



State of New Jersey  
COUNCIL ON LOCAL MANDATES  
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Hon. Sylvia B. Pressler  
Chair

Mailing Address:  
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December 30, 2008

The Honorable Jon S. Corzine,  
Governor  
The Honorable Richard J. Codey,  
Senate President  
The Honorable Thomas H. Kean, Jr.,  
Senate Minority Leader  
The Honorable Joseph J. Roberts, Jr.,  
Speaker of the General Assembly  
The Honorable Alex DeCroce,  
Assembly Minority Leader

Pursuant to N.J.S.A. 52:13H-19, the Council on Local Mandates submits its Report to the Governor and the Legislature, enclosed with this letter.

Copies of this letter and the enclosure are being provided to the Secretary of the Senate, the Clerk of the General Assembly, the Office of Public Information, and the Office of State Librarian. Please do not hesitate to contact me if you have any questions regarding the Report.

Respectfully,

Sylvia B. Pressler, Chair

Hand del.  
Enclosure – 2008 Report of the Council on Local Mandates  
cc w/enc.: Ellen M. Davenport, Secretary of the Senate  
Dana M. Burley, Clerk of the General Assembly  
Office of Public Information  
Office of State Librarian

REPORT OF THE COUNCIL ON LOCAL MANDATES  
TO HON. JON S. CORZINE, GOVERNOR,  
AND TO THE LEGISLATURE OF THE STATE OF NEW JERSEY

The Council statute provides, in pertinent part:

The council shall submit a report to the Governor and the Legislature prior to December 31 of each year setting forth the names and salaries of: the professional employees of council members, individuals employed by the council on a temporary or permanent basis, and personnel and consultants for whose service the council has contracted.

[N.J.S.A. 52:13H-19]

Accordingly, the Council reports the following information (as of December 30, 2008):

1. Professional employees of Council members: none.
2. Individuals employed by the Council on a temporary or permanent basis:
  - Patricia A. Meyer  
Executive Administrator & Coordinator (full time position)  
Salary: \$116,288 per annum.
  - Shawn D. Slaughter  
Administrative Assistant (full time position)  
Salary: \$41,006 per annum.<sup>1</sup>
3. Personnel and consultants for whose service the Council has contracted: Hon. Geoffrey Gaulkin (P.J.A.D. ret.), who is to be paid on an hourly basis for legal research and writing related to one of two Complaint cases filed in 2008.<sup>2</sup> In addition, the Council contracted with a provider of court reporter service, pursuant to State contract, for transcription at a pre-hearing conference and a hearing, in September and October 2008, respectively.

Attachment – Council Summary of 2008 Complaint case activity.

<sup>1</sup> This salary amount began, and was made retroactive to July 7, 2007, in February 2008.

<sup>2</sup> It is expected that fees incurred in 2008 will not exceed \$7,000.

## COUNCIL SUMMARY OF 2008 COMPLAINT CASE ACTIVITY

Two different Complaint case matters were before the Council in 2008. As described below, the Council resolved the first matter, filed in July 2008, I/M/O Complaints filed by the Mayors of Shiloh Borough and the Borough of Rocky Hill et al. ("Borough of Shiloh"). The second matter, I/M/O Complaint filed by the Township of Medford ("Township of Medford"), filed in August 2008, is still pending; a brief summary of its procedural history is set forth below.

Borough of Shiloh. The Borough of Shiloh matter began with the filing of Complaints by seven municipalities, all of which alleged that a portion of the FY 2009 Appropriations Act, L. 2008, c. 35, was an unfunded mandate in violation of the State Mandate, State Pay Amendment to the New Jersey Constitution ("Amendment"), as codified in the Local Mandates Act.<sup>1</sup> The challenged provisions of the Appropriations Act required each municipality receiving State Police rural patrol services to enter into a cost-sharing agreement with the State Treasurer or be treated as if it had entered into such an agreement.

The Council consolidated the initial seven Complaints, and directed the Attorney General to file an Answer to the Complaints, as Respondent. An additional twenty-one municipalities filed Complaints or Requests to Appear as amici curiae, which the Council consolidated as Complaints, with the initial seven, for disposition. Council also granted leave to the New Jersey State League of Municipalities and Cumberland County to appear as amici curiae.

At a pre-hearing status conference on September 17, 2008, the Council directed that Claimants and Respondent file cross-motions for summary judgment, with initial and responsive briefs, and scheduled a hearing for oral argument on the motions to take place on October 22, 2008. On that day, after hearing oral argument, the Council rendered its decision: it granted the Claimants' motion for summary judgment, finding that the Appropriations Act provisions at issue were an unfunded mandate in violation of the Amendment.

The Council's written opinion, which explains and memorializes its decision, was issued on December 12, 2008. Additional information regarding the procedural history of the case is posted on the Council's website, at [www.state.nj.us/localmandates/recent](http://www.state.nj.us/localmandates/recent). The Council's written opinion is posted on the site at [www.state.nj.us/localmandates/decisions](http://www.state.nj.us/localmandates/decisions).

Township of Medford. The Township of Medford filed a Complaint with the Council on August 15, 2008, alleging that recent amendments to the Fair Housing Act and Third Round Regulations of the Council on Affordable Housing (COAH) were unfunded mandates. The Council circulated the Complaint to State officials in September and directed the Claimant to supply additional information.

After reviewing Claimant's filed information and new Complaint, regarding COAH's revised Third Round Regulations, by letter on December 17, 2008, the Council consolidated the two Complaints and directed the Attorney General to file an Answer as Respondent. In the same letter, the Council also directed Claimant and Respondent to brief certain underlying legal issues; a hearing on those issues is anticipated in February 2009. For additional detail on the procedural history of this case to date and as it unfolds, please consult [www.state.nj.us/localmandates/pending](http://www.state.nj.us/localmandates/pending).

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<sup>1</sup> See N.J.Const. art. VIII, §2, ¶5 and N.J.S.A. 52:13H-1 et seq.