. After allowances were initially distributed, entities would be free to buy and sell them (the “trade” part of the program). Those entities that emit more gases face a higher cost, which provides an economic incentive to reduce emissions.

1st Congressional District	Rep. Rob Andrews (D)	YES
2nd Congressional District	Rep Frank LoBiondo (R)	YES
3rd Congressional District	Rep. John Adler (D)	YES
4th Congressional District	Rep. Christopher Smith (R)	YES
5th Congressional District	Rep. E. Scott Garrett (R)	NO
6th Congressional District	Rep. Frank Pallone (D)	YES
7th Congressional District	Rep. Leonard Lance (R)	YES
8th Congressional District	Rep. William 'Bill' Pascrell (R)	YES
9th Congressional District	Rep. Steve Rothman (D)	YES
10th Congressional District	Rep. Donald Payne (D)	YES
11th Congressional District	Rep. Rodney Frelinghuysen (R)	NO
12th Congressional District	Rep. Rush Holt (D)	YES
13th Congressional District	Rep. Albio Sires (D)	YES



Health Care Reform - H.R.3590

1st Congressional District	Rep. Rob Andrews (D)	YES
2nd Congressional District	Rep Frank LoBiondo (R)	NO
3rd Congressional District	Rep. John Adler (D)	NO
4th Congressional District	Rep. Christopher Smith (R)	NO
5th Congressional District	Rep. E. Scott Garrett (R)	NO
6th Congressional District	Rep. Frank Pallone (D)	YES
7th Congressional District	Rep. Leonard Lance (R)	NO
8th Congressional District	Rep. William 'Bill' Pascrell (R)	YES
9th Congressional District	Rep. Steve Rothman (D)	YES
10th Congressional District	Rep. Donald Payne (D)	YES
11th Congressional District	Rep. Rodney Frelinghuysen (R)	NO
12th Congressional District	Rep. Rush Holt (D)	YES
13th Congressional District	Rep. Albio Sires (D)	YES

The bill implements a small business tax credit; only businesses with 10 or fewer employees will receive the full credit. The tax credit will only be applied to employers that cover at least 50% of the insurance costs, and will only be offered for up to 6 years. There will be an \$8 billion tax on insurers in 2014, which will increase to \$14.3 billion in 2018, and it is expected that the insurance companies will pass those tax hikes onto the businesses that

use their insurance. **The new law requires a small business to file a 1099 form on all business expenses over \$600 over the entire year.** Businesses must now also report health benefits on all W-2 forms.

Please note that a vote of N/A denotes that the representative was not a member of Congress when the bill was voted on





Minimum Wage Increase – H.R. 2 (2007)

Increases the minimum wage from \$5.15 to \$7.25 an hour over a period of 2 years.

1st Congressional District	Rep. Rob Andrews (D)	YES
2nd Congressional District	Rep Frank LoBiondo (R)	YES
3rd Congressional District	Rep. John Adler (D)	N/A
4th Congressional District	Rep. Christopher Smith (R)	YES
5th Congressional District	Rep. E. Scott Garrett (R)	NO
6th Congressional District	Rep. Frank Pallone (D)	YES
7th Congressional District	Rep. Leonard Lance (R)	N/A
8th Congressional District	Rep. William 'Bill' Pascrell (R)	YES
9th Congressional District	Rep. Steve Rothman (D)	YES
10th Congressional District	Rep. Donald Payne (D)	YES
11th Congressional District	Rep. Rodney Frelinghuysen (R)	YES
12th Congressional District	Rep. Rush Holt (D)	YES
13th Congressional District	Rep. Albio Sires (D)	YES

Alternative Energy Tax Incentives - H.R. 6049 (2008)

1st Congressional District	Rep. Rob Andrews (D)	YES
2nd Congressional District	Rep Frank LoBiondo (R)	NO
3rd Congressional District	Rep. John Adler (D)	N/A
4th Congressional District	Rep. Christopher Smith (R)	YES
5th Congressional District	Rep. E. Scott Garrett (R)	NO
6th Congressional District	Rep. Frank Pallone (D)	YES
7th Congressional District	Rep. Leonard Lance (R)	N/A
8th Congressional District	Rep. William 'Bill' Pascrell (R)	YES
9th Congressional District	Rep. Steve Rothman (D)	YES
10th Congressional District	Rep. Donald Payne (D)	YES
11th Congressional District	Rep. Rodney Frelinghuysen (R)	NO
12th Congressional District	Rep. Rush Holt (D)	YES
13th Congressional District	Rep. Albio Sires (D)	YES

Extends tax credits to biodiesel and renewable diesel used as fuel for one year, and raises the biodiesel credits and biodiesel mixture credits from 50 cents to \$1 per gallon. It also extends tax credits to new wind facilities, and other forms of "green" energy.

Economic Stimulus Bill – H.R. 1 (2009)

Provides \$787 billion in spending and tax cuts over the period of 2009-2019, including an increase in unemployment benefits, a subsidy for health care under COBRA, and billions to improving the country's infrastructure. The tax cuts include credits to businesses that are using renewable energy, tax credits to individuals who are making under \$75,000, and a tax credit for first time homebuyers.

1st Congressional District	Rep. Rob Andrews (D)	YES
2nd Congressional District	Rep Frank LoBiondo (R)	NO
3rd Congressional District	Rep. John Adler (D)	YES
4th Congressional District	Rep. Christopher Smith (R)	NO
5th Congressional District	Rep. E. Scott Garrett (R)	NO
6th Congressional District	Rep. Frank Pallone (D)	YES
7th Congressional District	Rep. Leonard Lance (R)	NO
8th Congressional District	Rep. William 'Bill' Pascrell (R)	YES
9th Congressional District	Rep. Steve Rothman (D)	YES
10th Congressional District	Rep. Donald Payne (D)	YES
11th Congressional District	Rep. Rodney Frelinghuysen (R)	NO
12th Congressional District	Rep. Rush Holt (D)	YES
13th Congressional District	Rep. Albio Sires (D)	YES

Please note that a vote of N/A denotes that the representative was not a member of Congress when the bill was voted on



IMPORTANT CHANGES TO HOW YOU BUY ELECTRICITY

Electricity was de-regulated more than 10 years ago in New Jersey. What does that mean? It means that the utility that supplies and delivers your electricity through the overhead and underground power lines can not monopolize the sale of electricity any longer. By virtue of the power grid system itself, competition never existed because it is not practical for competing electric suppliers construct poles and lines to deliver

electricity to your home or business.

Changes in the law require that your utility must permit other suppliers to use their infrastructure to SELL you electricity. The electricity will still be DELIVERED by the utility; however, you are free to purchase the electricity from the supplier of your choice. If you examine your electric bill, there are charges for the delivery to your electric meter, and there are charges for the electricity itself.

Ten years ago various suppliers of electricity began popping up around the state, but were mostly interested in doing business with large businesses that use a lot of electricity. The competing suppliers were able to save factories, large office buildings, and hospitals a significant amount of money.

Today there are a multitude of suppliers that are now willing to branch out and supply your small business and even your home. They have exhausted the big opportunities and they are now bundling the smaller users and making their profits based on collective volume.

Savings can be achieved that range from 8-12% depending on which supplier you choose. NJGCA has met with 5 of the best in order to negotiate the best deal for NJGCA members.

Several programs are being considered. A separate program for your home may be offered as well as your business. Based on average electric bills as reported from NJGCA members, you can expect a savings on your present electric bill of \$50-\$500 per month.

The simplicity of receiving this savings takes away all excuses for not enrolling. Small business owners are so busy running their businesses that often savings opportunities like changing electricity suppliers are ignored and pushed off to do at a later time.

The process is very simple and only requires your signature. YOU WILL STILL RECEIVE YOUR MONTHLY ELECTRIC BILL FROM YOUR PRESENT UTILITY! The difference will be that the electric charge will be listed on your bill as being sold to you by a different supplier, and AT A LOWER RATE. The actual amount that you save each month will be clearly listed on your bill.

Your NJGCA Territory Manager will be around soon to help sign you up if you are interested. More details will be announced soon!

Call Debbie at NJGCA headquarters if you have questions, or email her debbie@njgca.org ■

FORM 1099

By now, every business owner on the planet knows about the newly expanded requirement to issue information reporting forms, Forms 1099, to vendors of good or services for which the business owner paid the vendor more than \$600 over the course of the year.

ADDING INSULT TO INJURY

The small business lending assistance and tax relief bill, which the Senate passed last week, the House will pass this week, and the President will sign, contains several items on our "wish list." Unfortunately, the Senate chose not to address the Form 1099 issue.

Lost in the discussion of the good news and bad news is one revenue offset to which we objected vehemently. The bill, which will soon become law, increases the penalties for failing to file information reporting forms in a timely and correct manner. Yes, those very same Form 1099s that are scheduled to multiply faster than the speed of light.

Here are the current penalties if the business taxpayer fails to file the information return:

- \$15 per information return if you correctly file within 30 days (by March 30 if the due date is February 28); maximum penalty is \$75,000 per year (\$25,000 for small businesses, defined below)
- \$30 per information return if you correctly file more than 30 days after the due date but by August 1; maximum penalty is \$150,000 per year (\$50,000 for small businesses)
- \$50 per information return if you file after August 1 or you do not file required information returns; maximum penalty is \$250,000 per year (\$100,000 for small businesses)

The definition of small business for this purpose is average annual gross receipts of \$5 million or less for the three most recent tax years (or for the period a business has been in existence, if shorter) ending before the calendar year in which the information returns were due.

The new penalties will be:

- \$30 per information return if you correctly file within 30 days (by March 30 if the due date is February 28); maximum penalty is \$250,000 per year (\$75,000 for small businesses)
- \$60 per information return if you correctly file more than 30 days after the due date but by August 1; maximum penalty is \$500,000 per year (\$200,000 for small businesses)
- \$100 per information return if you file after August 1 or you do not file required information returns; maximum penalty is \$1,500,000 per year (\$500,000 for small businesses)

Basically, the single report "inadvertent" penalties doubles and the aggregate amounts increases significantly. The new penalties are effective January 1, 2011. ■

TMP ENERGY SOLUTIONS: REDUCING YOUR ENERGY COSTS



TMP Energy Solutions is proud to be NJGCA's newest Member Benefit Partner. TMP Energy Solutions, a division of TMP Information Services, offers competitively priced electricity and natural gas for your business.

TMP was founded in 2004 and has continually expanded its products and services. Energy deregulation now provides an exciting opportunity for savings and choice. TMP Energy Solutions can now offer special attention to each NJGCA member's specific needs and goals by creating a personal customized Energy Cost Savings analysis that is proven and effective.

We will be working very closely with NJGCA over the upcoming months to insure every member has the opportunity to take advantage of our energy procurement program. Whether you have one location or multiple locations...if you are a small user or a large user of natural gas and/or electricity, there is a legitimate opportunity for you to lower your monthly bill.

Deregulation affects only the **supply** portion of your electric and natural gas bill, thus giving you a choice to select the energy company that produces your power at a lower KWh (***kilowatt hour**) for electricity or ***therm** rate for natural gas. You also have the option to select price protection against future price increase for up to 3 years.

The difference in energy companies are the "**where and how**" your energy network operates.

(A) (B) (C)
(Commodity Supply) < **we work here** > < (Long Distance/Transmission)>< (Local Distribution)><(Consumers)

The natural gas and electric industries are quite similar in their operation and structure. Each has three distinct components (a) the commodity **SUPPLY** portion (b) the long-distance **TRANSMISSION** of the commodity and finally (c) the local **DISTRIBUTION** of the commodity to our homes and businesses, only the price of the commodity supply has been opened to competition through deregulation.

We are here to help NJGCA members manage their energy costs. We represent multiple providers in the energy sector that help breed healthy competition giving you better value for your energy dollars.

We are prepared today to help all NJGCA members get started with a personal energy program! Your initial savings through this process can easily be a few points; a 4-5% reduction and possibly up to an unbelievable 45% reduction. Our client savings over the past few months has averaged 18%-25%. The first step in virtually any attempt to reduce energy costs is to:

- Fill out our "letter of authorization" which is a non-committal form.
- Provide us with up to 12 months of gas and/or electric utility statements.
- We analyze this information and create an energy profile for each utility.
- Within 5-7 days you will receive a proposal.

This information you provide helps us to accurately determine your annual usage, weighted average KWH or therm. You will also be able to see for yourself what type of savings is possible. We give you recommendations and options to maximize your savings but it is ultimately your choice to select the rate and term. We are exclusive to NJGCA in your market. We will work for you to bring you the best rates available.

We thank you for your time and are looking forward to helping every NJGCA member reduce their energy costs.

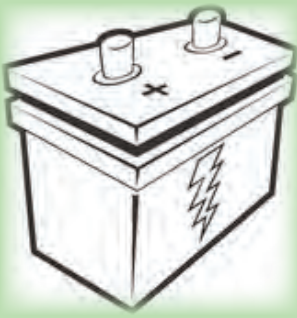
-Edward N. Deczynski
Director of Energy Management, TMP Energy Solutions

***Kilowatt:** when you buy electricity they charge you by the kilowatt-hour (**kWh**). A 1000 watt device will consume one kilowatt-hour(KWh) in one hour. A 4000 watt device will consume 4 KWh in one hour.

***therm:** is a unit of heat energy equal to 100000 British thermal units. It is approximately the energy equivalent of burning 100 cubic feet of natural gas.

THE BATTERY THAT CONSUMED AN AUTO CENTER

BY KEITH KREHEL



I know this may sound like a low-budget science fiction movie, but it actually did happen.

I started my career at a large 22 bay auto center for a major retailer. During this time, I learned a lot about cars, human nature and how not to run an auto center. One mistake that I believe literally broke the back of our store was changing the

battery warranty we promoted.

At first our battery line was similar in construction to most other batteries, and also had a similar warranty. Improvements in construction materials like lead/calcium replacing lead/antimony, and some other minor changes created a better quality battery- one with improved cold cranking amps and longer service life.

Our problems began when we changed our battery warranty policy from a Conditional guarantee to an Unconditional guarantee.

Under the previous Conditional warranty, only 12 percent of all batteries we sold returned for warranty coverage. This was not an issue, since the majority of these returns were in the latter stages of their prorated life. Under the Conditional warranty, customers usually paid two-thirds of the price of a new battery, which I thought was fair.

Many times when a customer returned for what they claimed was a battery problem, our technicians discovered that their vehicle actually had a problem with the charging system and not with the battery. Our shop made the necessary repairs and had another opportunity to earn a profit.

Once we repaired the vehicle and the battery proved to still be in good condition, we were heroes and the customer drove away happy. Of course there were times when a battery was found to be defective within the first year and was replaced by the manufacturer; also making us look like heroes.

However, once we improved our warranty to an Unconditional warranty, things changed dramatically.

Proof of purchase requirements conflicted with “unconditional wording” and caused a great deal of problems, but certainly it wasn’t unreasonable to require customers to provide a proper receipt.

When customers returned and we discovered that the reason for their return visit was actually caused by a malfunction of their charging system, we were no longer heroes for finding and fixing the problem. The customer’s mentality completely changed. Customers wanted a free replacement battery; not another repair bill.

Rather than customers thanking us for “saving their battery” as they had done under the Conditional warranty, now our customers ques-

tioned us by asking, “are you sure that I don’t need a new battery”? Of course that was always followed with a warning, “I better not get stuck with this car”!

Many times we denied warranties because a new battery was simply just not warranted. However, because of the language in our Unconditional warranty, management in our main store overruled us regularly. Unconditional has to mean Unconditional.

We even found many junkyards were removing our already dead batteries and then returning them to us for a free replacement which they were not entitled to.

Our battery return rate skyrocketed to 82%. Since the manufacturer only stood behind those batteries that were actually defective, we as the retailer absorbed the entire cost of the new Unconditional warranty.

During the first few years, this new Unconditional warranty helped us sell a lot of batteries. After a few years though, it became a huge burden to the company and is the principle reason I believe my former employer got out of the automotive repair business.

The moral of the story is to think of the long-term consequences before promoting any warranty policy, and to consider how it may be abused by customers.

This article was reprinted from New Jersey Automotive magazine © Thomas Greco Publishing

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MEET YOUR OFFICE STAFFERS!



Phil Apruzzi Membership Director

Tell us about yourself and your background.

It's not always easy to talk about oneself but here we go. I served in the Army Reserve from 1967 through 1973. I received my B.S. degree from Monmouth University in 1969 and my MBA from Monmouth in 1980. I married my wife Karen in 1968 and help raise 2 lovely daughters. While working and helping to raise my girls, I coached baseball and soccer teams with my daughters. I also became involved in politics and was a Councilman in Oceanport (Monmouth County) for thirteen years. Additionally, I was on the Recreation Committee for almost twenty years. Being involved in your town is something everyone should do.

Tell us about your past work experience.

I began my career at the infancy of data processing (1968) with Prudential Insurance. These were the days of 80 position "punch cards", which some of our older members may recall. All my positions at various firms involved software programming, project management, customer service and support, or sales & marketing in the computer industry. My work objective was always to increase my level of responsibility and to advance my career in the data processing field.

What brought you to NJGCA?

With the tragedy of Sept. 11, 2001, my career in data processing came to an abrupt end. My office in NYC was closed, and shortly after that, the company I had worked for was dissolved. Afterward, I was fortunate enough to do consulting working for a packaging company, which helped pay the bills. As luck would have it, I saw an ad in the local paper for a position as a Territory Manager. I interviewed and was offered the position. I worked in this position for four years and later was offered the position of Membership Director in January, 2007.

Tell us about your role at NJGCA?

There are 5 Territory Managers (TM) that cover the state. Initially my efforts were turned to creating data collection software for tracking referrals from the TM's, new members, renewals and the bonus system used to reward the TM's for their efforts. What this all comes down to is I am responsible for providing the TM's with the tools they need to best support our current members while soliciting new members. I am constantly on the phone answering questions poised to our TM's or directly from members & prospects. Additionally, I send informational packages to prospective members, communicate with new members, maintain the membership database and our in-house computer system, process all our outgoing member-mail pieces, and sell ads for communications like On The Road.

Can you tell us about your involvement in expanding our membership over the last two years?

It is always easier to retain membership than to add new ones. To this point, I developed a payment plan for membership dues. Times are tough and by having the option to pay quarterly, bi-annually or yearly gives members flexibility in keeping up with their dues. We also added credit card processing and the ability to automatically pay their dues through our credit card processor. I have written several articles & presentations which discuss why one should be a member. These marketing materials are given to our TM's to be used when visiting members and prospects.

There have been a lot of changes over the last few years. How have members reacted to them?

Change is not always easily accepted, but members have noticed them. NJGCA will always advocate for the good of our members. Whether it is the recent changes in the inspection program or advocating for gas stations getting a raw deal from their distributor. Also, new regulations are coming on-line constantly which affect our industry. Our job is to keep all our members informed and ahead of the "train coming through their front window", as Sal would say.

What do you say to perspective members about joining ?

Since being Membership Director, I have written numerous articles on the value of our insurance offerings. The savings and dividends derived from our offerings alone would warrant someone joining NJGCA. Representation and advocacy for our members is the only way they will have a voice on issues that may affect their business.

Any new trends you see happening now or coming down the line for our members?

Alternative fuels are on the horizon. There are more electric cars/hybrids being introduced everyday, with hydrogen powered cars not far behind. All this has a direct effect on our members, both retailers and repair shops. Gas stations will need to make capital expenditures in order to provide the "new" fuels, while mechanic will need to learn how to repair these vehicles. NJGCA must be positioned to keep our members aware of changes and guide them on how to proceed. Not an easy task but we do have the leadership and the passion to keep all our members ahead of what is happening in our industry.

What do you do in your spare time?

One thing my wife & I love to do is travel. We have had the good fortune to see the vast beauty of our national parks. The U.S. is truly a beautiful country. I have used my interest in photograph to capture some of the most magnificent scenes of the west and southwest. For those of you who are Italian, we compete in the local bocce league. This past summer our team took all the marbles (or bocces). I also sing in our church adult choir. I read and also enjoy watching sporting events such as baseball & football. I still do some gardening. ■



The primary arena for resolving supplier-dealer legal disputes continues to shift away from the PMPA and federal courts towards state legislation and state courts.

The recent decision by the Superior Court of the District of Columbia in *Kazemzadeh v. Eastern Petroleum Corp.* is particularly significant for local dealers.

In that case, a group of branded dealers charged their direct supplier – distributor Eastern Petroleum Corporation – and their ultimate supplier – BP – with violations of District’s Retail Service Station Act (“RSSA”), D.C. Code §§ 36-301 et seq.

The dealers, who had purchased their stations from BP in 2005, challenged a provision in their Purchase and Sale Agreements pursuant to which they were obligated to enter into 15-year supply agreements with BP’s local distributor, Eastern Petroleum. This provision, they argued, violated the RSSA’s prohibition of contract terms that foreclose dealers from purchasing motor fuel for resale from competitive suppliers.

Eastern Petroleum argued that it was saved by an exception to the prohibition, which provided that supplier could require – with respect to branded products such as BP’s – that the dealer was limited to purchasing purchase product “of a reasonably similar quality” from another supplier.

Rejecting Eastern Petroleum’s defense of its exclusivity requirement, the court held that it had far exceeded the scope of the exception’s “reasonably similar quality” provision. The court then entered summary judgment for the dealers on this portion of their claim.

The dealers also attacked Eastern Petroleum’s imposition of price zones as illegal price discrimination, citing the RSSA’s prohibition of discriminatory “adjustments and discounts.”

In response, Eastern Petroleum argued that the utilization of price zones is a “common and conventional practice in the petroleum industry,” and that the statute was only intended to apply to special price allowance and price adjustment deals.

Rejecting Eastern Petroleum’s motion for summary judgment on the issue, the court ruled that the distributor’s “admitted employment of different price zones” raised a legitimate issue of fact for the jury to determine in deciding whether Eastern Petroleum had violated the RSSA.

This case is particular significant because local law was used to challenge key marketing provisions – long-term, exclusive supply requirements and zone pricing – that are employed by suppliers throughout the industry. That the dealers prevailed on the first point

and succeeded in securing a trial on the merits on the second is no mean accomplishment.

A second state law development did not end so favorably for the dealer community.

New York’s dealers had pushed successfully for a right of first refusal bill – similar to those enacted in California, Washington, New Jersey and the District of Columbia – requiring that a lessee dealer be given an opportunity to purchase his or her station on the same terms as those offered by any other potential purchaser. The bill passed the legislature but then wound up on the governor’s desk.

Vetoing the measure, the governor raised a host of objections: (1) the bill was “not necessary” because the dealers already had federal protection under the PMPA; (2) the bill provided “an unfair benefit to lessees, who assumed no risk”; (3) the bill might have an adverse impact on “minority participation” in the industry by locking in existing dealerships; and (4) passage of the bill “could lead to litigation.”

What a crock! First, the bill had been passed precisely because the PMPA did not provide dealers with protection against sales and assignments, as opposed to termination and nonrenewals.

Second, dealers did not receive an unfair benefit without risk because they would be required to match any third party offer in order to protect their extensive investment in time and money in their stations.

Third, it is difficult if not impossible to envision any conceivable negative impact on minority participation in the industry, particularly because the issue invariably is whether stations will be purchased by a large, corporate distributor or by the local dealer.

Finally, the fact that passage of the bill “could lead to litigation” hardly appears to be a valid objection because litigation would only result if a supplier failed to comply with its requirement that a good faith offer be made to the dealer. That litigation might ensue if the supplier failed to comply with the law is hardly an unusual consequence for violation of any statute.

Indeed, the reasons for veto advanced by the governor are so weak – the word “nonsensical” comes to mind – that one wonders about the true motivation for his decision to frustrate the will of the legislature.

You can contact Peter at 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>.

COMMON CENTS BY DEBBIE HILL



Avoiding Wage and Hour Lawsuits

In 1939 the Fair Labor Standards Act (FLSA) became law and required employers to pay overtime to hourly employees working more than 40 hours a week. This is no different today, with these types of lawsuits are the most common in Federal Court. The Department of Labor (DOL) investigates complaints and often the Employer is held responsible for back wages. Of course the fines, interest,

court costs and lawyers fees associated with the suit can damage your business.

How can you avoid the Wage and Hour Lawsuits? If an hourly employee works more than 40 hours, that employee is entitled to time and half for any hours worked over 40 hours. If you pay on a two week basis – you cannot – use a total of 80 hours. Hourly employees are paid on a 40 hour work week.

NOTE: If you own more than one business (your second business could be under a different corporation name), and the same employee works at both businesses, that employee would qualify for overtime pay if he works more than 40 hours between both businesses.

Don't assume if you pay your employees salary that you are exempt from overtime. You should consider all of your employees hourly unless the employee meets criteria to be exempt from hourly wages.

Exemptions to hourly wages are based on the employee's specific duties and a minimum weekly pay of \$455.00 per week. The \$455.00 per week may not be reduced based on the quality or the quantity of the employees work. You can only reduce his/her salary based on discipline of company policy or absence caused by personal illness. No reduction can be made to a salary employee for Jury Duty or Temporary Military Service.

Other exemptions to hourly wages are based on job description, specific duties, responsibilities, salary amount (minimum \$455.00), and documented employee records. Employee records must be clearly documented with all job responsibilities – and the employee must sign accepting review and job description yearly.

Exempted Employees typically means they are exempt from Hourly Wages and include two broad types of employee:

Executive Employees: Must be paid salary of \$455.00 per week. This employee's primary duties must include managing the business or a department within the business. They must have authority to hire, fire, promote, etc (or their recommendation must be given significant weight in the decision process). He/She must directly supervise the work of two other full time employees (not independent contractors, or part time employees whose work totals 80 hours per week). Employee records must document: Job description for employee, Include specific duties, and must have employee review and sign job description with acceptance.

Administrative Exemption: Must be paid salary of \$455.00 per

week. Primary Function- performs office or non-manual work related to management or general business operations of the employer (or employer's customers). Must exercise discretion and independent judgment with regard to matters of significance. Production work is NOT administrative. Employee records must document: Job description for employee, Include specific duties, and must have employee review and sign job description with acceptance.

In every instance, MAKE SURE DUTIES ON JOB DESCRIPTION ARE ACTUALLY PERFORMED BY EMPLOYEE!

Child Labor Laws

Do you have Children working at your business?

The Child Labor Law enforced by all units within the Division of Wage and Hour Compliance protects minors from working excessive hours and under hazardous conditions. For workers under the age of 18 there are limits on the number of hours per day and per week, limits on the actual hours of work, and restrictions on the types of work which can be performed.

Requirements which apply to all minors: They must have an employment certificate, also commonly referred to as "working papers" or a special permit in order to be employed. They must have a separate working paper for each employer. They must be given a 30 minute meal break after five consecutive hours of work.

Hours of Work:

Minors Age 14 and 15: During School Weeks - No more than 18 hours per week; No more than 3 hours per day on school days; No more than 8 hours per day on Saturday or Sunday; No more than 6 consecutive days in a pay week; Not before 7 am or after 7 pm.

During Non-School Weeks - No more than 40 hours per week; No more than 8 hours per day; No more than 6 consecutive days in a pay week; Not before 7 am or after 7 pm during school year; Not before 7 am or after 9 pm from the last day of school to Labor Day with written permission from a parent.

Minors Age 16 and 17: During School Weeks - No more than 40 hours per week; No more than 8 hours per day; No more than 6 consecutive days in a pay week; Not before 6 am or after 11 pm; Not before 6 am or after 12 midnight on Fridays and Saturdays or days not followed by a school day. **During Non-School Weeks:** No more than 40 hours per week; No more than 8 hours per day; No more than 6 consecutive days in a pay week; Not before 6 am or after 11 pm; Not before 6 am or after 3 am in restaurant and seasonal amusements and with written permission from a parent.

Please Call Debbie Hill at (973)-376-0066 with any questions!

-FAMOUS QUOTE-

"It puzzles me how they know what corners are good for filling stations. Just how did they know gas and oil was under there?"
– Dizzy Dean, Hall of Fame Pitcher

KNOW YOUR TERRITORY MANAGER!



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RETIRING? SELLING? WANT TO STAY BUSY?

NJGCA is looking for people with experience to join our team of Territory Managers who work in the field visiting NJGCA members. Several territories are available. NJGCA has always tried to employ previous members whenever possible. Even if you are not available now, let us know if you are interested and we will keep you in mind for the future.

Contact Phil Apruzzi at phil@njgca.org

ADVERTISE WITH US!

On The Road is a quarterly newsletter reaching gasoline stations, convenience stores, and auto repair shops throughout New Jersey. This newsletter is sent to a focused market that requires your products and services. If you receive this newsletter and are interested in advertising, please contact Phil at (973) 376-0066.

LETTERS TO THE *ON THE ROAD* EDITOR

Dear OTR Editor:

My name is George Moraitis of International Motors in South Orange. We are a small independent auto repair facility. When we were informed that we have to certify yet again to do emission repair, we couldn't afford to close the shop so the technicians can take day courses and exam.

On a friend's recommendation we tried NJGCA because they were the only ones offering evening classes. This was a major convenience since the shop would not have to close.

I have been in the industry over 20 years and have taken hundreds of courses to stay updated in this constantly changing industry. I have to say instructor Bob Dressler was by far one of the most experienced instructors I have ever had. He kept the class interested in what he was teaching and at the same time the information sunk in.

Thank you NJGCA and Bob Dressler for a great job.

George Moraitis
International Motors | South Orange, NJ

Please Send your letters on any topic that would interest NJGCA members. Letters may be emailed to info@njgca.org or mailed to NJGCA Headquarters at: 66 Morris Avenue - Springfield, New Jersey 07081

Dear NJGCA:

I recently had some questions regarding the credit card processor I am using. I called NJGCA for guidance. Even though the company I am using was not the one recommended by NJGCA, Phil Apruzzi took the time to create a chart that showed my costs over a 3 month period. He spent time to explain it all to me. This information was very helpful in giving me a better understanding of the processor's charges. I know I can count on NJGCA when I have a question or issue. Thank you.

Chuck Wanamaker, Waldwick Auto Service Center



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The NJGCA Factoid: The Biggest Oil Spills in History

Compare the recent oil spill in the Gulf of Mexico to other past oil disasters

Deepwater Horizon Oil Spill

Location: Gulf of Mexico | Date: April 20. – July 15, 2010 | Amount: 205.8 million gallons

Gulf War

Location: Persian Gulf | Date: Jan. 21, 1991 | Amount: Between 160 million and 420 million gallons

The IXTOC 1 Oil Well

Location: Gulf of Mexico | Date: June 3, 1979 – March 23, 1980 | Amount: 138 million gallons

Exxon Valdez Oil Spill

Location: Prince William Sound, Alaska | Date: March 24, 1989 | Amount: 10.92 – 31.5 million gallons

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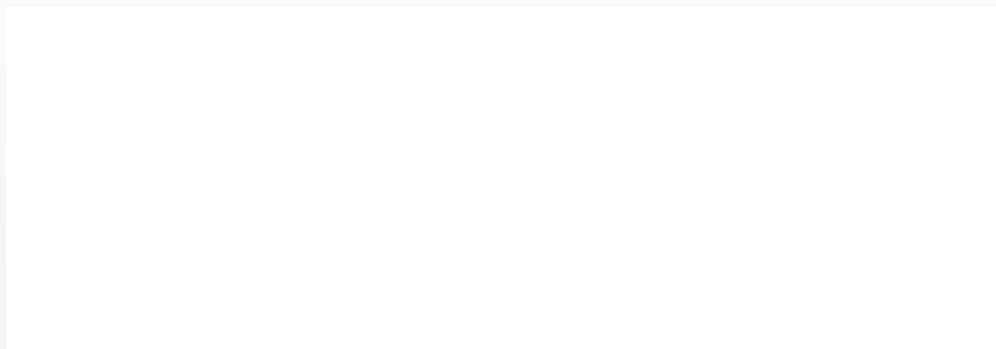
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