

JULY 2015



VOLUME 7 - ISSUE 3

# ON THE ROAD

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**NJGCA**  
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**(973) 376-0066 | www.njgca.org**



# Message From Executive Director Sal Risalvato

## History and Change at NJGCA

Engaging in conversation about NJGCA and our storied history is something both easy and pleasurable for me. I joined NJGCA in 1979 which was known back then as NJGRA. I joined because there were issues important to me that I wanted my association to address. At the time my voice and the voices of hundreds of other members were not being adequately heard. Although I didn't set out to do so, I quickly became an adversary of this very accomplished organization.

I am discussing all of this because there are several items of historical importance to NJGCA that are changing. Stay with me please.

Although I developed a respect for those in authority at NJGRA (which I believe was mutual), I became a representative of those who fundamentally and philosophically disagreed with the leadership. I visited NJGRA headquarters here in Springfield shortly after joining, which was the first of many visits during that year. I remember sitting on a couch in front of the very intimidating desk of then Executive Director Jerry Ferrara. I had no idea at that time that one day I would be filling his shoes, although 30 years later when I arrived I chose both a different office and a different desk.

The advocacy and seeds of historic legislation that have been planted in this office, and the "Bulletins" that were printed, and the members problems that were solved over the years permeate this place like history permeates our nation's capital.

Historically, NJGCA has been involved in some pretty critical legislation. NJGRA passed the nation's first ever franchise law and led the fight to pass a nationwide act known as the Petroleum Marketing Practices Act. The NJ Franchise Act saved hundreds of gasoline dealers from losing their businesses because unscrupulous and greedy Oil Companies simply chose to terminate their franchise.

In 2010, one of my proudest accomplishments was to have Governor Corzine sign an amendment to the NJ Franchise Act that required a "Right of First Refusal" be offered to a gasoline dealer before an oil company could sell the property that their franchise occupied. History was made yet again, as only California had a similar law.

One of the first fights I ever engaged in was the effort to keep the ban on self-serve gasoline, 30 years ago. Historically, NJ stands out because 48 other states allow self serve and NJGRA mounted a fierce fight that lasted six years to keep NJ different than our neighbors. The battle was historic because at the time the motoring public was demanding the right to pump their own gas

and save about 10 cents a gallon just like New York and Pennsylvania. We prevailed and the rest is "History."

### So how does NJGCA history change?

The building that I first visited in 1979 and has been the home of our organization since the early 1960s, is about to become history. NJGCA has actually owned the building since 1998 and just recently sold it to a group that plans on converting it to a school. The burdens of being a landlord and managing the affairs of the building became a drain on our main focus, which is to be your voice and effectuate good public policy. Increasing taxes and maintenance became problematic in a marketplace that didn't allow for increased rents, and it has become financially advantageous for NJGCA to simply become tenants.

That means that an important part of our history is about to end. **ON AUGUST 1, NJGCA WILL BE RELOCATING TO AN OFFICE SUITE IN WALL, NJ.** We chose Wall because it is geographically located dead smack in the center of the state, which will make it more accommodating to our south Jersey members. Since NJGCA is spending so much time in Trenton, I sought a location that would have quicker access to the State House and make it easier for legislators to visit us at home. There is a bit of sadness, but we are excited to begin the next chapter in the NJGCA history book.

The next big historical change really began a year ago when members told us that after 30 years of opposing self serve gasoline, that they wanted us to fight to repeal the ban. After laying the ground work for over a year, legislation was introduced last month to end the ban. Unlike 30 years ago when we had to fight to keep the ban, the motoring public has grown fond of full serve gas and now favors keeping the mandate for it. Once again, NJGCA will be involved in a battle of historic proportions, and should we prevail, we will once again make new history.

Both of these important chapters in our history have collided as we are reviewing boxes of files and packing up the archives of our storied past. Files and letters, and even tape recordings of legislative hearings have been found buried in the attic, and are all helping me put together the case to make new history.

I hope this organization means as much to you as it does to me. I am glad that you will be a part of our next chapter. Others will have to write the chapters of NJGCA history when we are done.

# Important NJGCA Announcements

## More Historic Change Info!

As you should have gathered from our front cover, and the Executive Director's Message, NJGCA's office will be re-locating to Wall Township (Neptune mailing address) on August 1, 2015. At the moment, we do not have our new telephone or fax numbers, but our address will be:

**4900 Route 33 West,  
Suite 100  
Neptune, NJ 07753**

You will be receiving postcards in the mail, and much more information in your inboxes regarding this new and exciting chapter in NJGCA's history.

## Fond Farewell to MaryLou Ginsberg

Unfortunately, as we embark on this exciting journey, we have to say goodbye to our dear friend and devoted colleague, MaryLou Ginsberg, who will not be joining us at our new office. MaryLou has been with NJGCA for 25 years, before we had our first fax machine or computer. She has seen this organization take leaps and bounds, and has handled countless member phone calls. MaryLou knows where the bodies are buried. Her knowledge of past NJGCA policies, procedures and the location of files and archives has been invaluable.

Through all of the change, MaryLou has been the one constant. As each new employee joined the NJGCA family, it was MaryLou who took them under her wing and showed them the ropes. As the voice on the other end of the phone for so many years, MaryLou has no doubt interacted with every member and touched countless lives. She is truly irreplaceable, and we will miss her greatly.

We love you, MaryLou!



## NJGCA Board of Directors and Officers

Finally, last month we sent out notifications of the nominations to the Board of Directors, and the elections took place on Wednesday, June 24, 2015. Elected to three year terms on the NJGCA Board were:

Tim Arata, Westview Service  
Dan Holsten, Milltown Liberty  
Joe Ocello, Pit Crew Lube

Tony Crisalli, Holmdel Village Exxon  
Norm Lippmann, Kingtown Diesel

Congratulations also to the new slate of officers, elected for two year terms:

President - Kashmir Gill, Gill Energy  
Secretary - Lou Papale, Wheels in Motion

Vice President - Joe Ocello, Pit Crew Lube  
Treasurer - Tim Arata, Westview Service

Finally, a VERY BIG thank you to outgoing President Tony Crisalli and out-going Vice President Craig Copeland, who will continue to serve NJGCA on our Board of Directors.



# Self-Serve Update

In May we heard the first shots of what will be one of NJGCA's biggest battles ever: the fight to make self-serve gas a legal option. S-2944, sponsored by Senators Paul Sarlo (D-Bergen) and Gerald Cardinale (R-Bergen) was formally introduced, setting off a statewide conversation on the issue that we haven't had in many years. It gave a clear indication of how hard this fight will be, but also gave a clear picture that this is a winnable fight. Public opinion and media voices came across as split, with some motorists under the incorrect impression that allowing the option of self-serve will mean the abolishment of full-serve. Basic economics proves that as long as there are customers who want full-serve, there will be business owners who will gladly offer them full-serve.

Some legislators have suggested that allowing customers to save money by pumping their own gas would help alleviate the pain of a gas tax increase. This compromise makes it possible that there will be progress on a self-serve bill at the end of the year when the gas tax is discussed. Otherwise, expect this to be a battle that will take a few years, but with your support it is absolutely one we can win.

Meanwhile, the only other state to prohibit self-serve, Oregon, is on the cusp of legalizing it in the eastern half of the state. That part of the state is very rural and customers not being able to pump their own gas at night has led to several having to sleep in their cars waiting for an attendant to show up. NJ will soon be the only state in the nation with a statewide ban on self-serve gas, and it is telling that in no state is there a movement to bring back mandated full-serve.

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# Workers Compensation Insurance Increase

Another piece of legislation making its way through Trenton is a bill which would mandate that Workers Compensation Insurance companies must increase their payments, each year, to people who have already been awarded compensation for their injuries, based on the cost of living. The cost will be covered by insurance companies, who will then undoubtedly charge higher premiums to cover their increased costs. All businesses will be affected by this. NJGCA has joined a coalition of like-minded business organizations and collectively we have mounted a strong effort to fight this legislation. Twice the bill was scheduled to be voted on by the General Assembly before ultimately being pulled. Unfortunately the third time was the charm and the bill was passed in June 43-31. We are hopeful that the Governor will veto it.

# Rewards Bill

In a tremendous victory for every branded gas station, Governor Christie signed into law the NJGCA-supported bill to ban big corporations from forcing retailers to bear the cost of rewards programs. The bill was signed at the launch of Exxon's new program, which would have cost every Exxon retailer \$6,000 a year and now will cost them nothing. This was a big victory because we know that the big companies, particularly Exxon, Sunoco, and Wawa, pushed hard to have the Governor either kill this bill or rewrite it and effectively gut it. Despite that pressure, he sided with us and ultimately with you: the small business community. No doubt, a big part of that were the hundreds of emails sent by members responding to the call to action emails we sent out. We know for a fact that these emails did play a role in getting this passed, so the next time you get one in your inbox take less than a minute and respond! Special thanks to our allies at FMANJ who were critically important in getting this passed.



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**WHO:** YOU!... And NJGCA Staff, Executive Director Sal Risalvato and Member Benefit Partners!  
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**WHAT:** Breakfast meetings all around the State, sponsored by our Member Benefit Partners and **FREE for all attendees! PLUS, ONE MEMBER AT EACH MEETING WILL WIN \$50 FROM NJGCA!**

**WHEN:** 9:30 - 11:00 AM

**Morris/Warren County**

Weds. August 12, 2015

Adam's Bakery & Pancake House  
41 US Route 46 West  
Budd Lake, NJ 07828

**Ocean/Burlington County**

Weds. September 16, 2015

Perkins Restaurant & Bakery  
113 South Main Street  
Forked River, NJ 08731

**Passaic/Essex/Hudson**

Weds. Sept. 30, 2015

The Allwood Diner  
913 Allwood Road  
Clifton, NJ 07012

**Passaic/Sussex County**

Weds. October 14, 2015

The West Milford Diner  
2020 Greenwood Lake Tpk  
Hewitt, NJ 07421

**Bergen/Hudson County**

Weds. October 21, 2015

The Arlington Diner  
1 River Road  
North Arlington, NJ 07031

**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.

- Participate in Roundtable discussions with NJGCA staff and fellow business owners about issues events important to your business!

- Meet Member Benefit Partners and learn how to save money and take full advantage of your NJGCA Benefits.

Please RSVP with an email to [jacy@njgca.org](mailto:jacy@njgca.org) or call 973-376-0066. We look forward to seeing you!



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# NJ Emission Inspectors Training Class!

**WHEN:** Wednesday, August 19th  
**TIME:** 7:00 am  
**WHERE:** 4900 Route 33 West, Neptune, NJ 07753  
**COST:** \$250 for NJGCA Members and \$300 Non Member

**FOR ALL REGISTRATION  
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### NORTH JERSEY CLASSES (Springfield, NJ)

#### \*\*\*NIGHTS\*\*\*

**ETEP RE-CERT CLASSES Sections 8, 9 & 10**  
**Section 8** - Advanced Gasoline Technologies  
**Section 9** - Advanced Light Duty Diesel  
**Section 10** - Hybrid/Electrical Technologies

**WHERE:** 66 Morris Avenue, Springfield, NJ

**WHEN:** NIGHT CLASSES 6:00 pm to 10:00 pm  
Tuesday and Thursday Evenings

September 1, 3, 8, 10, 15, 17, 22 and 24

\*\*\*\*\*

#### \*\*\*DAYS\*\*\*

**ETEP RE-CERT CLASSES Sections 8, 9 & 10**  
**Section 8** - Advanced Gasoline Technologies  
**Section 9** - Advanced Light Duty Diesel  
**Section 10** - Hybrid/Electrical Technologies

**WHERE:** 66 Morris Avenue, Springfield, NJ

**WHEN:** DAY CLASSES 10:00 am to 6:00 pm  
Tuesdays (one day/week for four weeks)

September 8, 15, 22 and 29

### SOUTH JERSEY CLASSES (Neptune, NJ)

#### \*\*\*NIGHTS\*\*\*

**ETEP RE-CERT CLASSES Sections 8, 9 & 10**  
**Section 8** - Advanced Gasoline Technologies  
**Section 9** - Advanced Light Duty Diesel  
**Section 10** - Hybrid/Electrical Technologies

**WHERE:** 4900 Rt 33 West, Neptune, NJ

**WHEN:** NIGHT CLASSES 6:00 pm to 10:00 pm  
Tuesday and Thursday Evenings

October 13, 15, 20, 22, 27, 29, November 3 and 5

\*\*\*\*\*

#### \*\*\*DAYS\*\*\*

**ETEP RE-CERT CLASSES Sections 8, 9 & 10**  
**Section 8** - Advanced Gasoline Technologies  
**Section 9** - Advanced Light Duty Diesel  
**Section 10** - Hybrid/Electrical Technologies

**WHERE:** 4900 Rt 33 West, Neptune, NJ

**WHEN:** DAY CLASSES 9:00 am to 5:00 pm  
Tuesdays (one day/week for four weeks)

October 13, 20, 27 and November 3

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## Tobacco Purchase Age

The effort to ban 19 and 20 year old adults from purchasing tobacco products and e-cigs continues to be stalled on the statewide level. Activists are continuing to push it on the local level however. There are now 8 towns in New Jersey which have done this, with Princeton, Garfield, Highland Park, and East Rutherford being added to the list alongside Teaneck, Englewood, Sayreville, and Bogota. After speaking with local officials and with the help of local members, we were successful in getting this effort killed in Paramus and North Plainfield, our first real victories in this fight. Our analysis, based on sales data given to us by several members, indicates that this ordinance will cost a typical c-store between \$6,000 and \$8,000 a year in profits. There remain 557 municipalities that have not passed the ordinance.

## Gas Tax

The gas tax issue has fallen by the wayside as we enter election season. It seemed a near certainty that something was going to be done on this issue during the winter, but in the end negotiations between the Governor and the Legislature fell through. The Christie Administration was able to cobble together just enough money to keep the Transportation Trust Fund (TTF) barely afloat until July of next year. NJGCA has learned that extending the sales tax to purchases of fuel was not only on the table but part of a compromise package for a time during this debate, but has since been removed. This is certainly due to our aggressive efforts to raise awareness about how bad this would be for retailers and even for the State. The expectation now is that some form of gas tax increase will happen during the lame-duck period, the gap between the election on November and the start of the new Legislature in January. The only hiccup in that plan is that Gov. Christie may be busy campaigning for President in New Hampshire at that time, and won't want to be seen signing something that increases taxes weeks before the big primary. One absolute truth though is that something must be done to generate new revenue by spring 2016.

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## THE NJGCA MEMBER BENEFIT PARTNER PROGRAM

NJGCA has been working hard to bring you and your business value through our Member Benefit Partners (MBPs). Hopefully you are already taking advantage of many money-saving plans offered by our Member Benefit Partners. You should have recently received NJGCA's 2015 Member Benefit Partner Brochure. We are excited about the "new" brochure, and the great opportunities that you will have to save money with these partners!

### Here is a list of our current MBPs:

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**AFFINITY FEDERAL CREDIT UNION** - Credit Union  
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**ARCHER & GREINER** - Legal Services  
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**BUCKEYE ENERGY SERVICES, LLC** - Gasoline and Diesel Supplier  
**C-3 TECHNOLOGIES** - Tank and Vapor Testing, NJDEP Compliance  
**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  
**ENERGY MARKETING PARTNERS, INC.** - Gasoline and Diesel Supplier  
**ENVIRONMENTAL ALLIANCE, INC.** - Environmental Remediation Services  
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**FIRST DATA CORPORATION** - Credit Card Processing & Consulting  
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# Employee Scheduling Restrictions

S-2933/A-4536, sponsored by Sen. Loretta Weinberg (D-Bergen) and Asw. Sheila Oliver (D-Essex) affects businesses with more than 15 employees. It allows employees to request changes in their work schedule or hours worked/on call without retaliation. Employees must be paid for one hour of work when on call and not needed, and must be paid for an extra hour if they work a split shift. Employees must be paid for one hour if their shift is changed within 24 hours unless the change is because another employee dropped out. Employees must be given, in writing, the minimum number of expected hours that they will be assigned per month. If an employee requests a change in the terms and conditions of employment due to a serious health condition for themselves or a relative, or due to the employee's enrollment in a career-related educational or training program, or if they make a request for a change because of a second job; the employer must grant the request, unless the employer has a "bona fide" business reason for denying the request. **Basically, why should you manage your employees when the government can do it for you?**

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- \$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.

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# Mandatory Tire Registration

On the federal level, NJGCA has become involved in an issue that would affect every business that sells tires. Years ago, every time a business sold a tire they were forced to fill out a detailed registration card about their customer, including accurately recording the Tire Identification Number (T.I.N.). The amount of time and effort this added up to proved to be a major burden on small businesses and many simply couldn't afford the time to do it and stopped. The feds would then swoop in and hand out fines per tire, which quickly escalated into fines in the tens and in some cases hundreds of thousands of dollars, literally forcing shops to close; which is why the requirement was eliminated and replaced with voluntary registration with the burden on the consumer and the manufacturer.

Now, this mandatory registration may be making a comeback. Legislation has been introduced that would lead to this mandate being brought back. It already has the support of President Obama and several House Democrats from across the country. There is not a dedicated bill to bringing back tire registration since that would likely lose. Instead, it has been hidden in a massive new bill that funds the nation's transportation infrastructure spending.

It also has the support of the tire manufacturers since the requirements of the registration a business will fill out include the email address, phone number, and mailing address of the tire customer. You would have to then provide this information to the manufacturer, who could then start selling directly to your customers. Our national allies, the Tire Industry Association and Service Station Dealers of America have been working on fighting this proposal for months and have made good progress. NJGCA staff has even gone down to DC to meet with policymakers on the issue. Thank you to those members who took action through our last alert and emailed their members of Congress about this issue.

# Great News for NJGCA Members

## Group Health Coverage through NJGCA and Association Master Trust

**U**nless 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!



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[info@amt-nj.com](mailto:info@amt-nj.com)

# Counterfeit Airbags

There is a growing problem of disreputable people purchasing counterfeit airbags made in China and passing them off as the real thing. As you know, modern airbags are specially designed to be triggered down to the millisecond, are very expensive, and are only manufactured by a few companies in the world. Some businesses have been known to install counterfeit airbags and then bill the insurance company for the real thing, allowing them to pocket up to a thousand dollars an airbag. This cheating gives them an unfair competitive advantage over honest repairers and sullies the reputation of the entire industry. The Legislature has moved to make the sale or installation of dangerous counterfeit airbags a crime under NJ law. It passed the state Senate 39-0 in March, and passed the Assembly 76-0 in June.

## FY 2016 Budget

Gov. Christie's Administration recently won a court case that ensured that the state government cannot require themselves to fund the state employee pension fund, only the voters can require them to do that through a constitutional amendment. If he had lost, the Governor would have needed to rely on billions in tax increases and funding cuts to balance the budget. The Democratic leadership in control of the state Legislature made an attempt to put more money in the pension fund than the Governor had requested by relying on a tax increase on incomes over a certain level and an increase in the corporate tax, amounting to over \$1.1 billion in combined tax increases, which Gov. Christie subsequently vetoed. Not increased: taxes on e-cigs, cigarettes, OTP, plastic bags, or sodas; due in no small part to our efforts on these issues over the years. The Governor also added in an increase in the state's earned income tax credit, which will result in the state collecting about \$120 million less in taxes from low-wage earners. Hopefully, they will spend some of that extra money at your business.

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## Minimum Wage Increase

If you thought the issue of minimum wage increases (beyond the now-annual CPI increase) was dead, think again. Los Angeles, San Francisco, and Seattle have all moved to raise the minimum wage to \$15 an hour within the next three years. Under Mayor De Blasio, New York City is looking into following suit. Here in NJ, the Star-Ledger Editorial Board has endorsed raising the state's minimum wage to at least \$10.10 an hour. Thankfully, a bill that would allow individual municipalities to increase the minimum wage on their own has been stalled.

## Inspections

There has been no update on the future of the inspection program, but the clock continues to run down.

Best practices would have had the structure of the new program unveiled a year ago, so we are once again watching NJ state government inaction. For political reasons, it is expected that the Administration is waiting for the passage of the new budget to be completed before they announce any changes. Expect to hear, for better or worse, what the new program will be in the next few weeks. After its announcement, NJGCA will convene a statewide summit of auto repairers to discuss how to respond. Also, the bill that would require "transportation network vehicles" (Uber cars) to undergo safety inspections has been held up by other issues and will likely be taken up again in November.

## Mandatory Paid "Sick" Leave

The bill to mandate every business give every employee paid time off if they're sick or if they claim a family member is sick was rushed through the Senate Labor Committee in June and added to the list of bills to be voted on during the last day before summer break. NJGCA and business groups representing nearly every industry sprung into action. Many NJGCA members took action and emailed their Senators, and at the very last moment it was pulled and not voted on (this was done because it was likely to lose). This was a good win for our side and proved that both parties are beginning to understand just how burdensome this bill is for every business.



# 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 DECLAN O'SCANLON

Asm. O'Scanlon has served in the General Assembly since 2008, and was a Councilman from Little Silver for many years beforehand. He represents the 13th Legislative District, which consists of 16 towns in Monmouth County. As a Republican, he was reelected in 2013 by a nearly 2-1 margin.

Asm. O'Scanlon is the Assembly Republican Budget Officer, which makes him one of the leading figures in trying to solve many of the state's most serious challenges. He has worked to ensure that New Jersey's budgets are balanced without tax increases and has been a leader in getting passed the 2% property tax cap as well as necessary reforms to the state's pensions and benefits programs.

He has also gained a reputation as a friend to the motorist. He almost singlehandedly led the public relations and legislative battle against red light cameras, which did little more than scam motorists out of millions of dollars. His efforts allowed the program to be shut down last year. He has sponsored legislation to raise the penalties for motorists who block up the left lane; and has supported raising the speed limits on the Parkway and Turnpike to 75 mph, reflective of what professional engineers recommend and what speed people safely drive at already.

Most importantly to NJGCA membership, of course, is that Asm. O'Scanlon is perhaps the most vocal and enthusiastic supporter of allowing self-serve gas. The Assemblyman reaching out to NJGCA over a year ago to discuss introducing a bill to legalize self-serve was one of the main impetuses for NJGCA to finally ask the membership to reevaluate the association's position, during which we discovered that over 71% of member stations support allowing self-serve.

Since the formal introduction of our self-serve legislation, Asm. O'Scanlon has been one of its most vocal defenders to the public, fighting against misrepresentations everywhere he finds them; especially on Twitter, where you can follow his account @declanoscanlon. No doubt, he will continue to be a powerful advocate on this issue as the fight continues.

NJGCA again thanks Assemblyman O'Scanlon for all his support for the small business owners of this state. We look forward to continuing to work with him for a long time to come.



## **NJGCA Political Action Committee**

In June, NJGCA hosted our now annual event to raise funds for our political action committee, which we use to make donations to legislators who stand with our industry. It was our most successful ever and we are immensely grateful to everyone who contributed. NJGCA PAC needs support from members in order to be successful, and we also thank those of you who responded to our recent fundraising letters. If you have not already, make your contribution to NJGCA PAC and mailing the check to 66 Morris Ave, Springfield NJ 07081. You can also donate online by credit card by going to [www.njgcapac.org/donate](http://www.njgcapac.org/donate)



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