

JULY 2014



VOLUME 6 - ISSUE 3

ON THE ROAD

THE OFFICIAL COMMUNICATION OF THE NEW JERSEY GASOLINE C-STORE AUTOMOTIVE ASSOCIATION
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Message From Executive Director Sal Risalvato

Self Serve Gasoline; My Memory and the History

It wasn't long after I arrived at NJGCA in 2007 before I was approached by a member expressing his desire to see NJ's ban on self serve gasoline overturned. Besides expressing his desire to overturn the ban, he also asked my opinion on the issue. I didn't share it with him!

Similar exchanges began occurring regularly without me ever sharing my opinion, not even with the NJGCA Board of Directors. I knew my opinion would carry a lot of weight and I did not want to unfairly influence anyone until the proper time. I knew that when the proper time came, that I would be free to spout my thoughts as loudly as I usually do on other issues.

Because the issue was brought to me so often, I did broach the subject several times with the Board of Directors. Each time I received mixed reactions and a flurry of opinions, some of them in favor of self serve, and others opposed. I still remained neutral and never tried to influence the debate. I remained steadfast that when the time came to officially have the debate, that I would be qualified to present both sides of the issue with precision and equality. I also knew that it didn't matter what I thought, or for that matter what individual board members thought, because ultimately we would have to take the position of the majority of our members. Only a poll would settle the issue.

I would be a winner no matter what was decided. Why? Because my job would be to fight for whatever NJGCA members decided. I was certain that I could argue either side of the issue like a junkyard dog, even if the choice of the membership opposed my personal view. I enjoy the fight!

Guess what? I have written 4 paragraphs and you still don't know my opinion. You will have to read to the end in order to find out. I have been waiting 7 years to reveal my opinion.

To understand why NJ is one of only two states that do not permit motorists to pump their own gas, one has to go back over 30 years to learn the facts. It just so happens that I was a young owner of an Exxon station when the battle was fought and I remember it well.

In January 1979, the United States was embroiled in a feud with Iran that began 30 years earlier when the U.S. supported a coup that brought Shah Mohammad Reza Pahlavi to power in order to protect the oil interests of both the United States and Great Britain. Because of this, over those 30 years fundamentalist Islamists grew to despise the U.S. and its Western allies. The Shah was exiled on January 16, 1979, coincidentally only two days after I attended a meeting of gas station owners at the War Memorial Auditorium in Trenton, NJ on a

Sunday afternoon. Although the meeting that I attended was totally unrelated to events developing in Iran, I had no idea at that time how these two events would affect my life right up to this very day.

When the Shah was exiled, a chain of geo-political events began that would result in long gas lines and the price of crude oil skyrocketing from \$15 per barrel to \$40, just four months later. The price of gas soared and I still remember being the first to raise my price to 99.9 cents per gallon. The motoring public was screaming!

Later that year, President Carter allowed the exiled Shah of Iran into the US to receive medical care. You may remember that this precipitated the Iran Hostage Crisis, which ended only when President Reagan was sworn into office more than a year later. Fanatical Islamic extremists led by Ayatollah Khomeini had successfully caused chaos to the world's economy and energy security.

Why the history lesson? Because this episode and the events of 1979 planted the first seeds in the debate over self serve gasoline.

In 1980, while the price of gas still had not returned to its pre-1979 level, motorists began to demand that NJ allow customers the ability to serve themselves at the gas pumps. NJ motorists wanted the same lower price that was being offered in neighboring states when customers chose to pump it themselves. They didn't care that full serve cost more... they only cared that self serve cost less! So the debate and ensuing battle began.

Back then, our association had a slightly different name. Many of you may remember us as the NJ Gasoline Retailers Association. Our name changed in 2007, not long after I arrived. NJGRA was a staunch opponent of allowing self serve in NJ. There were several issues that made gasoline retailers fearful of allowing self serve. The biggest and most cogent premise to the argument against self serve was the fact that the Major Oil Companies operated so many direct company stations. Exxon, Shell, Mobil, Amoco, Texaco, and Sunoco all operated their own stations in direct competition with dealers. They undercut the market injuriously. Certainly they would modernize their own stations and have them all set up for self serve if it were permitted, and then they would destroy all of us smaller guys. It was a legitimate fear.

While the battle raged for several years, NJGRA offered a compromise. Dealers would back off their opposition to self serve if the Legislature would pass a law called divorcement. Divorcement would have prohibited the Oil Companies from operating their own stations directly.

They would be forced to have a dealer in every location; a dealer who would compete on the same level as others. Maryland had recently passed such a law and we wanted the same for NJ dealers.

Of course, the Oil Companies opposed such a law. The battle waged on with no end in sight. At one point, I remember receiving a survey from NJGRA asking for my opinion on the self serve issue. No, it wasn't emailed to me like the survey that I recently sent to NJGCA members. It was a paper ballot that I had to complete and mail back to NJGRA headquarters. The results overwhelmingly supported keeping the ban on self serve. NJGRA dug in for a nasty fight. Remember, the general public was SCREAMING that they wanted to pump their own gas!

A young Assemblyman named Gerald Cardinale became the champion of self serve, and won his election to the Senate by campaigning hard and telling his constituents that he would successfully pass a law that would finally allow motorists to pump their own gas. Cardinale won his election and became Senator Cardinale.

For several legislatures, Senator Cardinale, and an ally Senator Frank Graves of Paterson, argued fiercely to permit self serve in NJ. NJGRA stood firm and when the dust settled, NJ's ban on self serve gasoline remained standing.

Although Senator Cardinale never gave up on his vision of permitting motorists to pump their own gas, the issue was left lifeless on the scrap heap of legislation that was never passed. The issue was resurrected for two weeks in 2006 while Jon Corzine was Governor, but was quickly shelved when an outcry from the public resulted in more phone calls to Governor Corzine than any other issue in his 4 years as Governor. The issue was dead once again.

What had changed? Why did a motoring public that was SCREAMING for self serve in the early 1980s, suddenly react with outrage at the suggestion that motorists be permitted to pump their own gas? Corzine's suggestion was intended to allow motorists to purchase gasoline at lower prices if they pumped it themselves!

Basically, NJ motorists had become spoiled, almost lazy in some regard. NJ bragged about being one of only two states that didn't permit people to pump their own gas. NJ motorists became accustomed to paying one of the lowest prices in the country for gasoline, while at the same time having someone pump it for them. Motorists didn't have to get out of their cars in the heat or the cold and especially on rainy days. NJ motorists became complainers when traveling out of state and having to fill their own tanks. It became a part of NJ culture. Have you ever seen bumper stickers that exclaim, "Jersey Girls Don't Pump Gas"?

What else changed in 30 years? For starters, the Major Oil Companies no longer operate their own gas stations except for a few locations. Not only do dealers not have to compete against their franchisor, but in most cases

the dealers now have actually been able to purchase their real estate and now control who supplies their gasoline products.

The dynamic has changed so dramatically that today an overwhelming majority of station owners want to allow self serve gasoline in NJ. In fact, the survey that I sent to NJGCA members in January has shocked even me. Not only did the survey strike a nerve, because it seems like members crawled out of the woodwork to get their opinion registered, but a whopping 77% of the respondents favor allowing self serve in NJ. Only 18% were opposed while 5% did not know or did not care.

In 30 years, the dynamic has completely reversed itself. In 1980, while the public was demanding to pump their own gas and save a few pennies, and while influential legislators like Senator Cardinale and Senator Graves lined up against us, we fought hard to keep self serve from passing. Today, the general public is once again against us. However, now they are adamantly opposed to permitting self serve in NJ. However, Senator Gerald Cardinale is still in the Senate and still has lots of fight left in him, only today we share the same side of the issue. We have a big fight ahead in order to accomplish our goal, but like I said earlier, and like Senator Cardinale, I am up for the fight too!

Oh... I did say that I would reveal my personal opinion at the end of this story. So here it is. I too am in favor of permitting motorists to pump their own gas! I have arrived at this conclusion for several reasons, and one of them was about 15 years ago while I still owned a Texaco service station.

I concluded then that my business would be better off if I no longer had to deal with unreliable, untrustworthy, irresponsible, and mostly bad employees that found their way to my gas pumps. I was tired of shortages. I was tired of last minute calls feigning sickness and then scrambling to find a warm body to work the shift. I was tired of paying huge amounts of money to employees and the employer taxes and insurance that accompanied their wages. Without that expense I could make a profit!

Once I got out of the business and began a new career, I was frustrated as a customer when I had to wait in line to have my gas pumped. Many times I just wanted to get out of my car and get the pump started and get on my way. Then, in 2007, when I arrived here at NJGCA, I began to recognize that the problems that I had were still being experienced by all of you. I met so many gas station owners who would not join NJGCA because they perceived that as an organization we opposed self serve. They of course were wrong. Yes, we opposed self serve 34 years ago, but I didn't have a clue what the members of today desired.

That's why I kept my personal opinion to myself -- knowing that someday, when the time was right, I would ask the members what they thought, and could share what I think. The day has arrived! ■





US Department of Labor Question & Answer



Editor's Note: NJGCA is grateful for the assistance and guidance that Joe Petrecca provided to our members over the past few years, and we congratulate him on his new position. We welcome John Warner, our new contact at DOL, and look forward to a successful working relationship with him and his office!

Member questions are submitted to Debbie Hill who is the NJGCA Director of Member Services, and then forwarded to John Warner of the USDOL. John's answers are published below:

Question: Health Insurance costs have been on the rise. My employees do not contribute to the cost of their health benefits. Am I allowed to discontinue providing health benefits to my employees? Can I ask them to simply share in the cost? If I ask them to share in the cost, what portion of the cost can they be responsible for?

Answer: *We don't have any enforcement role in the Affordable Care Act, so I don't know the answer to the question regarding discontinuing insurance. Worker contributions to a bona fide third party provider of life insurance, hospitalization and the like are permissible. What portion of the cost the employee would pay would be a business decision by the employer, balancing the firm's costs with the economic reality that if a member started taking, say, \$200 more a week out of a worker's pay, the worker might quit.*

Question: Business at my station has been slower than usual. I was thinking of reducing hours for some of my employees. Currently, most of my employees are working a 40-hour work week. Can I reduce the hours for some employee to 30 hours? Does this affect my business in any way?

Answer: *Employers are only obliged to pay workers for actual hours of work. It is legal to reduce an employee's schedule, whether temporarily or permanently, so long as he or she is paid for all hours that are worked. Again, cutting a person's hours could result in workers seeking other employment, so the member would have to balance the pluses and minuses of reducing hours.*

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ANNOUNCEMENT: AMT DIVIDEND 4% FOR PARTICIPATING NJGCA MEMBERS ONLY!

Coming July 2014!

NJGCA members that are enrolled in the NJGCA Association Master Trust (AMT) Health Coverage Plan will be receiving another dividend! By the time of this newsletter's arrival in your mailbox, participating members will have already received their dividend which showed up as a credit on their July Health Care Coverage invoice.

Recently, the Association Master Trust Executive Board approved the return of surplus revenues to NJGCA members who are in good standing. This return of surplus funds (dividend) has been approved by Department of Banking and Insurance (DOBI). AMT financial activity is strictly governed by DOBI which ensures that all financial benefits are returned to members. Health insurance companies return similar funds not to their plan holders, but rather to their stockholders. **This is truly an amazing benefit to NJGCA members.**

Only NJGCA Members who are in good standing will receive this benefit. The dividend represents 4% of the annual premium paid to AMT for health coverage during 2013. The dividend will be issued through a "Premium Holiday" that will show up on the participant's July Healthcare Coverage invoice.

Last year, AMT issued a similar dividend representing the Health Care Coverage premiums that were paid by NJGCA members during the year 2012. **Many NJGCA members received over \$3,000 and several received over \$5,000.**

We know many members purchase healthcare coverage from agents that they are friendly with and keep their loyalty. However, health insurance companies call their surplus a "profit", and return profits to their stockholders. Only members of NJGCA and the other trade associations who comprise AMT are permitted to purchase their health care coverage through AMT. Member companies who participate as plan holders in essence are the stockholders.

AMT is a self-funded trust that has been organized and grandfathered under the laws of New Jersey. It consists of NJGCA and 14 other trade associations; and state law dictates that only members of those 15 associations can be allowed to purchase AMT Health Coverage.

If you are not in the NJGCA/AMT Health Coverage Plan you can call for a quote. AMT is usually able to save NJGCA members big money. When our members save... they save BIG! Nine out of ten businesses who receive quotes from AMT save lots of money. AND THEY SAVE on monthly premiums even before any dividends are declared. Dividends are only declared after an evaluation of the total claims and expenses that were paid by the trust against the total premiums that were received by the trust. **When money is left over, it is sent back to the members in good standing rather than stockholders. NJGCA members are AMT stockholders!**

Stop wasting time!! Call today for a quote from AMT. Call NJGCA Headquarters or email greg@njgca.org. ■

**Does Your Service Station Have Environmental Problems?
Are You Subject to a Lawsuit or Environmental Cleanup?
Has Your Insurance Company Denied Your Environmental Cleanup Claim?**

We have located and enforced the following insurance proceeds on behalf of New Jersey clients:

- \$500,000+ to remediate gasoline service stations in New Brunswick and Milltown, New Jersey
- \$12,000,000 to pay for cleanup and cost of recovery action for a dry cleaning manufacturer.
- \$11,000,000 to pay for cleanup and defense costs associated with the Passaic River litigation.
- \$7,750,000 to pay for cleanup costs associated with a defunct manufacturing plant

Beyond Insurance: We assist in the remediation and negotiations with State and Federal Agencies and seek reimbursement for our clients against third parties in cost recovery actions.

**We are a Member of NJGCA and
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HORROR HIGHLIGHT

NJDEP's Discharge Notification, Response, and Reporting Requirements

By Debbie Hill

Editor's note: *The following is an actual account of a recent horror that was experienced by a longtime NJGCA member. This story is another example of why constant vigilance is required and knowing when to take IMMEDIATE action. Unfortunately, sooner or later even the best and most experienced operators get into a situation where something accidentally or unknowingly slips through the cracks. This member did have the wisdom to contact NJGCA to guide him through the process.*

Know when to take immediate action! NJDEP Discharge Notification, Response, and Reporting Requirements

On the evening of May 28th, a member was preparing to attend NJGCA's dinner meeting in Pompton Plains. Just before leaving his shop, he received a phone call from another station owner alerting him to be prepared because NJDEP was in the area and his site may receive a visit for a routine inspection. As a precaution he decided to make a quick check around the station to make sure everything was in order. A quick peek and wiping of the overfill containment buckets, (aka fill ports or spill buckets) to make sure that they were dry and clean of debris or liquids, found a big problem.

A visual inspection of the spill buckets revealed that the bottom portion of one bucket (made of plastic) had broken, was severely rotted and cracked, and was not properly connected. Should overfilling occur while receiving a delivery of gasoline, the spill containment would not hold the spill in a tight secured containment as required. A spill would result in product draining directly into the soil and surroundings by seeping right through the cracked containment device. This was serious and a mental note was made to take care of this problem first thing the next day. Our experienced member, having good intentions, departed for the NJGCA meeting not realizing that what he just discovered was required to be reported **IMMEDIATELY** to NJDEP before any deliveries were made.

At the meeting our member was focused on the information that was being shared and was enjoying being with other members. He failed to mention the problem that he had just discovered to any of the NJGCA staff that was present. Not until the next day, when it turned out that his friend down the street's alert proved to be true, and NJDEP showed up at his door, did he realize he had not mentioned his discovery to anyone. As one would expect, NJDEP found the broken spill containment. There were no other violations at the site, and all paperwork was in order. The proper UST registration and test documents were made available,

reviewed and found to be in order. However, the serious nature of the violation that was found generated a Notice of Violation (NOV) and the issuance of an Immediate Action by NJDEP.

Violation: Spill containment (spill buckets) not present under the Underground Storage Tank Rules and Regulations: N.J.A.C. 7:14B-2

Violation: Failure to Notify (Spill Act): N.J.A.C. 7:1E-5.3a

Immediate Action NJDEP Administrative Order: Imposed a "Delivery Ban/Cease Use" on the tank connected with the broken spill containment bucket.

That's when my phone rang and I began doing what I do so often for our members. That is to assist in their effort to navigate the cumbersome process of mitigating an unpleasant regulatory experience.

After receiving a fax with all of the pertinent documents in this case, I began calling the appropriate people at NJDEP to explain the circumstances. It was important for them to know that the problem had only been discovered about 15 hours before NJDEP arrived, and that the owner had already begun seeking a contractor to make the necessary repairs.

The mistake that was made: not reporting the discovery immediately. The serious nature of this violation stems from the fact that "one little human error caused while gasoline is being delivered would result in a direct discharge into the environment." A direct discharge that should have been preventable!

It was helpful that our member had already called several valuable NJGCA Member Benefit Partners; Salomone Brothers to make the repairs and Environmental and Geotechnical Services to handle the soil testing and LSRP requirements. I knew that this fact might be helpful to persuade NJDEP to consider an occasionally-used provision called a discretionary adjustment credit used only in limited circumstances. As of this writing, we have not been notified of the penalty, but there is a wide range of possibilities that could be as much as \$20,000. My job is to negotiate the best possible outcome for our members and hopefully I will be able to do so once the penalty has been issued.

The immediate problem that I had to address was the delivery ban! Both MBPs visited the site and provided contracts for the work necessary to have NJDEP remove the delivery ban. I sent the contracts directly to NJDEP officials to let them know that the owner was taking this seriously, and was preparing to fix the problem immediately. With the help of our MBPs, the repairs were made quickly and I was successful in having the delivery ban removed. **Our member is back in business and fully operational!**

Although action was taken quickly after the cracked spill bucket was discovered, it was not reported to NJDEP immediately as it should have been. This will result in a costly, yet avoidable, penalty.

The cost of repairs and soil testing will total almost \$10,000, depending on the results of the tests. If the tests are found to contain already spilled gasoline, then obviously remediation costs will have to be recalculated and worse, NJDEP is not likely to consider any potential leniencies. In fact, if tests prove positive, then fines are likely to be harsh. My fingers are crossed and I am ready to assist no matter what is found.

How do gas station owners avoid similar violations and penalties?

First, ALL gas station owners must be aware of their equipment, and perform daily checks as required to make sure everything is operating correctly. Besides spill buckets being properly maintained, you should be inspecting your hoses and nozzles daily. It is required by law. That is why NJGCA goes to such great lengths to get the Compliance Calendars into your possession. We want you to use them! As soon as you are aware of any flaws in your equipment, YOU must take the proper action. NJDEP wants to know that you are making inspections daily so that problems can be found quickly—before becoming a pollution issue.

Also, be aware of the “Discharge Notification, Response and Reporting Requirements” NJ Statute: N.J.A.C. 7:1E-5.1 through N.J.A.C. 7:1E-5.3.

I have highlighted a section of the Rules below:

7:1E-5.1 Scope

This subchapter prescribes the rules of the Department for notification and reporting of discharges of hazardous substances, the reporting of malfunctions of discharge detection systems, and response to discharges of hazardous substances. The following shall govern the procedures for notification of the Department, response to a discharge of a hazardous substance, and follow-up reporting.

7:1E-5.3 Discharge notification

(a) Immediately after a discharge commences, any person or persons responsible for a discharge who knows or reasonably should know of the discharge, shall immediately notify the Department at (877) WARN DEP (927-6337). In the event that this number is inoperable, any person or persons responsible for a discharge shall immediately notify the State Police at (609) 882-2000.

If you need help, or have any questions, please email debbie@njgca.org or call me at NJGCA Headquarters: 973-376-0066. I am standing by ready for the next call from a member who is in an unfortunate situation. I truly wish for my phone to remain silent, but experience tells me that it will ring. ■

NJGCA MEMBER TESTIMONIAL

Dear Sal,

There are certain times in our life when the words “thank you” just do not seem sufficient enough and this is one of them. Earlier this year my husband and I became the owners of a gas and service station through the estate of a cousin. Neither one of us were familiar with the gas and service industry other than as consumers and this obviously was not going to be an easy task to master. Fortunately, cousin Sandy was a member of NJGCA and one of his suppliers told me that the “go to” person was Debbie Hill.

Over the past two and a half months I have spent countless hours with Debbie while she helped me learn all about Motor Fuel Licenses, UST Registration, LSRP’s, CRTK, RAO’s, annual compliance testing, just to mention the “simple” things! She has navigated through the DEP sites to find necessary forms for me, completed and helped me file forms, and made calls to appropriate people when we needed answers. She has sent countless emails and left equally as many voicemails, all with extreme patience, professionalism and a wonderful sense of humor. She has been a mentor, a resource person, and a friend.

As a retired nurse I have always known the importance of belonging to my professional organizations but this experience has truly brought home the value of NJGCA. Without Debbie and NJGCA I truly would have been lost in the dark and it would have been very difficult for my husband to manage his business while trying to figure out a new one with me. We owe Debbie and NJGCA so much more than a simple “thank you”. Membership in NJGCA is a priority at Fairchild Service!

**Gerri & Jim LoSapio
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EMV is coming to America

What is EMV and why do I need to know about it? If you accept credit cards, please read!

By: Louis Puglisi, Senior Account Executive

The credit and debit card processing landscape is changing rapidly and for one main reason, that is for protection against consumer level identity theft and fraud through credit card processing. Last year, card fraud cost US consumers an estimated \$8.6 billion dollars and estimates are that this figure may be more than \$10 billion by the end of 2014.

Protection measures have been in place for over 20 years globally with **Europay, MasterCard and Visa, better known as "EMV"**. EMV is a Global Standard of processing all Visa, MasterCard, Discover, American Express and JCB (Japan) credit and debit card payments. Cards are embedded with a microprocessor chip in the plastic card or mobile phone, and connect to an EMV enabled POS terminal (contact or contactless) instead of a **magnetic stripe** which we currently use today. The card is actually inserted into a slot, not swiped in the POS terminal.

Outside of the US, 40% of all cards and 70% of all terminals are based on this EMV standard. This allows for an extra level of security with transaction authentication. The reason is simple. EMV will reduce identity theft and card cloning for card holders, and reduced liability for retail establishments and financial institutions. Why now? EMV is the most robust way to protect against consumer level identity theft and fraud. The results have been extremely positive! In the UK, where EMV is widely used, fraud is down 23% across the board over the last 10 years.

The second reason is technology and innovation. Magnetic stripe cards are going away! **Contactless Mobile Payments** are also replacing **Magnetic Stripe**

Cards. "Tap and Go" with your smart phone is already in place here in the U.S. with \$216 Billion in mobile payment transactions predicted by the end of 2015.

In the United States, EMV will be mandatory beginning October 1, 2015 for retail businesses. Fuel merchants have an additional two years until October 1, 2017 before a **Liability Shift** takes place. What is liability shift? Any merchant who has not adopted EMV, and has a credit card sale that results in a card breach, will be subject to substantial fines and liability. The time is NOW to establish a comprehensive **Payments Security Plan**.

So plan ahead and have the system in place... **First Data Corporation** is the only processor that manufactures POS Terminals and PIN Pads. All technology is EMV Chip and Contactless Mobile Payments capable. Additional Value is **First Data's TransArmor Identity Theft Software** which is included at NO additional cost. **TransArmor** Encrypts and Tokenizes card numbers for an additional level of security for all parties.

NJGCA members can take advantage of low, discounted rate programs with no hidden fees and easy to read statements, and discounted pricing on new EMV and mobile enabled high speed terminals and PIN Pads.

If you are in a current contract, **First Data Corporation** will pay you **\$250.00** to switch!

For additional information on **EMV, Mobile Payments** or to simply take advantage of this exclusive **NJGCA / First Data Corporation** program contact Louis Puglisi (609) 442-5247 or louisj.puglisi@firstdata.com or call the **NJGCA** office. ■

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NJGCA DINER TOUR 2014

COMING SOON TO A TOWN NEAR YOU!

WHO: YOU!... And NJGCA Staff, Executive Director Sal Risalvato, and NJGCA Member Benefit Partners!
Bring your fellow small business owners to show them what NJGCA is all about!

WHAT: Breakfast meetings all around the State, sponsored by our Member Benefit Partners and **FREE** for all attendees!

WHEN: 9:30 - 11:00 AM

Somerset County

Tues. July 22, 2014

Time to Eat Diner
270 Rt. 202/206 N.
Bridgewater, NJ 08807

Bergen County

Tues. Aug. 12, 2014

Land & Sea Restaurant
20-12 Fair Lawn Avenue
Fair Lawn, NJ 07410

Middlesex/Union Counties

Wed. Aug 13, 2014

The Fountainbleau Diner
1050 Stelton Road,
Piscataway, NJ 08854

Sussex/Warren Counties

Weds. Sept. 10, 2014

The Andover Diner
193 Main Street
Andover, NJ 07821

Morris/Essex Counties

Tues. Sept 16, 2014

East Hanover Diner
275 State Route 10
East Hanover, NJ 07821

Hunterdon/Mercer Counties

Wednesday, October 15, 2014

Amwell Valley Diner Restaurant
400 Route 31
West Amwell, NJ 08551

WHY: We want to hear from our members!

DETAILS: Join us for a **FREE breakfast!** Hear an update from Sal, and share your questions or concerns. Have casual conversation with your fellow small businesses owners! Talk to Member Benefit Partners that are sponsoring the meetings - learn what they specialize in and how you can save money!

Mercer/Monmouth/Middlesex Counties

Tuesday, October 21, 2014

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What's on the Menu -- Choose One:

- Eggs, Ham/Bacon/Sausage, Home Fries & Toast
- Pancakes, Ham/Bacon/Sausage or Fresh Strawberries/Banana
- Hot Cereal, Fresh Fruit, Bagel/Muffin
- Omelette, Home Fries, Buttered Toast
- French Toast, Ham/Bacon/Sausage

All meals include Coffee/Tea and Small Juice!

Please RSVP with an email to debbie@njgca.org or a phone call: 973-376-0066. We look forward to seeing you!

*Note: We are starting with Northern counties, but we plan to hit all corners of the State. Stay Tuned!



Important Issues Impacting Your Business!

By Eric Blomgren

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

Emissions Inspection Program

NJGCA has continued to meet with officials from various branches of government to discuss the future of the emissions inspection program in New Jersey. The current contract governing the program expires in May 2016 and cannot be extended. While that may seem like a long way away, the truth is the decision on what the program will look like is being made now. A contract with a new vendor must be signed by May 2015 so that they have time to prepare, which means a Request For Proposal (RFP) must go out later this year. In June, NJGCA held a meeting of concerned members to discuss the current program and what the future should look like. These recommendations have been drafted and sent to all the decisionmakers in government. The main point that we made, and the one that we have been making throughout this contract, is that the ***Parsons-operated Central Lanes need to be closed and all inspections performed by private shops like yours.*** Currently, over 85% of emissions inspections are performed by these central lanes. If you are currently a private inspection facility, your inspection business could increase by 6 times. If you are not a PIF, this should be the change that makes becoming one worth your while. Requiring that all inspections be performed in private facilities will bring over 2 million cars a year into private repair shops.

If this is the direction that the State goes in, and there is good reason to believe that they will since NJGCA has been fighting for this since 2009, we will need your help to make sure the program is a success and that the Administration goes through with it. ***In the next few months look for an invitation to a Statewide Repair Shop Summit that NJGCA plans to hold to discuss the future of the program and how the industry should react to it.***

New Tax on E-Cigarettes

One of the toughest fights of the last few months has been the battle over e-cigarette taxes. Most c-stores now stock this product, which has exploded onto the marketplace in just the last few years. Currently these devices are charged the state's already high sales tax rate of 7%. S-1867, sponsored by Senators Vitale (D-Middlesex) and Codey (D-Essex), was drafted to change this by replacing the sales tax with a new special tax rate of **75%** for the e-cigs themselves, as well as all of their components. Since Governor Christie's election, new taxes have not been a serious threat because of his strong position against new taxes. However, this was a significant threat precisely and surprisingly because it originated with the Governor's Office.

E-cigs are good for small businesses. This new product is making up as much as 20% of some c-stores' "cigarette sales", and the profit margin on them is greater than it is on traditional cigarettes. E-cigs have been shown to be significantly healthier than traditional cigarettes, the only thing up for debate is how much healthier they are. The purpose of taxing traditional cigarettes so highly is because of how bad they are for the user's health. But you should not have a sin tax on something that is not a sin. The biggest threat to c-stores with this bill is the internet. There is a healthy marketplace online for e-cigs, and when consumers realize they can cut their cost by nearly half, they won't bother stepping foot in your store.

When it was announced that there was a massive and unexpected shortfall of \$800 million, our prospects of stopping this tax looked bleak as the State was desperate for every dollar it could collect. ***But thanks to our advocacy and the grassroots actions of our members we were able to make it crystal clear to every member of the Legislature the damage this bill would do to small businesses and the public health.*** Ultimately, when it came time to look for supporters, both parties could not find enough members to stand up and pledge support for the bill. ***With the budget passed, it looks like we managed to pull off a tough and somewhat unexpected victory.*** We will be on the lookout for this proposal to rear its ugly head again next year.

Smoking Age to 21

In June, NJGCA also had to oppose a bill that would have increased the age that adults can buy tobacco products from 19 to 21. The bill, S-602 sponsored by Senators Vitale (D-Middlesex) and Codey (D-Essex), would have made it even harder to enforce the current age limit laws. It would have applied to cigarettes, e-cigs, and all other tobacco products. NJGCA made the point that it was unfair that businesses would continue to be prosecuted for slipping up and selling to underage people, but that people who are underage are not considered to be committing a crime. Most 19 and 20 year old adults have access to a car, and the Pennsylvania border is rarely more than 90 minutes away. This means all that business that currently comes into your store would now belong to PA. It would mean that the State of New Jersey was willing to say that a 20 year old could patrol hostile villages in Afghanistan with the power of life and death in their hands, but were unable to decide whether or not they wanted to smoke a cigarette. Despite our opposition, the bill passed the Senate Health Committee by a 6-2 vote.

Everything was quiet about the bill for several weeks, and then on the last day of the session, an hour before the scheduled vote, the Senate surprised everyone and added it to the list of bills to be voted on. It passed 22-10, just more than the 20 it needed. New Jersey would be the first state in the nation to raise the limit to 21, so far only New York City

and a few other municipalities have done so. It still must pass the Assembly Health Committee, the full Assembly, and then be signed by the Governor in order to become law. *We will be meeting with members of the Assembly throughout the summer to let them know why this is such bad public policy.*

Tax Increase on other Tobacco Products

When S-1867 was heard in the Senate Health Committee, the sponsors surprised everyone in attendance with some significant amendments that significantly increased the tax rates on all tobacco products other than cigarettes. Among the increases was moist snuff going from 75 cents an ounce to \$2.25 an ounce and cigars being taxed \$2.70 per individual cigar. Like the new 75% tax on e-cigs, these huge increases would have had a chilling effect on your business, would have forced more consumers to buy their cigars online, and would have done little for the public health. *Thankfully, these proposals failed along with the proposed e-cig tax.*

FY 2015 Budget & Tax Hikes

This year we saw largely the same thing we see every year in New Jersey, a contentious budget season in which the State has to face down a huge shortfall. The battle for how to fund this shortfall came down to two sides. Governor Christie wanted to reduce the amount of money the State contributes to the pension fund for public workers from \$2.25 billion to \$681 million. The Democratic leadership in the Legislature wanted to protect public employees, so they fully funded the pension system by increasing taxes. The rate at which New Jersey taxes income over \$1 million per year would increase from 8.97% to 10.75% (this is on top of the nearly 40% rate of federal taxation). The corporate business tax rate would jump from 9% to 10.35%. This represents an overall tax hike of over \$1 billion siphoned off from the New Jersey economy. Both of the taxes have expiration dates, although the last time a tax hike was approved with an expiration the Legislature immediately wanted to reinstate it. The Legislature passed their plan on a party line vote of 24-16 in the Senate and 48-31 in the Assembly. Governor Christie vetoed the tax increases and cut the pension contribution to balance the budget. He has said that he does not believe the taxpayers of the State should continue to pay such tremendous costs for what he calls bloated public worker pensions, and is pushing for further reforms.

Mandatory Paid Sick Leave

Movement on the bills that would require every business in the State to provide all of their employees with paid sick leave continues to be stalled in the Legislature. However, we cannot count on this continuing. There is a large coalition of liberal groups and especially unions pushing this legislation and they have launched a formal campaign to get the bill moving. High ranking members of the Legislature have already endorsed the concept of mandatory sick leave, including Assembly Speaker Prieto (D-Hudson) and Senate Majority Leader Weinberg (D-Bergen). We expect that there will at least be a hearing on the bill in the fall. As it's written, this bill will require even part time hourly workers

to be given paid time off, not just if they say they are sick but if a family member (child, spouse, parent, grandparent, or in-law) is sick. If they perceive that you are punishing them for taking the time off, they will be able to sue.

Ban the Box

The Ban the Box bill that we have warned you about has seen some significant positive revisions. The new bill, S-2124 from Senators Cunningham (D-Hudson), Lesniak (D-Union), and Ruiz (D-Essex) addresses essentially all of the major issues we had with the bill. It will only apply to businesses with 15 or more employees. These employers will not be able to have a box on the application asking about criminal histories. The original bill forced employers to wait until they were offering someone the job before they could ask about previous arrests. Now, you only have to wait until after a first interview has been conducted. If the position requires a background check and/or cannot be filled by someone with a criminal history, then you can continue to ask whenever you want. This is important to NJGCA members who sell lottery as there are standards already in place that prohibit persons with criminal records from having certain positions in your stores if the work involves lottery sales. It also specifically says that lawsuits on the issue are not allowed and it removes any Ban the Box laws that local municipal governments have instituted which may be stricter than this law.

Overall, while this bill does have some restrictions on businesses, it is remarkably better and fairer than the original version and as a result NJGCA is neutral on the bill. It passed the Senate 32-1 and passed the Assembly 49-24. As of press time, it has not been signed by the Governor into law, but we expect him to do so soon. The bill will take effect 6 months after the Governor signs it.

Right to Repair

NJGCA has continued to move forward with Right to Repair in New Jersey. Although most of our goals were accomplished by the Memorandum of Understanding agreed to by the manufacturers early this year, it did not cover everything. We have two goals with further Right to Repair legislation. One, we want to take the principles in this agreement and enshrine them into law, giving them permanency so that five years from now a manufacturer cannot just decide to drop out and leave repairers in the lurch. Two, we want to expand Right to Repair to include heavy duty vehicles, as was done in Massachusetts. We hope to see movement on this issue in the fall.

Credit Card Fees

NJGCA and our allies continue to meet with legislators to discuss our bill to force credit card companies to compete with each other, in effect lowering fees. A-651/S-2113 is now sponsored by Assemblymembers Moriarty (D-Gloucester), McHose (R-Sussex), Diegnan (D-Middlesex), and Mainor (D-Hudson) as well as Senator Beach (D-Camden). Not only is this a broad and bipartisan coalition, it also constitutes 4 of the 5 members of the Assembly Consumer Affairs Committee, where the bill is currently located. Over the summer, we look to continue to build support for

this bill and hope for an aggressive push in the fall. We will need your help in proving to legislators just how damaging credit card fees are to your business.

Gift Card Bill

In late June we saw the introduction of S-2235/A-3480, sponsored by Senators Sarlo (D-Bergen) and Oroho (R-Oroho) and Assemblyman Diegnan (D-Middlesex). Under current law, starting in July of 2016 businesses that sell gift cards will be required to collect and maintain a record of the zip code of every customer who purchases a gift card. As you can imagine, this is an annoying burden that will slow down check out time in c-stores and likely mean the purchase of new software, since every individual zip code must be matched with the specific gift card purchased. This bill deletes that requirement of the law and was passed unanimously by the Senate Budget Committee, and was passed by the full Senate 34-0. Thankfully, the Legislature is moving early to remove this burden, rather than waiting until the last moment.

Election 2014 Update

Primaries were held in June for the various federal offices up in November. The most competitive race in the state will be in the 3rd congressional district located in Burlington and Ocean Counties and currently occupied by Rep. Jon Runyan (R). Rep. Runyan is retiring and the candidates to replace him will be former Randolph Mayor Tom MacArthur (R) and Burlington County Freeholder Aimee Belgard (D). In the 12th district Asw. Bonnie Watson Coleman (Mercer)

defeated Asm. Upendra Chivukula (Somerset) and Senator Linda Greenstein (Middlesex) to win the Democratic nomination to replace retiring Rep. Rush Holt (D). She will face Dr. Alieta Eck, the Republican nominee. In the May nonpartisan elections, Councilman Ras Baraka was elected Mayor of Newark, taking over for Cory Booker who is running for reelection to the US Senate this November. Nationally, Republicans look to have just better than 50/50 odds of taking over control of the US Senate following the nomination of a spate of quality candidates in competitive races and avoiding the kinds of gaffes and extreme candidates they suffered in 2012 and 2010. President Obama's declining approval ratings have also continued to be a weight around the necks of Democrats throughout the nation.

NJGCA PAC

NJGCA held two successful fundraisers for our political action committee in June of this year. We thank all those members who came out and put their money where their mouth is. We need these funds in order to gain the influence to stop the bad bills and promote the good ones. If what you read in this article concerns you, the best thing you can do is donate now! You can now donate online by going to www.njgcapac.org/donate. It only takes two minutes and goes a long way for NJGCA. We recommend that every member sign up to contribute \$10 a month going forward. Once you click the box for monthly donation, you're all set and the contributions will be made automatically. \$10 is the cost of lunch, and it's only once a month. A little contribution can go a long way, so please step up today. ■

NJGCA MEMBER TESTIMONIAL

-----Original Message-----

From: bpTony1234@XXXXX

To: Sal Risalvato

Cc: Debbie Hill

Subject: Thank You!

Dear Sal,

We want to thank you and NJGCA for all the help you gave to resolve our problems with the NJDEP. This issue has been going on for over 2 years and without your help, it probably would still not be resolved.

We especially want to thank Debbie Hill, who was WONDERFUL. She gave so much effort to help us resolve this with her countless emails and phone conversations. We know she was very busy helping many other dealers with their problems but she gave our problem a great deal of her precious time and energy. There are no words that could adequately express our gratitude to her. She takes all of our problems as her own. We and all the dealers are very lucky to have her and everyone else at NJGCA to help us with the difficult task of dealing with the state. That is not even considering the difficulty of operating a gasoline service station in this market place or with this economy.

We are sure that we speak for all dealers when we say "Thank you for being here to help and support us in the past, present and future".

With much gratitude,
Anthony Torr & Sue Torr
Torr's Valero Watchung, N.J.

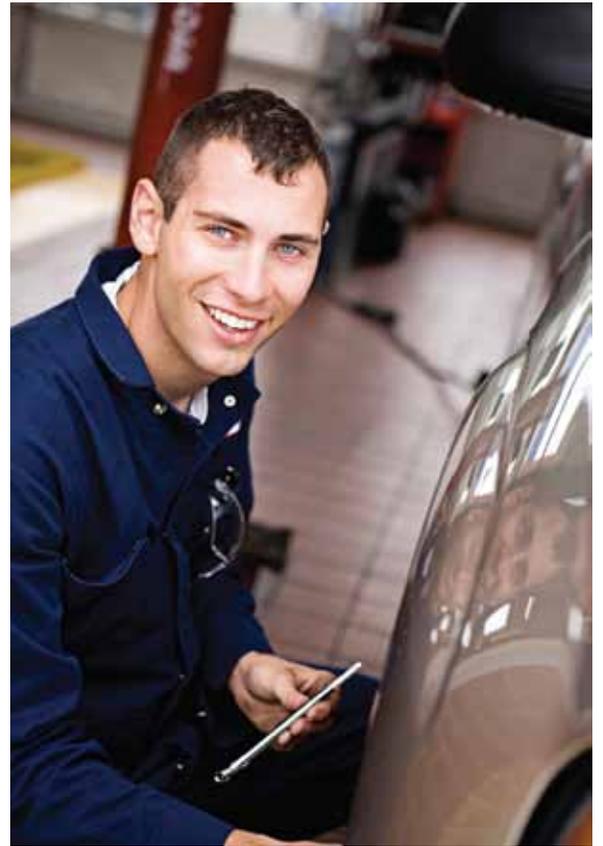
Great News for NJGCA Members

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.*

Association Master Trust

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info@amt-nj.com

The Impact of Rapidly Changing Rack Prices in New Jersey

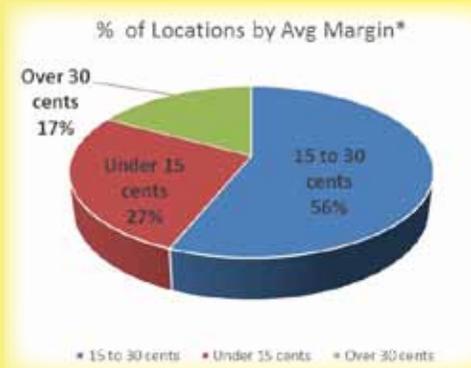
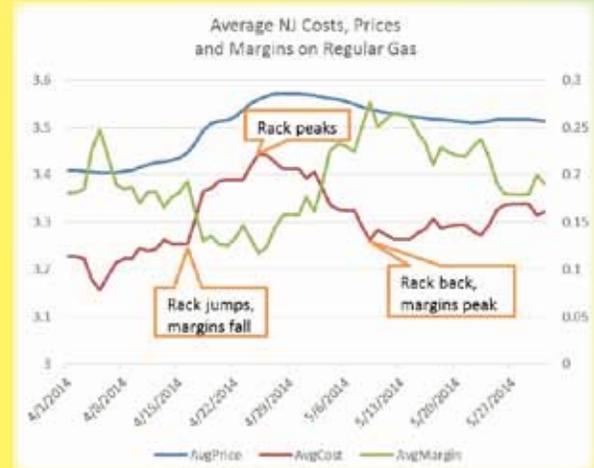


In this article, Profit Outdo shares some of their findings on pricing strategies that could be useful when rack prices are rapidly changing.

What Happened?

From April 14 through April 24, 2014, rack prices jumped by a total of 20 cents then fell back down just as quickly. By May 7, rack was back to where it started.

The majority of Gasoline retailers did not react quickly (especially as prices fell back); as a result, margins* also went through a roller-coaster ride. The chart on the right shows how far out-of-sync the price-adjustments of retailers were, compared to the changes in rack cost.



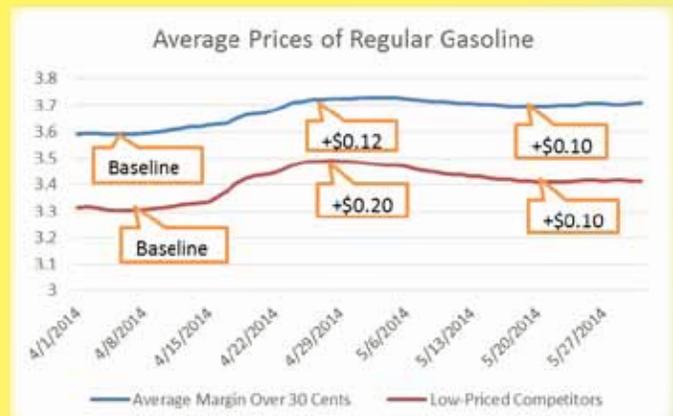
The different margin* categories

The following chart categorizes gas stations by the average margin (cash price less rack and state taxes) they made on regular gasoline in the first 5 months of 2014. You will note that the majority of locations make between 15 and 30 cents per gallon (before all other expenses). We will refer to these categories, in the next sections. We categorized the gas stations by their average margins so that we could see if their prices and margins were affected differently by the rapid changes in rack.

How did the categories react differently?

When Rack Increased for the Low-Margin Category (those whose average margins are less than 15 cents per gallon), they raised prices very quickly. Otherwise, they would violate the rule of not selling below cost. The Average Prices chart shows the prices of the low-margin category in the lower red line. You can see that they indeed raised their prices very sharply, by an average of 20 cents at the peak.

When Rack Increased for the High-Margin Category (those whose average margins are over 30 cents/gallon) is shown in the upper blue line. Their prices rose much less: only 12 cents on average, at the peak. Their prices also rose more gradually.



When Rack Fell, the low-margin competitors dropped their prices by 10 cents, while the high-margin stations only dropped their prices 2 cents on average. Thus, by late-May, high-margin stations were again 30 cents per gallon higher than their low-margin competitors.

Continue on next page...

Suggested Strategy for High-Margin Stations

The data suggests that, as a group, the high-margin stations may increase profits significantly when rack changes rapidly. When their lower-margin competitors start to raise prices, the high-margin stations can match their price increases, penny for penny. That would give them higher margins, since the low-margin competitors have to raise their prices to stay above cost, as required by law.

In the April-May period, the higher-margin stations could have added as much as 8 cents per gallon to their margins, and still maintained their volumes. That is because their price compared to the low-margin stations would remain constant. Thus, customers would have no reason to switch to their competitors.

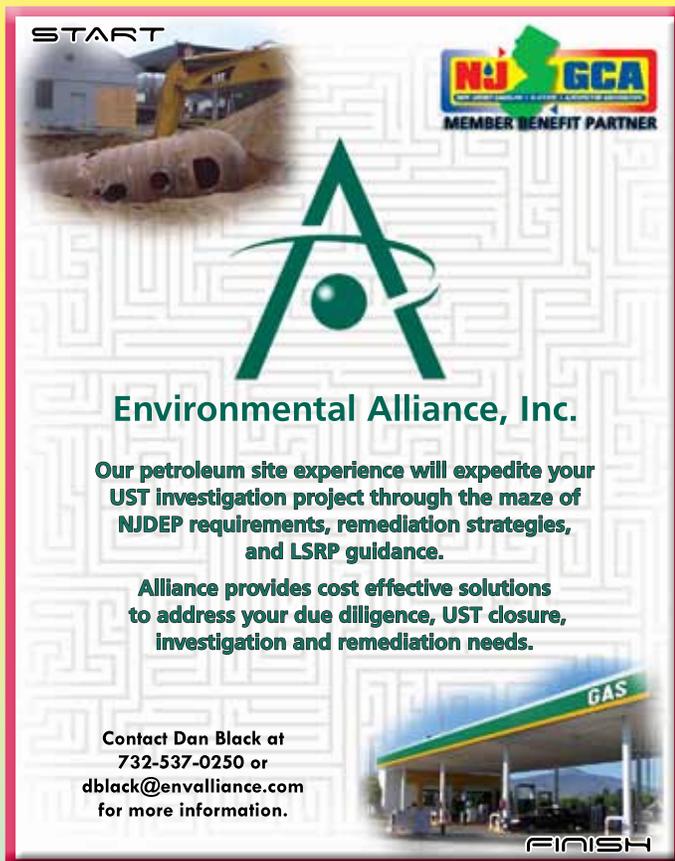
How Big a Difference Can It Make?

Let's say a high-margin station sells 2,000 gallons a day during the April-May period. If it matched the price increases of its low-margin competitors, it would have added \$1,935 more to its gross profits! ■

*For purposes of this article, margins are computed by subtracting the average rack price plus NJ gasoline tax from the selling prices of regular gasoline at each of 2,000 NJ stations. Individual stations may purchase gasoline at higher or lower prices due to brand (or lack of a brand) and discounts offered by their fuel suppliers.

About the Authors

Profit Outdo Corp, based in New Jersey has been working with NJGCA key members for over a year to provide affordable fuel price analytics and services that gasoline retailers can use to increase profits through better pricing. We collect and analyze the daily selling prices of fuel in over 100,000 retail locations nationwide, together with the daily rack costs in selected terminals. We consider a whole lot of factors in order to forecast what sales and profits will be at each possible price point at each specific location. Then, it compares the forecast outcomes of different pricing strategies, short-listing those that produce the highest profits and volumes over the next day. After all that computing, it uses your sales and profit targets to decide which prices are best based on what you define for the next day... all to achieve your goals of volume and profitability. For more information, contact Debbie or look at our website, www.profitoutdo.com



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SELF SERVE: MEMBER SURVEY RESULTS

BY: ERIC BLOMGREN

While historically this organization has been adamantly opposed to allowing any form of self serve in New Jersey, it has become increasingly clear over the last few years that this position needs to be reevaluated. Times change, and people change with them. In the thirty years since self serve was a major issue, the economy and nature of doing business in the gasoline retail industry has changed dramatically. Technology has advanced and the cost of labor is always shooting up. It also became clear that the oil companies no longer have any interest in competing directly with dealers in retail locations that they operate themselves, in fact they are getting out of the retail side of the business completely.

In 2007, the New Jersey Gasoline Retailers Association began to finally adapt to the modern world and recognize the changed industry. One of the many transformations was to change the name of the organization to the New Jersey Gasoline, C-Store, Automotive Association. With this change, as well as Sal's start as Executive Director, the organization's position on self serve shifted away from outright opposition to a more benign position of effective neutrality.

For several years, NJGCA's lack of a firm position on the issue was irrelevant since legislators and the press rarely brought the issue up, and when they did it was mostly just in passing, as a curiosity. When asked, the NJGCA position was that we were historically opposed to self serve, but if it became an issue we would have to poll our membership to see where we should stand.

Last year, an Assemblyman reached out to us saying that he was interested in introducing a bill that would allow self serve in some form in New Jersey. This was effectively the first time that self serve would be seriously discussed in this state since Governor Corzine floated the issue in 2006.

In January, NJGCA sent a survey via email to all members, asking them for their position on self serve. Before voting, there was a lengthy and unbiased description of the reasons for and against allowing the option of self serve in New Jersey. **If you missed it or you would like to read it again, it has been included at the end of this article.**

The response rate for this survey was significant and definitive. 365 stations were represented, a statistically significant sample of the total 2,300 stations in New Jersey, and an even larger chunk of NJGCA membership. This means it is more representative and definitive than any of the public polls you see performed by universities and published in the newspaper. They typically talk to between 300 and 1,500 people, but they represent a total universe of millions of voters and residents.

Many members have been wondering what the results of that survey were. Those members who came out to NJGCA's membership meetings last month got an early peek at the results, as did the NJGCA Board of Directors.

The answer was overwhelming. When asked the question "Do you believe it should be legal in New Jersey for motorists to pump their own gasoline if they choose?", 77% of member stations were in favor of self serve and allowing motorists to pump their own gas. 18% were opposed and 5% were undecided. No matter how the members were broken down, there was no scenario or segment of the membership which did not support self serve, from members with zero stations (repair shops) to members with multiple stations, there were always many more members who supported self serve than opposed it.

Given these landslide results, it's clear that NJGCA must make its official position TO SUPPORT SELF SERVE.

Self Serve: Next Steps

Don't let anyone fool you; getting self serve passed in New Jersey is primed to be one of the toughest fights imaginable. It is something that affects almost every person in the state, and consequently almost every person will have an opinion on the issue. Whereas once the public was overwhelmingly in support of self serve, now their initial reaction will generally be opposition. There have not been any recent public polls on the issue, but while the opposition to self serve is broad, there are indications that it is not deep and many of the people whose gut reaction is opposition could be persuaded.

Getting self serve in New Jersey is a fight with multiple fronts. We will have to convince not just the 120 state legislators that it should be allowed, but also the media, other interest groups, and of course the vast voting public.

Continue on next page...

To do it, we will need you to become more actively involved than you ever have. One of the most important ways will be **financially**. We will need funds to pay for expenses like polling and even advertising our side of the issue.

It also means **membership fees**. We need your help to promote the value of NJGCA membership so that we have the resources for a fight as big as this. We know that there are retailers out there who never joined NJGCA primarily because they believed we opposed self serve, we need you to reach out to them and let them know they need to get in the fight and join up. We also know that some members own multiple sites but only pay membership dues for one. This is against the rules of the organization and unfair to those members who are members at every site. Remember, NJGCA does NOT represent all the gas stations in the state of New Jersey, we only represent members in good standing.

We will also need political contributions so that we can support our allies on this issue and prove to them that there truly are hundreds of small businesses in this state who care so deeply about this issue that they are willing to put their money where their mouth is.

In addition to financial support, we will also need your physical support. We will need you to show up to press events and committee hearings in numbers to show the widespread support for this issue. We will also need individuals to come with us when we meet with legislators. It means more for them to hear directly from their constituents about an issue than to hear for us. After all, you are the ones providing jobs and services to their constituents.

Here are a taste of the main points to make to the public in favor of self serve:

It's Optional

The biggest fear that the general public will have is that they will be forced to start pumping their own gas whether they want to or not. If that is the way the issue is presented, there is no doubt we will lose and lose big. Motorists need to know that all we are advocating for is to make self serve an option for those that want it. People that don't want to ever touch a gas pump still won't be required to. Now, they may not have the option of full serve at every single station, as we want the decision of whether or not to offer full serve to be left up to the retailer, however if there is consumer demand for full serve then no doubt someone will

offer it and take that business. But given the fact that, at least at first, huge segments of the market will still want full serve, they need to know it will be available to them somewhere. Over time, as people become used to the idea and get more and more comfortable pumping their own gas, there may be less demand for full serve.

Convenience

Pretty much every motorist has been in a situation in which they had to wait around for an attendant to get to them. Sometimes it's because the station is particularly busy, other times it's just because the pumpers are busy on their cell phone, or in the bathroom, or just not paying enough attention. If a motorist wants to get out of their car and handle the pump because they don't want to wait around for an attendant, they should be able to do so. It's not about taking away the convenience of having someone pump your gas for you; it's about adding the convenience of being able to quickly pump gas yourself.

Savings

High gas prices are a way of life, and with the world as unstable as it is, it's unlikely we'll ever see particularly cheap gas prices again. On top of that, talk of raising the gas tax in New Jersey continues and support for an increase is growing. Consumers are going to remain price conscious and look for savings wherever they can get it and that is where self serve can help. Despite what some will claim, price differences between self serve and full serve will be the result of a discount for self serve, not a surcharge for full serve. As with cash/credit pricing, retailers will pass the savings onto motorists in order to stay competitive. Many customers who would otherwise rather have an attendant pump the gas will gladly hop out of their cars if it means another ten cents a gallon in their pocket.

Safety

Right now in New Jersey it can be difficult to find a place to fill up your car after about 10pm. The ban on self serve means that retailers are faced with a choice: leave one lone attendant standing around all night so that motorists will have a place to fill up or close down after dark, losing that business and leaving motorists stranded if they're running low on fuel. If self serve were allowed, it would mean that those gas pumpers wouldn't be exposed to all manners of dangerous situations, in which at best they're robbed at gunpoint and at worst they're robbed and then shot or stabbed. Just last year

a gas pumper was murdered in a robbery and only a few weeks ago one was shot. Self serve means that at any time of night motorists will be able to pull up, put their credit card in, pump their gas, and be on their way in just a few minutes. No longer will hundreds of gas station attendants be put at risk and no longer will motorists driving at night need to worry about where they can buy gas if they're running low. This will be a particular advantage to urban areas, where there are few or no stations open late at night.

Personal Freedom

In New Jersey it is actually a crime for a small business to allow a regular citizen to pump their own gas. A long time ago it made sense for professionals to be the only ones allowed to pump

this flammable liquid, but nowadays using a gas pump is as simple as using an ATM. This is a not a radical new idea that hasn't been tested. More people are buying diesel powered cars, and are already permitted to pump their own fuel. 48 states, representing 96% of the US population, are fully capable of pumping their own gas, does the State of New Jersey really want to continue saying that its citizens are incapable of doing the same?

Expect this to be a long, hard, and loud fight. NJGCA can't emphasize enough that it will only be accomplished with your direct and consistent involvement. Stay tuned to your email inboxes for info about how to help when we need you. **If you don't receive the NJGCA "Road Warrior" email every week, make sure you call 973-376-0066 immediately and ask for Jacy. ■**

Below is a reproduction of the information given to members before they voted whether or not to allow self serve.

Proponents of Self Serve Say:

Self serve will reduce the costs and burdens of operating a gasoline retail business by reducing the number of employees that are presently needed to serve customers. A time proven strategy of struggling small businesses is to lower costs by reducing the number of employees. Payroll is one of the top three expenses for any business.

Reducing employees also reduces the cost of Workers Compensation Insurance, Health Benefits, and Payroll Taxes. Reducing the number of employees eliminates other related problems such as cash shortages, inventory theft, poor performance, incompetence, unreliability, punctuality, and poor attendance. Many station operators say that they will be able to better compete with the "big guys" if they are able to eliminate employees and reduce payroll costs.

Those in favor of self serve argue that the advantage Big Box retailers would gain is a very small one if any at all. Most customers visit local independent retailers because they have a relationship with the owner and it is more convenient. Situations when motorists skip gas purchases at Big Box retailers because the lines are too long are rare. Today many Big Box retailers price their gasoline at the same or a higher price than smaller independent competitors. Proponents say that the economic benefits that would come from self serve far outweigh this cost.

Employers complain that even in times of high unemployment it is difficult to find reliable employees, and when unemployment levels are low it can be nearly impossible to find employees to even respond to advertisements seeking help.

Many employees seek jobs pumping gas for only as long as they need to find more attractive work; sometimes quitting with little or no notice. It is common for employees to simply not show up for work. Employees don't like to work in extreme weather like sub-zero temperatures, uncomfortable heat, and pouring rain.

Anticipated "Operator Training" regulations will create training costs that will be burdensome if employees consider their Gas Attendant jobs with a revolving door mentality. Recouping the costs of training employees is more difficult when employees are constantly replaced for one reason or another.

Some customers like the idea of self serve because they will no longer have to wait to be served, especially when gas pumps are blocked due to lack of employees who work the pumps. Many motorists complain that they can't serve themselves because of the New Jersey ban on self serve and are unable to get in and out of a gas station as quickly as motorists in other states do.

Theoretically, with today's modern "pay at the pump" technology, stations could be open 24 hours a day with few or no employees at all. Gas station attendants will no longer be targets for armed robbery after dark.

Proponents say that self serve is permitted in 48 other states without any public safety issues or inconveniences. New Jersey already permits motorists to pump their own diesel fuel into their vehicles, so what's the difference if they are permitted to pump their own gasoline? They say New Jersey needs to "get with it" and join the other 48 states by eliminating the ban on self serve gasoline.

Proponents of permitting self serve say that this is a free country with a free market and the government shouldn't ban consumers from pumping their own gas if they wish to do so. Many motorists who wait for an attendant simply wonder "why they can't just pump it themselves", especially when they are in a rush.

Those in favor of self serve point out that it is unlikely that NJ would move from 100% full serve to 100% self serve and that a change in the law would likely mean that NJ would have both, and every motorist could decide the better option. 48 out of 50 states currently allow self serve gas without any reported problems. They say that 96% of the US population (roughly 300 million people) lives in a state that allows self serve and that the population in general, including senior citizens and handicapped individuals, have not had the sky fall on them.

Opponents of Self Serve Say:

Industry opponents say allowing motorists to pump their own gas may help lower the cost of employees for smaller independent stations, but it will also assist Big Box chains with larger locations and multiple pump islands. Larger Big Box retailers would be better able to serve at pumps that are often blocked with orange cones, enabling them to sell more gas and increase volume. Big Box retailers and multi site chain retailers are better able to compete in the marketplace and will gain an advantage if self serve were permitted.

Legalizing self serve would encourage more Big Box Retailers to establish locations in New Jersey. They would be incentivized to build gas stations at existing retail stores just as they have done in other states, in order to draw more customers into their stores and buy other more profitable consumer goods. Smaller and lower volume locations may find it more difficult to compete with the larger and higher volume locations that are more modern and readily prepared to begin self serve operations.

Consumer opponents claim that motorists don't like pumping their own gas when they travel out of state. Members of the public who oppose allowing self serve say that not pumping your own gas is a convenience and a proud part of 'New Jersey Culture'. Motorists enjoy the fact that full serve gas is cheaper in New Jersey than in most other states that allow self serve.

Public Safety opponents say that it is dangerous to allow motorists to pump their own gas. The ban was originally put in place 70 years ago to prevent fires and to protect the public from disasters.

Labor advocates say that eliminating the ban on self serve will surely eliminate thousands of jobs at a time when job creation is needed. New Jersey gas stations employ approximately 15,000 workers and permitting motorists to pump their own gas could eliminate a large portion of these jobs. Those affected will be mostly lower income and lesser skilled workers who might have difficulty finding employment elsewhere. Legislators will be hesitant to make a policy change that will eliminate jobs.

Opponents say that removing the ban on self serve will be a hardship for senior citizens and handicapped individuals. They say that even if a gas station maintains a full serve pump it will likely be priced higher than for gas sold at its self serve pumps. This will be unfair to those who have difficulty pumping their own gas, as well as to lower income individuals.

Those opposed to lifting New Jersey's ban on self serve point out that any savings of Workers Compensation premiums could be negated by higher costs for liability insurance as rates and thresholds are surely to be increased.

Industry opponents say that once self serve is permitted that it will be an excuse for regulators from all departments of government with enforcement oversight to begin promulgating new and more burdensome regulations with costly requirements. Enforcement agencies will claim that now they have to contend with preventing inequities to consumers, employees, and the environment.

Opponents say that New Jersey is doing just fine by banning self serve all of these years and that there is no reason to fix something that isn't broken.

MEMBERSHIP MEMO

BY: GREG CANNON

Hello... Happy Easter, Mother's Day, Memorial Day, Father's Day, and Fourth of July!

I was on a writing sabbatical in the last issue but I'm back and I hope the period from January to current has been good to you and your families.

Ch-Ch-Ch-Changes (David Bowie 1971)... They are here. You may recall I've been talking about improvements to the billing and collections of our membership dues.

Some of you have already seen it but I wanted to write about it now so everyone will be on the same page.

You will no longer receive the "Renewal Notice" that you have been over the years. Instead you will receive an invoice and this is how it's going to work:

- The invoice will be for a 1-year renewal of your NJGCA membership. It is the only invoice you will receive. The time period covered will be listed.
- You may choose to pay the invoice in full by check, credit card, or online bank draft.
- You may select a payment plan: if choosing a payment plan, you must pay by credit card or automatic bank draft and the payments will automatically be charged until your membership is paid in full. Thereafter your membership will be automatically renewed the next year unless you notify NJGCA that you no longer wish to remain as a member.
- Please read the invoice carefully and make your selection. If you chose the payment plan please be sure to sign the authorization at the bottom of the invoice.
- Please do not send a check for a partial payment.
- Be assured that your credit card information is not stored at our location.
- Your Renewal Date will always remain the same month of your membership anniversary.

This is a project that has been mentioned previously in the Road Warrior and past OTR's and has finally been implemented. It will give you a clearer accounting of your membership, take away the task of remembering to pay your dues, make your renewal date consistent, and reduce the number of renewal notices that are mailed, as well as the number of collections phone calls that are required to keep memberships current. This has become a big burden on the resources here at NJGCA and certainly these resources can be better spent to serve members in a better way.

The other project that has been moved to the front burner is all members that are enrolled in the Association Master Trust Health Benefits Program will

be required to have their dues renewed automatically by credit card or bank draft. As you are aware AMT is grandfathered under the laws of the State of New Jersey. State law requires that ONLY members of NJGCA and one of the 14 other associations that comprise AMT may enroll in an AMT Health Coverage plan. AMT undergoes constant and burdensome audits to be certain that this requirement is adhered to. When members are delinquent paying their dues, then cancellation letters are generated. Typically, dues are then paid so a member can remain in the AMT program. The cycle tends to be repeated and has also created a burden on both NJGCA and AMT to keep members covered with a health policy. The increasing number of calls to collect dues has made this change necessary and will be a benefit to everyone.

Finally, please remember to visit your website: www.njgca.org to keep updated on current events AND check out the incredible MBP programs specially designed to save you \$\$\$.

I hope you and your families have a prosperous, healthy, fun summer.

Cheers!

Greg



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GENERAL COUNSEL CORNER: PART 1

BY PETER H. GUNST, ESQUIRE



Second Immigration Alert: They Can Get You Coming or Going!

Some months ago, we warned of the penalties that small employers could incur when employees fail to properly fill out Form I-9's, or the employers fail to obtain adequate documentation authenticating employees' work status. We recounted the experience of Ketchikan Drywall Services, Inc., a small Washington state contractor that incurred a fine of \$173,250 for its sloppy hiring practices.

Now, the Department of Justice is going against small employers for being too demanding by requesting specific documentation from new hires to verify their employment eligibility.

In the last two months alone, the Department of Justice has issued four press releases concerning settlements entered into with small employers who were accused of violating the Immigration and Nationality Act ("INA"), either by demanding from foreign employees specific documentation issued by the Department of Homeland Security in order to verify their employment eligibility, or by requiring permanent residents to present new eligibility documentation when their Permanent Resident cards expired.

The penalties that the employers paid to settle the complaints lodged against them were substantial, ranging from \$40,500 to \$115,000.

The small employer finds itself caught between Scylla and Charybdis. If it is too lax in obtaining documentation, it faces the risk of substantial penalties. If it is too demanding in the documentation that it requires, it also faces the risk of substantial penalties.

The Department of Justice has defined the line that employers must walk between being too lax or too demanding:

The anti-discrimination provision of the Immigration and Nationality Act (INA) prohibits unfair documentary practices during the employment eligibility verification (Form I-9) process. In general, employers may not request more or different documents than are required to establish a worker's identity and eligibility to work in the United States or reject documents that appear to be reasonably genuine upon their face. They must accept all documents that are sufficient to complete the form as long as they appear reasonably genuine on their face and relate to the employee. For example, all individuals who possess a driver's license and unrestricted Social Security card may present those documents to satisfy Form I-9 requirements. Similarly, employers may not require aliens to produce "green cards" or United States citizens who appear "foreign" to produce birth certificates. Instead, it is the employee's choice which of the acceptable Form I-9 documents to present.

For more information, an employer should consult the "Handbook for Employers" that the U.S. Citizenship and Immigration Services has placed on the internet.

The bottom line is that the Form I-9 process must be completed carefully. Otherwise, the government may get you one way or the other.

*

pgunst@agtlawyers.com
To access more articles by the Service Station Dealers' legal counsel, please visit the "Service Station Dealers: Legal Issues" section of the Astrachan Gunst Thomas, P.C. website at:

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

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NJ Department of Environmental Protection Update

By Debbie Hill

UST Registration Reminder (Every Three Years):

You may have read in a previous *On The Road* publication that the NJ Department of Environmental Protection renews UST Registrations by county at different times throughout the State of New Jersey over a three (3) year cycle. *Here is a list of County renewal dates. Take a moment and check your UST Registration!!*

Underground Storage Tank Registrations are due to renew as follows:

2013 Renewed:

Bergen County – Should have Renewed: December 31, 2013

2104 Renewed:

Passaic/Sussex – Should have Renewed: March 31, 2014

Hudson/Warren County – Should have Renewed: June 30, 2014

2014 (Due to Renew):

Morris County – Due to Renew: September 30, 2014

Essex County – Due to Renew: December 31, 2014

2015 (Due to Renew):

Middlesex County – Due to Renew: March 31, 2015

Union County – Due to Renew: June 30, 2015

Hunterdon/Somerset – Due to Renew: September 30, 2015

Gloucester/Monmouth – Due to Renew: December 31, 2015

2016 (Due to Renew):

Burlington/Mercer – Due to Renew: March 31, 2016

Camden/Ocean – Due to Renew: June 30, 2016

Atlantic/Cape May/Cumberland/Salem – Due to Renew: September 30, 2016

IMPORTANT! WITH THE UST REGISTRATION QUESTIONNAIRE, YOU MUST INCLUDE:

- The completed questionnaire (make sure you sign it!!)
- Your license fee – \$150.00
- A copy of your current declarations pages of your UST tank insurance/financial responsibility

*****Where are the NEW proposed UST Rules and Regulations?*****

By now you should know that the Federal Government proposed new UST Rules and Regulations in October 2011. New Jersey always follows the Federal Government's suggestions, and in addition, they may even make NJ's regulations more stringent than the Proposed Federal Rules.

But where are NJ's Proposed Regulations? Over the last couple of years, NJGCA has regularly attended classes offered by the NJDEP, and each time we have heard, "the Proposed Regulations are coming!!" **But when are they expected?** We have been told that late this summer or in early fall, the NJ Register will list the Proposed Regulations. After they appear in the NJ Register, stakeholders like NJGCA, and our sister organizations (Fuel Merchants, Petroleum Equipment Contractors, etc.) and the general public will be able to make comments. After the comment period, New Jersey will adopt the "New Rules and Regulations." It is expected that this could all happen in the early months of 2015.

So, what does NJGCA see coming that YOU as a small business owner need to know? Here is a summary of what NJGCA expects to be included:

1. *Operator Training:* Owners and Operators designate at least one individual for each of three classes of operators. Designated operators must be trained on minimum defined areas and may need to be retrained if the UST system is not in compliance.

a. Owners and Operators will have to retain a list of designated operators trained at each facility and proof of training.

b. There will be three classes of designations for Training:

i. Class A Operator, Class B, and Class C

c. Class A and Class B will have to take a training course and pass an exam.

d. Class A and Class B operators will be able to Train a Class C.

e. Implementation of this program will happen over a two (2) year cycle.

****NJGCA will have more information on this program****

2. Current rules require ***Secondary Containment and Interstitial Monitoring*** for hazardous substance for tanks only.

a. The proposed regulations will more than likely have a requirement for ***Secondary Containment and Interstitial Monitoring*** for all ***tanks and piping***.

b. Installation of under-dispenser containment for all NEW dispenser systems.

3. *Walkthrough Inspections:* Owners and operators will have to conduct monthly walkthrough inspections which look at: spill prevention equipment, sumps, and dispenser cabinets; monitoring/observation wells; cathodic protection equipment; and release detection equipment.

4. *Spill Prevention Equipment:* Owners and operators test annually for liquid tightness or use a double-walled spill bucket with continuous interstitial monitoring.

5. *Overfill Prevention Equipment:* Owners and operators test every three years to ensure equipment is set to activate at the appropriate level in the tank and will activate when regulated substances reach that height.

6. *Secondary Containment Areas:* Owners and operators test every three years to ensure the interstitial area has integrity or use specific continuous monitoring methods.

7. *Release Detection Equipment:* Owners and operators test annually to ensure equipment is working properly.

8. Current Requirements *DO NOT REQUIRE UST SYSTEMS THAT STORE*** fuel for use by emergency generators to perform release detection.**

a. **Proposed New Rules: *Will require the UST system to perform release detection.***

9. *USTs using “flow restrictors” also called “ball floats” to meet the overfill* prevention equipment requirement. These will be eliminated to meet the overfill prevention equipment requirement for new UST systems

10. Current Requirements: USTs using internal lining as the sole method of corrosion protection can add another internal lining, cathodic protection, or both if the internal lining fails the periodic inspections and cannot be repaired in accordance with a code of practice.

a. **Proposed Regulations:** Owners and operators ***permanently close tanks using internal lining as the sole method of corrosion protection if the internal lining fails the periodic inspection*** and cannot be repaired according to code of practice.

11. Owner and operators notify the NJDEP within 30 days of UST System ownership change.
12. **Owner and operators will have to maintain compatibility records for the life of the equipment** or components for all new or replaced equipment for UST systems storing greater than 10% ethanol or greater than 20% biodiesel.
13. A list of UST systems components that can be repaired will be provided.
 - a. Owners and operators **test within 30 days after a repair** to spill or overfill equipment and secondary containment areas.
14. **Phase out** of Vapor and Groundwater monitoring as a method to release detection options.
15. **Add interstitial monitoring alarms** as an example of an unusual operating condition under release reporting.
16. **Add interstitial integrity testing** for secondary contained tanks and piping using interstitial monitoring for the system test under release investigation and confirmation.
 - a. **Add Closure as an option** if a system test confirms a leak.
17. **Add newer technologies:** clad and jacketed tanks, noncorrodible piping, continuous in tank leak detection.
18. Add newer codes of practices, updates titles of codes of practices, and removes codes of practice that are not applicable or no longer exist.

Any questions or comments please contact Debbie Hill at NJGCA Headquarters: 973-376-0066 or email debbie@njgca.org. ■

NJGCA MEMBER TESTIMONIALS

From: Larry Smith [mailto:shcitgo@XXXX]
Sent: Tuesday, December 17, 2013 3:05 PM
To: info@njgca.org
Subject: Membership

Hello,
My name is Larry Smith from Short Hills Citgo. I'm writing to cancel my membership. As of September 1, I have retired and given up ownership of the station.

My station has been a member of NJGCA since the early 60s, and I would like to thank you for all you have done over the years.

Again Thank You,
Larry Smith

POMEROY'S GARAGE INC
18 West Cedar St.
LIVINGSTON, NJ 07030
May 22 2014

To: NJ Gasoline Retailers Association

Dear Debbie,

Thank you for recommending PRESTIGE ENVIRONMENTAL! Girsh Mehta, principal/engineer, has been a pleasure to work with. He is very thorough and clear in explaining all of the steps and processes involved with our site remediation.

Underground contamination is complicated and stressful to deal with. We knew we needed to put our trust in someone who would guide us through this process and feel that we have made the right choice with Girsh and Prestige Environmental.

Thanks again to New Jersey Gasoline Retailers and Prestige Environmental.

Sincerely,



Gary Pomeroy

THE LEGISLATOR SPOTLIGHT

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



Assemblyman Charles Mainor

The Honorable Charles Mainor has served in the state Assembly since 2010. He represents the 31st legislative district, located in Hudson County and consisting of Bayonne and roughly two thirds of Jersey City, where he is a lifelong resident. A Democrat, last year he was reelected overwhelmingly for another two year term, winning nearly three times as many votes as his opponent.

Assemblyman Mainor is currently the Chair of the Law & Public Safety Committee. This is a fitting role for the Assemblyman, as he just recently retired from the Jersey City Police Department after 25 years of service, including more than ten as a detective. As someone with literally decades of experience on the ground in law enforcement, in a big city no less, Asm. Mainor brings invaluable background and an important point of view to the state Legislature. He is also a member of the Consumer Affairs Committee.

He is also a dedicated community activist who has been involved in mentoring programs for young people to try and keep them off the streets and out of prison so that they can be productive members of society. For example, he recently was involved in an event for "Shoot Hoops Not Guns". He is also passionately involved in education, even going so far as to help substitute teach in local schools.

Asm. Mainor and NJGCA did not start out on the best of terms. Early in his position as an Assemblyman, Mr. Mainor introduced a bill that would have dramatically curbed the ability of a retailer to provide cash/credit pricing. But, he was gracious enough to sit down with NJGCA to go over the details in depth and wound up dropping his support for the bill when he realized he was mistaken. Some legislators let their title go to their head pretending that they never make a mistake, and it's always good to find a legislator with the willingness to sit down with the opposition, hear the other side of an issue, and be willing to readjust as new information comes to light. NJGCA appreciates that Asm. Mainor made a sincere effort to understand how credit card fees affect the gasoline marketplace as well as all other retailers in every industry.

Recently, NJGCA met with him to talk more about the incredibly high cost of credit fees businesses must pay and about the bill, A-651, we have helped draft to lessen the problem. The Assemblyman was engaged and thoughtful, and even volunteered not just to support the bill, but to become one of the prime sponsors of the legislation.

NJGCA again thanks Assemblyman Mainor for all his support for the small business owners of this state. NJGCA has more issues before the Consumer Affairs Committee than almost any other committee in the Legislature. We look forward to continuing to work with him for a long time to come. ■



By Jacy Lance



Since our debut in 2007, NJGCA *On The Road* has brought you updates and timely information on changes in the energy and automotive industry. From ordinary, everyday sources of energy like coal and oil; to renewable resources like solar and wind; to advancing alternative energies like hydrogen. We have focused – and will continue to focus – on all of these technologies and how they affect the transportation industry.

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

This edition of the Energy Examiner will focus on a federal regulatory program called CAFE, the Corporate Average Fuel Economy (CAFE), which was enacted by Congress in 1975, in the wake of the Arab Oil Embargo. The program is designed to improve the average fuel economy of cars and light trucks (trucks, vans and sport utility vehicles) sold in the United States.

Although this column usually focuses on research developments and technological advancements in the field of alternative fuels, the subject of increasing fuel economy is just as critical and could have equally significant long-term effects on your business. As a simple matter of economics, if fuel economy increases, demand for gasoline will decrease. It is important that you are aware of the direction that the industry is heading so that you can adequately plan and prepare.

In 1975, the Federal Government decided that the best way to improve fuel economy in the US was through higher standards and increased regulation of the auto manufacturing industry. The CAFE standards/regulations say that if the average fuel economy of a manufacturer's annual fleet of vehicle production falls below the defined standard, the manufacturer must pay a penalty, currently \$5.50 per 0.1 mpg under the standard, multiplied by the manufacturer's total production for the US domestic market.

On July 29, 2011, President Obama announced an agreement with thirteen large automakers to increase fuel economy to 54.5 miles per gallon for cars and light-duty trucks by model year 2025. He was joined by Ford, GM, Chrysler, BMW, Honda, Hyundai, Jaguar/Land Rover, Kia, Mazda, Mitsubishi, Nissan, Toyota, and Volvo -- which together account for over 90% of all vehicles sold in the United States -- as well as the United Auto Workers (UAW), and the State of California, who were all participants in the deal. The new CAFE regulations for model year 2017-2025 vehicles were finalized on August 28, 2012.

There are multitudes of ways in which auto manufacturers will seek to meet these standards and achieve increased fuel economy. One of these ways is to increase their production of vehicles that use alternate fuels. A quick search of my own email inbox revealed that the word "hybrid" was found in 20 emails over the past 20 days. For the word "electric vehicle" it was 17 emails in the past 8 days. Just today, I received an email that researchers are turning used coffee grounds into bio-fuel. I could go on, but I think you understand that alternate fuels are the soon going to be a bigger reality.

As we see increased turmoil in the Middle East, increased concern about the effect of fossil fuels on the environment, rising gas prices, and steady pressure from the government to increase fuel efficiency, there is no doubt that demand for gasoline is going to continue to decline. Getting our members to accept this reality, sooner rather than later, and helping them prepare to embrace it is going to be critical to the continued success of our industry. Who knows... one day we might be calling ourselves the New Jersey Gasoline, Electric, Natural Gas, Hydrogen, Biofuel, C-Store and Automotive Association. And when we make that move, we want you to be right there with us! ■



NJGCA Training Class Schedule

Sal Risalvato, Executive Director | New Jersey Gasoline-Convenience-Automotive Association

2 CLASS OPTIONS AVAILABLE

**-ALL CLASSES WILL BE HELD AT NJGCA HEADQUARTERS-
66 Morris Avenue - Springfield, NJ 07081 (Union County)**

1. INITIAL EMISSION REPAIR TECHNICIAN CERTIFICATION CLASS

DESCRIPTION: INITIAL ETEP Certification course. This is the entire program, section 1-8. This is everything you need to become a licensed Emission Repair Technician.

OUR CLASS INCLUDES EVERYTHING TO BECOME AN EMISSION REPAIR TECHNICIAN!!

- New Jersey State Specific Information Course
- ETEP Sections 1-8 – *THE ENTIRE ETEP CURRICULUM*
- EIGHT DAY CLASS

CLASS COST (INCLUDING MANUALS):

- NJGCA Member rates: \$1,595.00
- NON-Member rates: \$1,795.00

CLASS SCHEDULE: Classes will be held on eight consecutive Wednesdays, from 8:00am to 4:00pm. Classes begin on August 6th and end on September 24th.

2. NJ EMISSION INSPECTOR TRAINING CLASS

DESCRIPTION: This is the Motor Vehicle Inspector course, plus the state approved training program. *NJGCA is offering a SPECIAL ONE DAY Emissions Inspector Class & Final MVC Written Test.*

CLASS COST (INCLUDING MANUALS):

- NJGCA Member rates: \$250 + \$50 MVC License Fee
- NON-Member rates: \$300 + \$50 MVC License Fee

CLASS SCHEDULE: Wednesday, July 30th at 7:30am.

We will serve coffee/donuts in the morning and lunch at 12:00pm. You will take the MVC test at 1:00pm.

TAKE ADVANTAGE OF OUR TRAINING CLASSES!

****To Register, call Debbie Hill at 973-376-0066 x 203 or debbie@njgca.org****

A NOTE ON ALL CLASSES: FUTURE DATES WILL BE ADDED UPON REQUEST – CALL DEBBIE AND LET HER KNOW YOU ARE INTERESTED IN TAKING A CLASS SO WE MAY KEEP TRACK OF DEMAND!!

NJGCA: Serving the Small Businesses, that Serve the Motorist!

**New Jersey Gasoline-Convenience-Automotive Association
66 Morris Avenue | Springfield, NJ 07081 | (O) 973-376-0066 | (F) 973-376-0766 |
www.njgca.org**

Save \$\$ in the NJGCA/TMP Energy Program Protect yourself from unscrupulous suppliers!

by Ed Deczynski

Since electricity was deregulated all customers are permitted to purchase their electricity from a supplier other than the utility that covers their geographic area. Many suppliers have popped up in the marketplace and can provide you with a contract with a set price that can be discounted from the rates that are charged by the utility, or unfortunately they may charge you rates that can be 3 or 4 time what you were previously paying from the utility.

Several years ago, NJGCA negotiated with TMP energy to provide electricity to member businesses and even their residence if they desired. TMP Energy is a known and TRUSTED source. Many NJGCA members have signed on to the TMP program and have saved lots of money. Several members have even written testimonials after comparing their electric bills with their previous supplier.

Unfortunately, some of the unscrupulous suppliers that have emerged in the marketplace use a tactic known as SLAMMING to gain access to your electric account and trick you in to signing up with them. You will choke once you receive their first invoice because you will be paying a very high price for your electricity.

This can never happen if you enroll in the NJGCA/TMP Energy program because TMP will never do this to you.

Several members have been the victims of SLAMMING so we have published a list of frequently asked questions that you should read.

What is SLAMMING?

SLAMMING is the illegal practice of switching the company that a customer buys energy (electricity) from without the customer's permission.

How does SLAMMING occur?

SLAMMING can occur in several ways. Some companies pose as the utility and request your account number. Other companies use fraudulent telemarketing calls in an attempt to lure a consumer's consent to change natural gas or electric service providers. Still others have their sales representatives enroll your account without authorization after requesting your account number as part of their "review" process.

Are there any laws to protect consumers against SLAMMING?

Yes, but unfortunately the process is not strongly enforced by the Public Utilities Commission.

How do I know I have been SLAMMED and what should I do?

The utility will notify you of any switch to a new ESCO (Energy Service Company - a.k.a. approved third party supplier). They will often reference an effective date for when this new service begins and provide a number to call if the switch was not authorized. If you did not authorize the change, contact your utility immediately and notify them of the illegal switch. Then file a complaint with your Public Service Commission. This can be done online or over the phone (NJ: 1-800-624-0241). Your utility bill will also state who your supplier is after the first or second billing cycle depending on when the switch took place.

How can I protect myself from SLAMMING?

The best practice is to never give out your account number. Be wary of solicitation calls from individuals claiming to be with your utility. The utility will NEVER solicit you over the phone. ■

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Beware of the Five Year Flu

By Keith Krehel

For those of you that have read my previous articles, I mentioned that I spent eight and a half years working for a major retailer's auto center. I consider myself lucky for having this experience, as I learned the trade while also learning a great deal about human nature. I spent time in all positions in this auto center, from pumping gasoline (during the gas shortages of the '70s), to the parts department - when books were replaced by microfiche (pre-computers) - and finally to assistant service manager of a 22-bay operation at the ripe old age of 21. In this company, the policy for sick days was that you did not get paid until you had been with the company for five years. As "tough" as the policy may seem - especially to employees - it was, in my eyes, fair. With the "no-pay" policy, employees with the sniffles, hangovers or other minor ailments would tough it out and come to work to earn their pay.

Very few employees made it past a couple of years with the company, and even fewer made it to their five-year anniversary, but if they did, an interesting thing happened. These same employees who toughed it out through their prior years suddenly called in sick, often coming in the next day with sunburn. Saturdays were the most popular sick day, especially in the summertime. It became such a problem that we termed this phenomenon the "five-year flu."

The "five-year flu" was first contracted by the "marginal" employees, but soon spread to the better technicians as they saw their co-workers abuse the system and get away with it. During my tenure with the company I called in sick very infrequently - even after the five-year mark. Quite often, when I attempted to call out, I was told I was needed because a co-worker had already called out and there would be no one left in parts if I called out as well. So, I would come in and do my best.

I think the mentality that developed among some employees is that they had earned the "right" to be paid for not coming into work, regardless of whether or not they were healthy. (Perhaps they should have gotten state jobs!) Keep in mind that the unexpected loss of an employee for a sick day is often more costly than a vacation day because a vacation is planned, while a sick day is not (at least not by the employer).

In conclusion, I strongly suggest that when you make a company policy, be sure it will work for all employees - especially those who may abuse it - so it does not become unfair to the rest of the crew.

**Editor's note: With the NJ Legislature considering a law that will require employers to provide mandatory paid sick time, it is likely that all employers should begin preparing for an epidemic of "The Five Year Flu."*

NJGCA MEMBER TESTIMONIAL

-----Original Message-----

From: Andrea Kolenc [mailto:kolenc@XXXX]

To: Debbie Hill

Cc: Debbie Hill; Olko, John; Lipman, Leonard; Sal Risalvato

Subject: Re: Notice of Civil Penalty Assessment - E & A's Friendly Service Inc., EA ID # 130001-001980

Dear Debbie,

Thank you so much for your assistance in this matter. NJGCA is lucky to have you on their team! Your knowledge and skill set and professionalism is outstanding. Ernie said he spoke with you and we are now waiting to hear back from John Olko at NJDEP. Wishing you a blessed Easter.

Again, many thanks!

Regards,

Andrea Kolenc

E&A's Friendly Service, Inc.

201-704-3290

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Here is a list of our current MBPs:

4CAST OUTDO CORP - Gas Pricing Strategy Experts
ABLE-TECH - Computers, Financial Management, Video Systems
AFFINITY FEDERAL CREDIT UNION - Credit Union
ALFA-TRONICS - Petroleum Station Services, Specializing in Security for Dispensers
AMATO INSURANCE AGENCY - Business, Garage Liability, Home and Auto Insurance
ARCHER & GREINER - Legal Services
ASSOCIATION MASTER TRUST (AMT) - Health Insurance
ATS ENVIRONMENTAL SERVICES - Tank & Vapor Testing, NJ DEP Compliance
AUTOMOTIVE TRAINING INSTITUTE (ATI) - Education for a More Profitable Business
BATTERY CORP. - Back-Up Power and Site Management Solutions
BELLOMO FUELS - Gasoline and Diesel Supplier
BRENNAN LAW - Environmental Law Specialists
BUCKEYE ENERGY SERVICES, LLC - Gasoline and Diesel Supplier
C-3 TECHNOLOGIES - Tank and Vapor Testing, NJDEP Compliance
COASTAL EYEWEAR - Discount Prescription Eye Glasses and Contact Lens Specialists
COLE, SCHOTZ, MEISEL, FORMAN & LEONARD - Legal Services
CROMPCO - Tank & Vapor Testing, NJ DEP Compliance
DANA TANK INSURANCE SPECIALISTS - Underground Storage Tank Insurance
ECO-LOGIC ENVIRONMENTAL - Tank and Vapor Testing, NJDEP Compliance
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TMP ENERGY SOLUTIONS - Discounted Electricity and Natural Gas
TRINITY SOLAR - Solar and Generator Power
UNIFIRST - Uniform Service and Station Supplies

Critical Information You Must Know!

GENERATOR GRANT PROGRAM REMINDERS:

WHAT YOU MUST DO:

- **Contact Jacy and make sure that she is aware of your status.** She must know whether you have received preliminary approval and are working on your supplemental application OR if you have applied for the Grant but have not yet been contacted by the State.
 - If we do not know where you are in the process, we are unable to help you and advocate for you effectively.
- **If you received approval from the State, make sure that the supplemental application packet reflects what you are actually qualified for.**
 - If you applied for a permanent generator in the beginning, the State will approve you, even if you are only qualified for a Quick Connect. You will only be reimbursed \$15,000.
- **Be aware of your 30-60 day deadline from the State.**
 - **Even if you are uncertain, send an email to the State and communicate your concerns to them. If enough people reach out, the program may change! YOU ARE YOUR OWN BEST ADVOCATE!**

RESEARCH STUDY ON CRIME AT GAS STATIONS

You may recall that NJGCA has been working with a Professor at John Jay College and his team of research assistants to conduct a study on crimes committed at gas stations and convenience stores.

The project aims to identify how different variables (such as degree of lighting, accessibility to major roadways, the surrounding area of the station, nearby business establishments, and type of security) make a station more or less vulnerable to crime.

With your participation, this project will provide strategies for reducing economic losses due to crime, reducing personal injury and harm associated with crime and violence, improving working conditions and quality of life, and enhancing the relationship between gasoline station owners, employees and the police.

Data from BOTH stations that HAVE been victims of crime, and stations that HAVE NOT been victimized, will allow the researchers to make comparisons and draw significant conclusions.

Your participation is critical to the success of this project... and we are confident that the study will produce recommendations to help you **protect your business, your profits and your employees.**

You will continue to receive updates in the weekly *Road Warrior* emails about this project. Thanks in advance!



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