



TOWNSHIP OF HARDYSTON

HARDYSTON, NEW JERSEY 07419

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May 20, 2008

Honorable Louis D. Greenwald
Assembly Budget Committee Chairman
1103 Laurel Oak Road, Suite 142
Voorhees, New Jersey 08043
(Via Hand Delivery)

Re: New Jersey State Spending Mandates on Local Governments

Dear Assemblyman Greenwald:

The following letter and attached spreadsheets are in response to your request for information regarding the numerous state spending mandates imposed on local governments in New Jersey. As a result of my testimony in front of the Assembly Budget Committee at the March 26th budget hearing you expressed an interest in gaining a better understanding of the spending requirements that local municipalities are faced with. I was encouraged by your concern regarding this important issue, and with the help of a number of other municipalities in Sussex County I have compiled a list of the wide array of spending mandates local governments must address. I have made every effort to provide the most comprehensive list possible; however I am sure that there are still numerous other spending mandates that are not included. The list of spending mandates also includes a brief description of the mandate, the statute or agency responsible for imposing the mandate, the approximate costs, and how frequently the mandate is imposed. The approximate costs provided in the report are based on Hardyston's municipal budget, but it is of course important to keep in mind that these are just estimates from one municipality and that the costs vary significantly based on the particular municipality.


A list of spending requirements for local school districts is also attached. The spending mandates imposed on local schools range from requirements to implement full day preschool programs to Public Employees Occupational Safety and Health Act requirements. Although the attached list may not be as exhaustive as the report on municipal government spending mandates I believe that it provides useful insight into the scope of the funding issues that school districts are faced with as well.

Assemblyman Louis Greenwald
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I hope that this provides you and the Budget Committee with the necessary information needed to meaningfully address rolling back the mandates, rules, and regulations that impose significant spending burdens on local municipalities. If the Governor intends to implement the proposed cuts in millions of dollars of municipal aid the State Legislature and the numerous other state agencies need to take the necessary steps to reduce the financial burden they place on local governments. Furthermore, the Legislature needs to enact legislation that will help protect municipalities from the unreasonable arbitrated awards that result from contract disputes. Although the results of arbitration are not a direct mandate, they do significantly impact municipalities relative to attempts towards meaningful negotiations particularly in the areas of health benefits and compensation.

Hardyston appreciates the opportunity to provide you with this information and looks forward to both the Assembly and Senate taking positive steps to help remedy the problems associated with the disconnect between the State's current budget policy and the realities of municipal spending.

Very truly yours,



Marianne Smith
Township Manager

Enc.

Cc: Congressman E. Scott Garrett
Senator Steven Oroho
Assemblyman Gary Chiusano
Assemblywoman Alison Littell McHose
All Sussex County Municipalities
New Jersey League of Municipalities
Linda Alvarez, Hardyston Board of Education
Hardyston Township Council

**State of New Jersey Spending Mandates on
Municipalities and Local Governments**

| Mandate | Description | Issued by | Approximate Costs | Frequency |
|--|-------------------------------------|--|--------------------------|------------------|
| Public Safety | | | | |
| <i>Police Officer's State Mandated Training</i> | | | | |
| Domestic Violence Training | 84 manpower hours (4 hours/officer) | State-Division of Criminal Justice Police Training Commission Rules & N.J.S.A 52:17B et seq. | \$3,024.00 | annually |
| CPR/AED First Responder | 84 manpower hours (4 hours/officer) | State-Division of Criminal Justice Police Training Commission Rules & N.J.S.A 52:17B et seq. | \$3,024.00 | bi-annually |
| Gas Mask Fit Testing | 21 manpower hours (1 hour/officer) | State-Division of Criminal Justice Police Training Commission Rules & N.J.S.A 52:17B et seq. | \$756.00 | bi-annually |
| Hazmat/Blood borne Pathogens Course | 84 manpower hours (4 hours/officer) | State-Division of Criminal Justice Police Training Commission Rules & N.J.S.A 52:17B et seq. | \$3,024.00 | bi-annually |

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| Mandate | Description | Issued by | Approximate Cost | Frequency |
|-------------------------------------|--|--|------------------|----------------|
| ICS 100, 200, & 800 Certification | On-line Course through NJ Learn (252 manpower hours) | State-Division of Criminal Justice Police Training Commission Rules & N.J.S.A 52:17B et seq. | \$9,072.00 | once |
| Counter-terrorism Certification | On-line Course through NJ Learn (378 manpower hours) | State-Division of Criminal Justice Police Training Commission Rules & N.J.S.A 52:17B et seq. | \$13,608.00 | |
| Annual Firearms Qualification | 252 manpower hours (4 hours/officer) | State-Division of Criminal Justice Police Training Commission Rules & N.J.S.A 52:17B et seq. | \$9,072.00 | twice annually |
| Automatic Weapons/Carbines Training | 336 manpower hours (4 hours/officer) | State-Division of Criminal Justice Police Training Commission Rules & N.J.S.A 52:17B et seq. | \$12,096.00 | 4 x annually |
| Active Shooter Class | 88 manpower hours (8 hour class) | State- Attorney General Mandate | \$3,168.00 | |

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| Mandate | Description | Issued by | Approximate Costs | Frequency |
|---|--|--|-------------------|-------------|
| Firearms Instructor | 12 manpower hours (4 hours/ instructor) | State-Division of Criminal Justice Police Training Commission Rules & N.J.S.A 52:17B et seq. | \$432.00 | annually |
| Active Shooter Instructors | 48 manpower hours (24 hours/instructor) | State-Division of Criminal Justice Police Training Commission Rules & N.J.S.A 52:17B et seq. | \$1,728.00 | once |
| <i>Dispatchers State Mandated Training</i> | | | | |
| CPR/AED Training | 25 manpower hours (4 hours/dispatcher) | State- NJ State 911 Commission, N.J.S.A 52:17C et seq. & N.J.A.C 17.24 | \$475.00 | bi-annually |
| EMD Training | 32 manpower hours (4 hours/dispatcher) | State- NJ State 911 Commission, N.J.S.A 52:17C et seq. & N.J.A.C 17.25 | \$608.00 | bi-annually |
| Hazmat/Blood borne Pathogens Course | 25 manpower hours (4 hours/dispatcher) | State- NJ State 911 Commission, N.J.S.A 52:17C et seq. & N.J.A.C 17.26 | \$475.00 | bi-annually |

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| Mandate | Description | Issued by | Approximate Costs | Frequency |
|---|--|--|--------------------|-----------------|
| EMD/911 Instructor | 48 manpower hours (24 hours/instructor) | State- NJ State 911 Commission, N.J.S.A 52:17C et seq. & N.J.A.C 17.27 | \$912.00 | once |
| Gas Mask Fit Testing | 5 manpower hours (1 hour/dispatcher) | State- NJ State 911 Commission, N.J.S.A 52:17C et seq. & N.J.A.C 17.28 | \$95.00 | bi-annually |
| ICS 100, 200, & 800 Certification | On-line Course through NJ Learn (60 manpower hours) | State- NJ State 911 Commission, N.J.S.A 52:17C et seq. & N.J.A.C 17.29 | \$1,140.00 | once |
| Approximate Manpower Costs for Police Training | | | \$59,004.00 | |
| Approximate Manpower Costs for Dispatcher Training | | | \$3,705.00 | |
| Approximate Operating Expenses for Pubic Safety Training | | | \$19,000.00 | |
| Approximate Total Costs for Public Safety Training | | | \$81,709.00 | annually |
| Miscellaneous Public Safety Costs | | | | |
| Alcotest | DWI - Alcohol Breathalyzer Equipment (\$16,000 initially and \$300 annual maintenance) plus training costs | State- Attorney General N.J.A.C 13.51 & N.J.S.A 39.4-50.3 | \$16,300.00 | annually |
| Recording System for interviews and arrests | | State- Attorney General Directive | \$5,000.00 | once |
| Mandatory Police Related Equipment Purchases & Repairs | Significant Cost accrue from the operation of police equipment including; MDT's, computer networks, & fingerprint machines | State | \$9,000.00 | annually |

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| Mandate | Description | Issued by | Approximate Costs | Frequency |
|---|---|--|-----------------------|-----------|
| Police and Firemen's Retirement System Appropriations | Municipal contributions to state police and firemen employee pension funds. PFERs requires a municipal contribution equal to 24.144% of the annualized base salary wages as reported in the 2nd quarter of 2006 | State | .25/\$1.00 of payroll | annually |
| Police Contracts | Costs incurred as a result of contract negotiations and arbitration proceedings and awards under the New Jersey Public Employee Relations Commission | State- NJ Employer-Employee Relations Act N.J.S.A 34:13A-1 et seq. | varies | varies |
| Megan's Law Notifications | Requires municipalities to maintain records on any resident that is a registered sex offender and notify the public | State- N.J.S.A 2C:7-1 et seq. | varies | varies |
| Playground Safety Enhancements | Mandate under the Division of Code & Standards to install barriers, use specific materials, other requirements that impose additional costs on the maintenance and operation of public playgrounds | State-Division of Codes & Standards N.J.A.C 5:23-11 | varies | once |
| Automated External Defibrillators (AED's) & Mandated Training | Proposed Legislation S-1236 that mandates school, municipal, county, or publicly owned recreation fields and youth camps to have AED's (costs unknown till adopted) | State- Proposed Bill S-1236 | unknown | unknown |
| State Land Use & Environmental Regulations | | | | |
| Planning Board Members Training | Municipal Land Use Law regulations required boards members receive at least a minimal number of training hours | State- MLUL | \$1,000.00 | annually |
| Zoning Board Members Training | Municipal Land Use Law regulations required boards members receive at least a minimal number of training hours | State- MLUL | \$1,000.00 | annually |

**State of New Jersey Spending Mandates on
Municipalities and Local Governments**

| Mandate | Description | Issued by | Approximate Costs | Frequency |
|---|--|---------------------------------|--|---------------------------------------|
| Master Plan and Master Plan Reexamination Reports | Master plans are required to reexamined every five years which result in amending current land use ordinances and the possibility of rezoning issues. Costs cover professional fees; advertising; modifications to documents and related review of procedures used by other intra departments such as construction, planning, zoning and community development. | State- MLUL | \$6,500 for reexamination/ \$20,000 - \$40,000 for Master Plan | Every 5 years |
| Municipal Engineer | The Municipal Land Use Law requires Municipal Engineer to be present at Municipal Planning Board meetings | State- MLUL | \$17,780.00 | annually |
| Municipal Land Use Attorney | The Municipal Land Use Law requires Municipal Land Use Attorney to be present at Municipal Planning Board meetings | State- MLUL | \$11,400.00 | annually |
| State Planning Commission - Plan Endorsement | Plan Endorsement is a time and cost intensive process that requires significant use of outside professional services. The development of ordinances and numerous studies provides no apparent benefits to municipalities. Hardyston sought center designation in 1994, during which time they expended a large amount of resources and the OSG never moved forward. Hardyston now needs to proceed with new process to gain Center Designation | State- NJ State Planning Act | \$100,000.00 | Every 10 years upon endorsement |
| Highlands Council - Plan Conformance | Plan Conformance is mandatory for municipalities in the preservation area, which require numerous studies by engineering and planning professional. Additional resources are required in order to keep up to date on changes made to the Regional Master Plan and Highlands Mapping which requires review by professionals. Hardyston spent \$10,000 in engineering to address inadequacies in the Highlands mapping that went on changed. | State- Highlands Act | \$25,000.00 | Currently ongoing |

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| Mandate | Description | Issued by | Approximate Costs | Frequency |
|---|--|--|-------------------------|---|
| COAH- Housing Element and Fair Share Plan | COAH requires municipalities to prepare a Housing Element and Fair Share Plan, growth share and developer's fees ordinances, and prepare monitoring reports that requires a great deal of time and money in order to gain substantive certification and avoid a builders remedy lawsuit. Also, potential to force municipalities to spend additional tax revenue to be in compliance | State- Fair Housing Act/Courts | \$50,000.00 | Every 10 years upon Substantive Certification |
| NJDEP Regulations | Reporting and compliance with DEP regulations, and keeping up to date on the impact of proposed regulations require significant use of planning and engineering professionals (i.e. Category One Waters, Flood Area Hazard Rules, Lake and Dam Management) | State -NJDEP Rules N.J.A.C 7:13, N.J.A.C 7:20, & N.J.A.C 7:9B | \$5,000.00 | annually |
| NJDEP Stormwater Management Program | Stormwater Management Programs require storm drain tagging, a program coordinator, basin cleaning equipment, air monitoring devices, and street sweepers that result in equipment and labor costs | State- NJDEP Stormwater Management Rules - N.J.A.C 7:8 & NJPDES Stormwater Regulations - N.J.A.C 7:14A | \$3,000.00/year + | ongoing |
| NJDEP Water/Sewer Testing | Costs include engineering fees and man power to conduct testing | State- Safe Drinking Water Act N.J.S.A 58:12A-12, Regulations N.J.A.C 7:10 | varies | ongoing |
| Wastewater & Water Quality Management Plans | Costs include fees for engineering and professional consultants to review and draft plans and complete monitoring | State- NJDEP N.J.A.C 7:15 | \$3,000.00 - \$6,000.00 | ongoing |
| Stormwater Management Plans | Regulations required amendments to master plan and adoption of ordinances | State- NJDEP N.J.A.C 7:8 | \$5,000.00 | varies |
| Department of Public Works | | | | |

**State of New Jersey Spending Mandates on
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| Mandate | Description | Issued by | Approximate Costs | Frequency |
|--|--|--|---------------------------|-----------|
| Certified Public Works Coordinator | Costs include salary & wages, as well as substantial costs for training, certification, and certification maintenance | State- N.J.S.A 40A:9-154.6g | \$89,000.00 + training | annually |
| Certified Recycling Coordinator and Program | Costs include salary & wages, as well as substantial costs for training, certification, and certification maintenance | State- Mandatory Recycling & Source Separation Act N.J.S.A 13:1E-99.13b, NJDEP N.J.A.C. 7:26A-11.1 | varies | ongoing |
| Truck & Equipment Washing Facilities | Mandate by NJDEP to build facilities that prevent the run-off of chemicals and sediment caused by washing equipment | State- NJDEP Stormwater Management Program | \$100,000.00 + | varies |
| Intro to Water Operations Course & Additional Certification Training | Mandatory training for Department of Public Works personnel involved in municipal water or sewer authority, costs include costs of training and manpower hours | State- Safe Drinking Water Act N.J.S.A 58:12A-12, Regulations N.J.A.C 7:10 | \$850.00 - 1,000.00 / man | once |
| Miscellaneous Training Requirements | Right to Know, Blood Borne Pathogens, Trenching & Excavation, Chain Saw Operations, Heavy Equipment Operations, Commercial Drivers License | State | varies | varies |
| Deer Carcass Removal | The State use to handle the removal of deer carcasses along roadways, but no longer is responsible for this duty which imposes costs and redirects manpower | State- NJDOT | varies | ongoing |
| Court Operations & Security | | | | |
| Court Personnel Training | Required for certification maintenance, includes cost of training and manpower hours | State | varies | varies |

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| Mandate | Description | Issued by | Approximate Costs | Frequency |
|--|---|---|-------------------------|-----------|
| Court Administrator Training | Required for certification maintenance, includes cost of training and manpower hours | State- Certification of Municipal Court Administrators N.J.S.A 2B:12-11 | \$1,500.00/ employee | varies |
| Mandatory Use of State Forms and Tickets | Costs include costs of supplies and printing | State | \$2,000.00 | |
| Bullet Proof Glass for Court Room | Costs include costs of material and installation | State | \$900.00 | once |
| Court Security Plan | Requires court officers to scan all people entering and leaving court room, costing manpower hours and equipment (Requires 3 officers @ 4 hours each for 24 court sessions) | State- NJ Supreme Court Directive | \$10,368.00 | ongoing |
| Miscellaneous Spending Mandates | | | | |
| Public Employee Retirement System Appropriations | Municipal contributions to state public employee pension funds | State | .0927/\$1.00 of payroll | annually |
| Insurance | Costs for health care contributions for municipal employees have continued to significantly increase. Despite the fact that Hardyston has made every attempt to save on health insurance costs by participating in a joint health insurance fund which actually costs less than the State Health Benefits Plan, the binding agreements that result from police contract negotiations make it difficult for local governments to manage health care costs and have imposed significant spending constraints on municipal budgets | State | \$750,000.00 | annually |
| Mandatory Negotiations Regarding Public Union Groups Terms of Employment | The Senate Labor Committee is considering legislation that will increase the scope of the mandatory subjects to be negotiated between municipalities and employees potentially resulting in significant increases in costs and litigation | State- Senate Bill S-1137 | will vary | will vary |

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Municipalities and Local Governments**

| Mandate | Description | Issued by | Approximate Costs | Frequency |
|---|--|--|-------------------|------------------------------|
| Open Public Records Act (OPRA) Requirements | OPRA imposes additional administrative and training costs to comply with providing records to the public | State- N.J.S.A 47:1A and Government Records Council N.J.A.C 5:105 | varies | ongoing |
| Elections Training and Machines | Additional costs have been imposed by Federal Election Reform Laws | Federal/State | varies | varies |
| Certified Purchasing Agent | Costs of training and salary or contract with outside agent | State- Local Public Contracts Law N.J.S.A 40A:11-9 | varies | ongoing |
| Green Product Purchasing Course for Certified Purchasing Agents | Recently amended Assembly legislation requires that Certified Purchasing Agents complete a course in "green" product purchasing. The course will impose training costs and require additional manpower hours | State- Local Public Contracts Law N.J.S.A 40A:11-9 | varies | once |
| Prevailing Wage Laws for all Publically Funded Projects | Law places additional spending pressure on municipalities in order to complete capital improvement projects | State- NJ State Prevailing Wage Act N.J.S.A 34:11-56.25 et seq. & N.J.A.C 60 | varies | ongoing |
| Prevailing Wage Laws for Public Utility Construction | Legislation imposes increased costs for construction work including construction, reconstruction, installation, demolition, restoration, and alteration of any public utility facilities. | State- Assembly Bill A-4619 | varies | ongoing |
| Mandatory Property Revaluation | Includes the costs of completing a tax map update that must be certified by State Department of Treasury which costs approximately \$75,000 and the hiring of an outside revaluation firm | State- Dept. of Treasury | \$500,000.00 | Approximately Every 10 years |

**State of New Jersey Spending Mandates on
Municipalities and Local Governments**

| Mandate | Description | Issued by | Approximate Costs | Frequency |
|---|---|----------------------------|-------------------|-----------|
| Public Employee Occupational Safety & Health Act Regulations (PEOSHA) | Mandates the development and enforcement of occupational health standards for public employees, it includes standards for uniforms and equipment for fire and emergency service personnel | State- PEOSHA | varies | ongoing |
| Office of the State Comptroller Statutory Reporting Requirements | New reporting requirements mandate that local governments spend additional time and money submitting audit reports and other information to new State Comptroller Office | Office - State Comptroller | varies | ongoing |

**State of New Jersey Spending Mandates on
Local School Districts**

| Mandate | Description | Source(s) | Approximate Costs |
|--|--|---------------------------------------|------------------------------|
| Public Employee Retirement System/ Teachers Pension and Annuity Fund Contributions | School district contributions to state retirement funds | State | PERS-.0927/\$1.00 of payroll |
| Full Day Preschool | The NJDOE is requiring schools to develop full-day preschool programs for at risk low income students either in house or through a 3rd party provider. Costs include developing and operating the program as well as additional transportation costs if school chooses to use a 3rd party provider | State - NJ Department of Education | \$5,000.00 |
| Full Day Kindergarten | The NJDOE is no longer providing additional funding to school districts with full-day programs | State - NJ Department of Education | unknown |
| Special Education Requirements | The NJDOE requires that districts provide education programs for identified special needs students; the age has been lowered to 3 years old. State funding does not support the costs associated with lowering the age requirements. | State - NJ Department of Education | unknown |
| Psychiatric Evaluations | Evaluations are required for any child that could be harmful to themselves or others. There is no financial support provided for the costs associated with the evaluations | State - NJ Department of Education | unknown |
| Election Recall Officials | School Board Election rules impose specific requirements for recall elections that require a designated official and costs include extensive time and training | State | unknown |
| Professional Staff Development | The No Child Left Behind Act requires that staff receive professional development training in the area of technology and current educational trends, however the funding available is limited despite the requirements. | Federal- No Child Left Behind Act | unknown |
| Student Testing | The NJDOE requires student testing as part of the State assessment, however there is no funding provided to schools to support the costs of testing or scoring | State - NJ Department of Education | unknown |

**State of New Jersey Spending Mandates on
Local School Districts**

| Mandate | Description | Issued By | Approximate Costs |
|---|---|--|------------------------------|
| 3-year Technology Plans | The NJDOE requires that districts develop a plan to maintain and expand technology in the classrooms without any funding support | State - NJ Department of Education | unknown |
| Public Employees Occupational Safety and Health Act (PEOSH) Requirements | | | |
| Right to Know | Mandates require that schools conduct an annual inventory of chemicals in storage; complicated procedural requirements necessitate the hiring of an outside contractor | State- PEOSHA | \$800.00 |
| Asbestos | Schools are required to conduct an inspection every six months. Costs associated with training an inspector in house or hiring an outside contractor or supported with state funding | State- PEOSHA | \$600.00-\$800.00 |
| Smoke Stack Permits | Schools are required to maintain valid permits on any smoke stacks and emissions | State- PEOSHA | unknown |
| Water Testing | Schools are required to conduct annual tests on all wells and drinking water supplies; the costs of these tests range in the thousands. | State- PEOSHA | ranges in the \$1000.00's |
| Boiler License | Custodial staff are required to hold a valid license to operate boiler equipment. There is no funding available for the costs associated with the required training and manpower hours necessary to maintain the license. | State- PEOSHA | unknown |
| Fluorescent Bulb Recycling | School Districts are required to recycle and dispose of all fluorescent bulbs. There is a \$100.00 vehicle fee associated with any trucks that enter the landfill in order to meet the disposal requirements. | State- PEOSHA | unknown |
| Long Range Facilities Plan | School districts are required to prepare long-range facilities plans every 5 years. The plans typically require that schools hire consultants to complete the reports, which is costly. There is also no funding to support the projects that are found to be needed in the report. | State- PEOSHA | unknown |
| Fire Retardant Protection | Schools are required to have fire retardant drapes, curtains, rugs, carpets, etc. that are costly and there is no funding support available | State- PEOSHA | unknown |