



Long Marmero & Associates, LLP

Douglas M. Long Δ
Albert K. Marmero Δ
Kathleen M. Bonczyk Δ *
Timothy M. O'Donnell Δ
Brian P. Shotts Δ†

A New Jersey Limited Liability Partnership
ATTORNEYS AT LAW

44 Euclid Street
Woodbury, NJ 08096

Tel: (856) 848-6440
Fax: (856) 848-5002
www.longmarmero.com

Δ Member NJ Bar
† Member PA Bar
* Member FL Bar

May 4, 2015

Via E-Mail and U.S. Regular Mailing: filings-clmand@treas.state.nj.us

State of New Jersey
Council on Local Mandates
PO Box 627
Trenton, NJ 08625-0627

In Re: Complaint by Paul Medany, Mayor of the Township of Deptford

Dear Sir/Madam:

Please be advised that this office serves as Solicitor for the Township of Deptford with regard to the above referenced matter.

Enclosed please find an original and two (2) copies of a Local Mandates Complaint being submitted on behalf of Paul Medany, Mayor of the Township of Deptford.

Kindly file same returning a stamped copy to this office in the self-addressed, stamped envelope provided.

Thank you for your attention in this matter. Should you have any questions or concerns, please feel free to contact my office.

Respectfully submitted,
LONG, MARMERO & ASSOCIATES, LLP

Douglas M. Long
Solicitor for the Township of Deptford

DML/ag
Enclosure

Additional Offices

Bridgeton - Camden - Marlton



State of New Jersey Council on Local Mandates Complaint

The form is to be completed and signed by the Claimant's attorney or other authorized representative, identified under Part I (B).

I (A). Information regarding the Claimant (include title if a County Executive or Mayor):

Name of Claimant (and title if applicable):

Mayor Paul Medany

Claimant contact information:

Mailing Address:

Deptford Township Municipal Building
1011 Cooper Street

City:

Deptford

State: New Jersey

Zip Code: 08096

Phone:

(856) 845-5300

Fax:

E-mail address:

mayor@deptford-nj.org

I (B). Name of person preparing this document, and title or relationship to Claimant (e.g., legal counsel, business administrator, superintendent):

Name:

Doug Long

Title/Relationship:

Deptford Township Solicitor

Contact information for person identified in Part I (B):

Mailing Address:

Long Marmero & Associates, LLP
44 Euclid Street

City:

Woodbury

State: New Jersey

Zip Code: 08096

Phone:

(856) 848-6400

Fax:

(856) 848-5002

E-mail Address:

dlong@longmarmero.com

II. The Complaint:

1. Claimant alleges that the following statute, rule, or regulation is an unfunded mandate in violation of the New Jersey Constitution, article VIII, § 2, ¶ 5 and N.J.S.A. 52:13H-2, because it does not authorize resources, other than the property tax, to offset the additional direct expenditures required for its implementation:

N.J.S.A. 40A:14-118.1

2. The above-cited statute, rule, or regulation became effective on:

March 1, 2015

3. The following is the basis for the claim made herein that the statute, rule, or regulation identified in paragraph II (1) is an unfunded mandate:

Deptford Township seeks a Council on Local Mandates ruling that N.J.S.A. 40A:14-118.1 imposes an unfunded mandate in violation of N.J. Const. Art. VIII, Sec. 2, Para. 5(a) and N.J.S.A. 52:13H-2.

N.J.S.A. 40A:14-118.1 states: "Every new or used municipal police vehicle purchased, leased, or otherwise acquired on or after the effective date of P.L. 2014, c. 54 (C.40A:14-118.1 et al.) which is primarily used for traffic stops shall be equipped with a mobile video recording system. As used in this section, 'mobile video recording system' means a device or system installed or used in a police vehicle or worn or otherwise used by an officer that electronically records visual images depicting activities that take place during a motor vehicle stop or other law enforcement action."

P.L. 2014, c. 54 also amends N.J.S.A. 39:4-50, increasing the surcharge imposed on persons convicted of driving while intoxicated by \$25.00. The \$25.00 increase to the surcharge is payable to the municipality in which a conviction of driving while intoxicated is obtained, to be used by the municipality for the cost of equipping police vehicles with mobile video recording systems.

The Deptford Township Police Department recently acquired six patrol vehicles on or around the date upon which N.J.S.A. 40A:14-118.1 came into effect. If N.J.S.A. 40A:14-118.1 is deemed applicable to Deptford Township's acquisition of the six new patrol vehicles, Deptford Township would be liable for the direct expenditures necessary to implement the statute because the New Jersey State Legislature failed to appropriate funds when it passed N.J.S.A. 40A:14-118.1. If Deptford Township purchases vehicle mounted cameras, it would initially cost the Township \$49,483.07. Alternatively, if Deptford Township purchases cameras worn by individual officers, it would initially cost the Township \$63,483.00.

N.J.S.A. 40A:14-118.1 creates an unfunded liability for Deptford Township because the State Legislature failed to appropriate resources to offset the initial direct expenditures required to implement the statute. N.J.S.A. 52:13H-12. In order for Deptford Township to implement N.J.S.A. 40A:14-118.1, the direct expenditures that would


Note: The text provided in paragraph II (3) is to be used for the Pleading Summary published on the Council's web site. If more space is needed, please attach additional sheet(s).

4. State Claimant's estimate of the additional direct expenditures required to implement the statute, rule or regulation identified in paragraph II (1), together with:
- a description of the frequency of the estimated expenses (i.e. annual, monthly), and
 - a specification of the basis for the estimate.

Should N.J.S.A. 40A:14-118.1 be deemed applicable to Deptford Township with regard to the six patrol vehicles that were recently acquired, Deptford Township would be required to purchase vehicle mounted cameras for each new vehicle or purchase body worn cameras for each Deptford Township Police Officer. Were Deptford Township to purchase vehicle mounted cameras to comply with N.J.S.A. 40A:14-118.1, Deptford Township would need to make a minimum initial expenditure of approximately \$49,483.07 for installation of the vehicle mounted cameras and necessary ancillary components, plus an additional \$12,496.00 for the cost of software licensing and limited warranties for the subsequent four years. The vehicle mounted camera systems would require significant upgrades to Deptford Township's existing server and data storage infrastructure, which are difficult to estimate at this time. Anticipated future costs include ongoing maintenance and service costs and the cost of camera replacement given that vehicle mounted camera systems become obsolete every four years according to the vendor. Again, Deptford Township lacks sufficient information to estimate these costs at this time.

Alternatively, N.J.S.A. 40A:14-118.1 allows for the purchase of mobile video recording systems worn individually by police officers. Were Deptford Township to purchase body cameras as permissible under N.J.S.A. 40A:14-118.1, as opposed to vehicle mounted systems, the necessary components include cameras for each of

Note: If more space is needed, please attach additional sheet(s).

5. Does Claimant seek injunctive relief? No <input type="checkbox"/> Yes <input checked="" type="checkbox"/>	
If yes, on attached sheet(s), provide a description of the nature and extent of imminent irreparable injury that will result to Claimant in the absence of injunctive relief.	
6. Claimant attaches:	
<input type="checkbox"/> Resolution (of county/municipal governing body or of board of education), which is incorporated herein by reference, <i>or</i>	
<input checked="" type="checkbox"/> Copy of notice of intention to file a complaint provided to governing body.	
WHEREFORE, Claimant demands judgment by the Council that the statute, rule, or regulation identified in paragraph II (1) above is an unfunded mandate pursuant to the New Jersey Constitution, Art. VIII, § 2, ¶ 5 and N.J.S.A. 52:13 H-2, and that it shall cease to be mandatory in effect and expire.	
 <i>[Signature of person preparing this document].</i>	<input type="text" value="Doug Long"/>
Date: <input type="text" value="May 4, 2015"/>	Name (typed or printed) of person signing
	<input type="text" value="Deptford Township Solicitor"/>
	Title (typed or printed) of person signing
Total number of attached pages: <input type="text" value="6"/>	

Print Form

Deptford Township
Council on Local Mandates Complaint
May 4, 2015
Attachment to Paragraph II, Section 3

Paragraph II, Section 3 Continued

. . . be necessary include, but are not limited to, the purchase of hardware, software licensing, limited warranty costs, installation costs, upgrades to the local server and local data storage as well as ongoing system maintenance and IT support. Further, vehicle mounted mobile recording systems are estimated by the vendor to become obsolete every four years, necessitating additional replacement expenditures shortly after paying for the initial costs of incorporating a mobile recording system onto the six patrol vehicles Deptford Township recently acquired.

The estimated revenue from the increased surcharge imposed on individuals convicted of driving while intoxicated will be grossly inadequate in covering these costs. According to the Deptford Township Chief Financial Officer, if the Township were to rely solely upon the \$25.00 increase to the surcharge, it would take approximately 7.58 years to recuperate the cost of the first vehicle mounted camera, and an additional approximate 3.12 years for each subsequent camera. Thus it would take approximately 23.18 years to recuperate the first year's cost of implementing a vehicle mounted camera system. Relying solely on the increased surcharge in order to purchase cameras worn individually by each officer, it would take approximately 28.21 years to recuperate the first year's cost of implementing a body worn camera system.

Thus, Deptford Township would be liable for the expenditures mandated by N.J.S.A. 40A: 14-118.1 because the State failed to appropriate funds when it passed the statute. Therefore, N.J.S.A. 40A:14-118.1 is an unfunded mandate, in violation of N.J. Const. Art. VIII, Sec. 2, Para. 5(a) and N.J.S.A. 52:13H-2. Deptford Township prays the Council on Local Mandates deem N.J.S.A. 40A:14-118.1 an unfunded mandate, thus causing the statute to cease to be mandatory in its effect and to expire.

Deptford Township
Council on Local Mandates Complaint
May 4, 2015
Attachment to Paragraph II, Section 4

Paragraph II, Section 4 Continued

. . . Deptford Township Police Officers, additional ancillary equipment such as charging and uploading stations as well as storage costs and support fees. This would cost approximately \$63,483.64 for the first year and approximately \$47,124.00 every subsequent year for the next five years.

The estimates above are based on quotes Deptford Township received from two separate vendors estimating the cost of implementing either a vehicle mounted video recording system or a body worn camera system. If it is determined that N.J.S.A. 40A:14-118.1 is applicable to Deptford Township's recent acquisition of six patrol vehicles, Deptford Township would make significant initial payments without receiving funds appropriated by the State for the purpose of implementing the statute, regardless of which mobile video recording system Deptford chose to implement. Both the vehicle mounted recording system and the body worn recording system would obliged significant additional, ongoing payments in the years subsequent to implementation in order to maintain either option, for which no funds have been appropriate by the State.

Deptford Township
Council on Local Mandates Complaint
May 4, 2015
Attachment to Paragraph II, Section 5

Request for Injunctive Relief

N.J.S.A. 40A:14-118.1 requires all new or used municipal police vehicles acquired on or after March 1, 2015 to be outfitted with a mobile video recording system. If it is determined that N.J.S.A. 40A:14-118.1 is applicable to Deptford Township, the Township would need to make a minimum initial, unfunded expenditure of approximately \$49,483.07 in order to incorporate a vehicle mounted video recording system on the six patrol vehicles recently acquired by the Township on or around March 1, 2015. Alternatively Deptford Township would make an initial, unfunded expenditure of approximately \$63,483.00 to implement a body worn camera recording system. Further significant costs would also be required to maintain either mobile recording system. This would represent an unfunded liability to Deptford Township and would do irreparable harm to Deptford Township in that Deptford Township would be required to raise taxes to generate additional revenue, cut municipal programs or staff, or take on debt. Therefore, Deptford Township seeks injunctive relief in the form of a stay in the implementation of the requirements set forth in N.J.S.A. 40A:14-118.1 until such time that either the statute expires or the New Jersey State Legislature appropriates funding sufficient to cover the expenditures required by the statute.



TOWNSHIP OF DEPTFORD

GLOUCESTER COUNTY, NEW JERSEY

MUNICIPAL BUILDING
1011 COOPER STREET
DEPTFORD, NEW JERSEY 08096
(856) 845-5300 x254
Fax: 856-845-8804
E-mail: Mayor@Deptford-NJ.org

PAUL MEDANY
Mayor

April 22, 2015

Via E-Mail Delivery Only
Deptford Township Council
1011 Cooper Street
Deptford, NJ 08096

RE: State of New Jersey Council on Local Mandates Complaint

Dear Deptford Township Councilmembers:

I am writing to inform you of my intention to file a State of New Jersey Council on Local Mandates Complaint that N.J.S.A. 40A:14-118.1 is an unfunded mandate, in violation of the New Jersey Constitution, Article VIII, § 2, ¶ 5 and N.J.S.A. 52:13H-2.

The New Jersey Constitution, Article VIII, § 2, ¶ 5 and N.J.S.A. 52:13H-2 prohibit the New Jersey State Legislature from enacting a law without appropriating funds for the implementation of said law, which then obligates local entities, such as municipalities, to make additional direct expenditures in order to implement the law.

Specifically, N.J.S.A. 40A:14-118.1 provides "Every new or used municipal police vehicle purchased, leased, or otherwise acquired on or after the effective date of P.L. 2014, c.54 (C.40A:14-118.1 et al.) which is primarily used for traffic stops shall be equipped with a mobile video recording system. As used in this section, 'mobile video recording system' means a device or system installed or used in a police vehicle or worn or otherwise used by an officer that electronically records visual images depicting activities that take place during a motor vehicle stop or other law enforcement action." P.L. 2014, c.54 also amends N.J.S.A. 39:4-50, increasing the surcharge imposed on persons convicted of driving while intoxicated by \$25.00. The \$25.00 increase to the surcharge is payable to the municipality in which a conviction of driving while intoxicated is obtained.

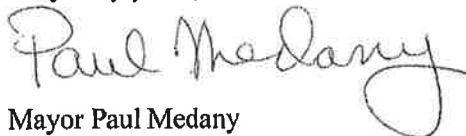
The Deptford Township Police Department recently acquired six new patrol vehicles, which may or may not require Deptford Township to comply with N.J.S.A. 40A:14-118.1. In order to determine potential costs if it is determined that N.J.S.A. 40A:14-118.1 is applicable to the Police Department's recent acquisition of new patrol vehicles, the Police Department received quotes from vendors of both vehicle mounted recording systems and officer worn recording systems, and made recommendations thereon. If the Deptford Township Police Department were to implement a vehicle mounted recording system, it would initially cost the Township \$49,483.07 for the first year, plus an additional \$12,496.00 for software

the Township \$49,483.07 for the first year, plus an additional \$12,496.00 for software licensing and limited warranties for the subsequent four years. If Deptford Township Police Department were to implement an officer worn recording system, it would initially cost the Township \$63,483.00 for the first year, and \$47,124.00 annually for the subsequent four years.

Filing a complaint with the Council on Local Mandates enables Deptford Township to seek relief from implementing N.J.S.A. 40A:14-118.1. Upon filing the complaint, Deptford Township will have the opportunity to present evidence that N.J.S.A. 40A:14-118.1 is an unfunded mandate at a Council on Local Mandates hearing. If the Council on Local Mandates deems that N.J.S.A. 40A:14-118.1 is in fact an unfunded mandate in violation of the New Jersey Constitution, Article VIII, § 2, ¶ 5 and N.J.S.A. 52:13H-2, N.J.S.A. 40A:14-118.1 will cease to be mandatory in its effect and will expire.

Thank you for your attention in this matter. Please feel free to contact me with any question, comments or concerns that you may have.

Very truly yours,

A handwritten signature in cursive script that reads "Paul Medany". The signature is written in dark ink and is positioned to the right of the typed name.

Mayor Paul Medany

Township of Deptford
Calculation of Cost Recuperation for Unfunded Mandate N.J.S.A. 40A:14-118.1
Prepared 4/29/15

	DUI Convictions	Refusal of Test	Total
June	6	1	7
July	5	2	7
August	5	0	5
September	8	4	12
October	6	1	7
November	8	1	9
December	4	0	4
January	13	1	14
February	3	0	3
March	7	0	7
	6.5	1	7.5

Conviction Information Obtained from Municipal Court

Additional Surcharge per Conviction \$ 25.00

Average Monthly Surcharge \$ 187.50

In-Car Camera

First Camera \$ 17,062.18

Recuperation of Costs for First Camera 91.00 Months
7.58 Years

Subsequent Cameras \$ 7,023.76

Recuperation of Costs for Subsequent Cameras 37.46 Months
3.12 Years

Body Cameras

Initial Outlay (60 Cameras) \$ 63,483.64

Recuperation of Costs for Initial Outlay 338.58 Months
28.21 Years

Annual Maintenance Fees \$ 47,124.00

Recuperation of Annual Cost 251.33 Months
20.94 Years