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Office of State Planning

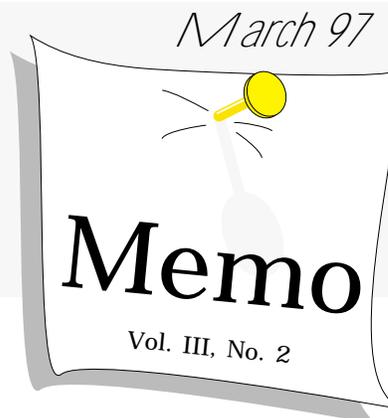
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STATEWIDE PLANNING: A NATIONAL OVERVIEW

Statewide Planning in New Jersey

When its State Planning Act was signed into law in 1986, New Jersey became the seventh state in the United States to establish a contemporary state government program to guide development and redevelopment statewide. Six years later, the State Planning Commission adopted the first State Development and Redevelopment Plan. Now -- at the beginning of a new cycle of reviewing and updating the adopted State Plan -- is a good time to take stock of statewide planning initiatives here and elsewhere in the nation to assess the "state of the art," and to explore the implications for New Jersey.

The Office of State Planning (OSP) has reviewed statewide comprehensive planning programs throughout the United States to update and expand on similar work done at the time the first State Plan was under preparation. OSP Technical Reference Document 113, *Statewide Planning for Development and Redevelopment in the United States*, presents the results of this research.

This *OSPlanning Memo* outlines the

broad-based governmental and environmental trends that have given rise to statewide planning and highlights some major conclusions of our work. This memo also responds to a key question that has emerged: *How does New Jersey's State Plan compare to the programs of other states?*

The Evolution of Modern Statewide Planning

Statewide planning for development and redevelopment is not a new phenomenon in the United States. For example, New Jersey's first State Planning Board was created and its first State Planning Act was passed into law in 1934.

Most early state government planning in the nation involved statewide studies related to infrastructure projects and the support of local planning. It often responded directly to federal mandates. As these mandates became less comprehensive and more departmental, and as they receded overall, comprehensive planning efforts by state governments either diminished or were transformed to address local and regional, rather than nationwide, needs.

OSPlanning Memo is a monthly publication which highlights strategies, techniques and data of interest to the planning community in New Jersey. I welcome your comments on these memos and your suggestions for future topics.

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Although all states have the legal authority to plan, relatively few have developed a comprehensive, statewide planning process in which all levels of government are required or strongly encouraged to do planning that achieves specific statewide goals and objectives. All states have enacted land-use planning and zoning enabling legislation, mechanisms by which a state delegates to local governments its inherent 'police power' to plan and zone. (Police power is the power to protect public health, safety and welfare.)

Only within the past three decades has this traditional, local "home rule" approach to planning been shown to be insufficient in responding to rapid changes in development patterns within a region. Local governments have found it necessary to engage the cooperation of neighboring and higher-level governments

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to ensure that their attempts to manage growth and its impacts on urban, suburban and rural/exurban areas are not negated by the policies, projects and permits of regional, state and federal agencies, or by those of other local governments. Today, statewide planning is virtually synonymous with growth-management.

Since 1960, the 13 states listed below and shown as shaded areas on the accompanying map have enacted statewide planning legislation. Cited in parentheses is the year the legislation was enacted, followed by the year of amendment, if any. The states are:

- ◆ Hawaii (1961/1978/1991)
- ◆ Vermont (1970/1988)
- ◆ Florida (1972/1985)
- ◆ Oregon (1973/1993)
- ◆ Connecticut (1971/1974)
- ◆ New Hampshire (1985)
- ◆ New Jersey (1986)
- ◆ Rhode Island (1988/1992/1995)

- ◆ Maine (1988)
- ◆ Georgia (1989)
- ◆ Washington (1990/1991)
- ◆ Maryland (1992)
- ◆ Delaware (1995).

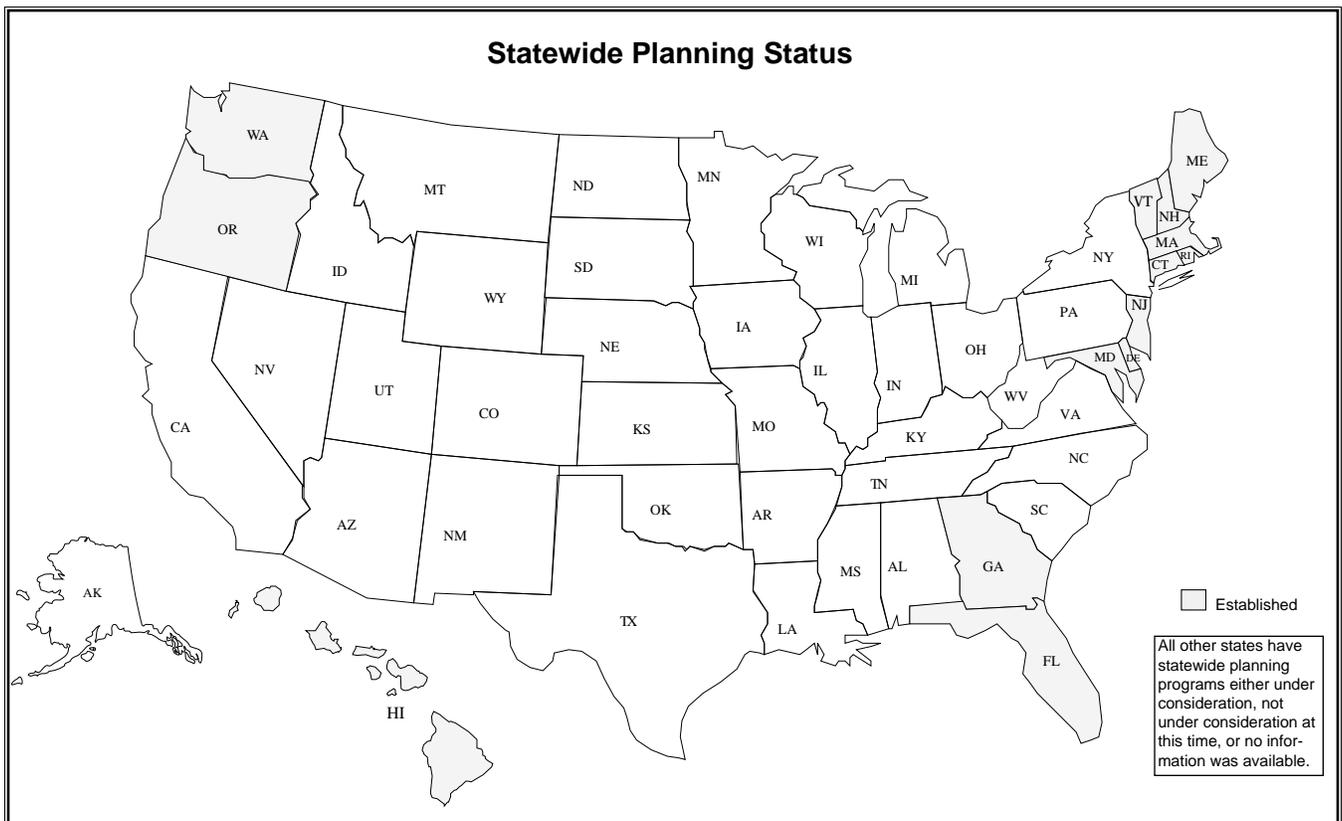
STATEWIDE PLANNING IN THE UNITED STATES

Recognizing the interjurisdictional impacts of planning and zoning, these states have adopted a systems approach to land-use governance involving a comprehensive planning program initiated at the state level. In addition, two states, California (1972) and North Carolina (1974), have enacted legislation that coordinates state and local planning and permit issuance activities within coastal areas.

The first of these contemporary statewide planning initiatives grew out of environmental concerns associated with rapid population growth and development. The concept of

managing growth centers on the decision of governments to restrain, accommodate, encourage or otherwise influence development and patterns of development in any geographic location (central city, suburb or rural) and at any level of government (state, regional or local). Growth-management programs provide a way for governments to establish comprehensive goals and priorities designed to address the demands of development and redevelopment and that are able to be implemented through an *integrated* system of administrative (planning), investment, and regulatory programs.

Thus, the "first wave" of growth-management systems occurred in the mid-1960s and 1970s. These states addressed growth management in one of four ways, as described in a report prepared in 1988 for the National Governor's Association, *Expectations and Opportunities: Growth Management in the Late '80s*.



- ◆ *Coastal* programs were established in states, including New Jersey, where rapid population growth and development threatened coastal regions. California and North Carolina established formal governing bodies, Coastal Commissions, which coordinated state and local planning activities in coastal areas.
- ◆ *Selective* programs asserted state control over a specific region of the state. In the New Jersey Pine Barrens, the state established a planning and regulatory entity, the Pinelands Commission, to manage land uses in the region. Other such regional or issue-specific planning entities include the Cape Cod Commission in Massachusetts, the Adirondack Park Agency in New York and the Maine Land Use Regulation Commission, which regulates planning and permit issuance for thousands of acres of unincorporated land in that state.
- ◆ *Comprehensive/selective* programs established state control over certain types of development on a statewide basis. For example, Vermont's Act 250 and Florida's programs for Developments of Regional Impact and Areas of Critical State Concern establish criteria for development proposals that trigger a centralized regulatory process.
- ◆ *Comprehensive/general* programs assigned all planning, zoning and permit issuance authority to state government, as in Hawaii and Oregon. In this model, the state government's planning and permit issuance authority applies to the state as a whole.

During the 1980s, a "second wave" of growth-management programs occurred in several states following Florida's passage of more comprehensive growth-management legislation:

- 1985 -- New Hampshire passed NH Planning and Land Use Regulation;
- 1986 -- New Jersey passed the State Planning Act;
- 1987 -- Georgia established the Growth Strategies Commission, and in 1989, passed the Georgia Planning Act;
- 1988 -- the legislatures in Maine, Vermont and Rhode Island passed growth-management statutes almost simultaneously.

And the 1990s brought yet a "third wave" of growth-management and statewide planning programs:

- 1990 -- the Washington State Legislature passed the 1990 Growth Management Act;
- 1992 -- Maryland amended Article 66B, Zoning and Planning, of the Annotated Code of Maryland with the passage of the Economic Growth, Resource Protection and Planning Act of 1992;
- 1995 -- Delaware established the Cabinet Committee on State Planning Issues and passed Senate Bill 116, the Shaping Delaware's Future Act.

With the development of these statewide programs, government officials and planners recognized the interrelationships among environmental, traffic, housing, economic development and other land-use issues, and the need to address these issues simultaneously rather than individually.

There are Different Models for Statewide Planning

Among contemporary statewide planning programs, four general types of state-level plans have emerged, as categorized by the American Planning Association.

Most of the programs fall into more than one typology.

- ◆ *Strategic futures plans* create a "vision" for the state (Delaware, Georgia, Maryland and New Jersey).
- ◆ *State agency strategic plans of operation* direct the focus and activities of state agencies (Connecticut, Hawaii and Maryland).
- ◆ *State comprehensive plans* integrate goals and policies to guide local, regional, and state agency planning activities (Florida, Hawaii, New Hampshire and New Jersey).
- ◆ *State land development plans* establish goals, policies, and guidelines for land use and development in the state (Florida, Maine, New Jersey, Oregon, Rhode Island and Washington).

There remains one significant category of state plans to which only New Jersey and Connecticut subscribe. The New Jersey State Development and Redevelopment Plan, and the Connecticut Conservation and Development Policies Plan are the only plans to incorporate statewide maps and mapping systems that geographically reflect their respective plans' policies.

Despite these differences, there are strong overriding themes among statewide planning programs throughout the United States, as observed in the American Planning Association's 1996 *Growing Smart* study on the modernization of state planning statutes:

- ◆ Environmental degradation and destruction led to their creation.
- ◆ All start with a statewide effort to establish goals and priorities for the future growth and development of the state.
- ◆ *Compact development* -- controlling "sprawl" patterns of land development — is a major issue in all of the states with statewide planning programs.

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- ◆ *Consistency* (vertical/horizontal/ internal) of state agency, regional and local plans and development regulations is essential to the programs' success.
- ◆ *Concurrency* -- providing adequate infrastructure and public services as development comes on line -- is crucial if development is to be redirected, rather than prohibited.

The OSP examined statewide comprehensive planning programs in the 13 states where they are now in effect. All of these programs rely on the integration of local comprehensive plans and related land-use regulations to implement goals and objectives for growth. They combine environmental planning, transportation planning, economic development and a variety of land-use goals in an attempt to address such quality-of-life concerns as traffic congestion, air pollution and affordable housing.

Planners and officials in these states realized that because these concerns transcend local boundaries, mechanisms to integrate state, regional, and local planning needed to be found. Although the strategies, procedures, and distribution of power may vary among these programs, their desired results are remarkably alike. Each growth-management system addresses these key issues:

- ◆ consistency
- ◆ concurrency
- ◆ protection of natural resources/environment
- ◆ economic development
- ◆ compact urban development/control of urban sprawl
- ◆ coastal controls
- ◆ affordable housing
- ◆ funding of local planning initiatives.

Additionally, all of the state programs address similar issues:

Statewide Planning for Development and Redevelopment in the U.S. - Format Comparison					
State	Code/Bill	Legislative	Narrative	Stand-alone Document	Plan with Statewide Map
Connecticut	H.J.R. No. 40		X	X	X
Delaware	S.B. 116	X			
Florida	F.S. Chs. 187 & 163	X		X	
Georgia	O.C.G.A. 50-81 et seq.	X			
Hawaii	H.R.S. Chs. 205 & 226	X			
Maine	P.L. 1987	X			
Maryland	H.B. 1195	X			
New Hampshire	R..A. Chs. 4C & 9A	X		X	
New Jersey	N.J.S.A. 52-18A-196 et seq.		X	X	X
Oregon	S.B. 100 O.R.S. Ch. 197	X			
Rhode Island	Title 45 Chs. 22.2 & 24	X			
Vermont	V.S.A. Ch. 117	X			
Washington	S.H.B. 2929	X			

- ◆ state goals and guidelines
- ◆ measures to improve and increase local and regional planning
- ◆ the role of state agencies
- ◆ the role of regional bodies
- ◆ methods of mediation and negotiation
- ◆ strategies for coordinating planning among all levels of government.

Connecticut and Oregon are the only two states that have established "bench mark" programs as part of their monitoring and evaluation process. In comparison to New Jersey's, none of the other states provide for an *infrastructure needs assessment* or an *impact assessment* as part of the planning process.

Like New Jersey, most of the other state plans and programs identify policies and strategies for addressing and implementing the established statewide goals. Several call for separate implementation plans to be prepared by local governments and state agencies (Delaware, Georgia, Maine, Oregon, and Vermont). A number of them also include a planning and technical assistance role for county, regional or state agencies, as well as financial assistance for growth-management implementation.

Statewide Planning -- Common Themes

Although the strategies, procedures and distributions of power vary among statewide planning systems, they have important factors in common that have led to similar outcomes. These factors and their relationship to the three fundamentals of growth management — coordination, compact development and concurrency -- are explored below.

Coordination

- ◆ *Leadership:* A factor fundamental to the development and success of all 13 of the state planning programs is gubernatorial and legislative support. Although growth management may not have necessarily been initiated by the governor, it eventually received his or her full support, and that of the state legislature. In all of the programs, the state policy-makers or representatives of various interest groups introduced land-use and development legislation to find solutions to the states' development problems.
- ◆ *Organization:* Another important factor in statewide planning is the appointment of special commis-

sions to study, and then formulate, policies concerning growth, development and resource issues. Six states have them. These special boards or commissions solicit input from a broad range of interested parties including local governments, planners, officials and private-sector representatives (environmentalists, realtors, developers, business-people, etc.). Most of the states also encourage citizen participation in the planning process to ensure that citizen concerns are being considered.

- ◆ **Local planning:** While “state-level” direction is prevalent in all of the programs, local planning (*home rule*) is the foundation for most of the state programs. Although most mandate consistency of local plans with state plans, they do not all have this authority.

Florida, Oregon, Rhode Island and Washington require local governments to create a comprehensive plan and submit it for state approval. Rhode Island, with the strongest law in this regard, will prepare a comprehensive plan for any local government that does not comply with the law by a specified deadline. In Oregon and Washington, tax revenues and other state grants and funding can be withheld from uncooperative local governments for noncompliance. The other states — Connecticut, Delaware, Georgia, Hawaii, Maine, Maryland, New Hampshire, New Jersey and Vermont — have maintained “home rule” approaches to growth management, with several having created other incentives, rather than legal requirements, for local governments to comply with state guidelines (e.g., state funds or priority status for local housing, infrastructure and/or economic development projects).

- ◆ **State guidelines:** To achieve their particular planning and growth-

management goals, all of the states have either set guidelines for action in their legislation or mandated a state plan to provide them. The guidelines may be standards, suggested policies or requirements for state agencies and local governments to follow in their planning. Oregon, for example, identifies 19 goals that have the force of law. If a local government’s land-use decisions do not meet those goals, the decisions can be challenged and struck down in state court.

- ◆ **Consistency and coordination:** These two components of the “three c’s” are common themes in state planning programs. Most of the programs provide some sort of mechanism for coordinating planning at every level -- state, county, regional, and local. They also call for the preparation and/or amendment of local comprehensive plans, land-use ordinances and state agency plans to produce both horizontal and vertical consistency: that is, policy, planning and regulatory consistency across department lines at any one level of government, paired with the same type of consistency spanning all levels of government.

- ◆ **State agency role:** The role of state agencies in the planning process is important in every state program. In several of the state programs, state agencies are required to prepare plans that are consistent with other state agency plans and local comprehensive plans, and that address the goals and objectives of the state plan.
- ◆ **Intergovernmental coordination:** The need to coordinate statewide planning with a variety of activities carried out at all levels of government has led to ongoing discussion and cooperation among local and state agencies. As state agencies and local governments work together and communicate with each other, they have discovered — and eliminated -- many bureaucratic inconsistencies and inefficiencies. For example, state permit issuance and other regulated land-use processes can often be streamlined if the entities involved coordinate their planning efforts.

Compact Development

- ◆ **Urban growth/community development boundaries:** Ten of the 13 states whose planning programs were examined by the OSP have established some type of urban growth

<p>Urban Growth Boundaries Are a Significant Tool</p> <p>Six of the 13 states that practice statewide planning employ processes for defining the boundaries of urban growth areas. They are: Connecticut, Hawaii, Maryland, Oregon, Vermont and Washington. Four others - Florida, Georgia, Maine and New Jersey - have created processes for designating areas within the state where growth should be directed, although these programs are not as extensive.</p> <p>In general, urban growth areas are areas in which urban growth is encouraged, and outside of which growth can occur only if it is not urban in nature. Urban growth areas, based on population forecasts, encompass areas and densities sufficient to permit the urban growth projected to occur for a specified period. Urban growth boundaries are lines on a map that mark the separation of urbanizable land from rural land, and within which urban growth should be contained for a period of time specified by the growth-management program.</p> <p>Examination of the various programs has found that the most effective growth boundaries in urban areas are typically established on a regional basis - similar in concept to Planning Area 1 or Planning Area 2 in New Jersey’s State Plan. In rural areas, these boundaries correspond to Planning Areas 3, 4 and 5.</p> <p>The boundaries are designed to protect the agricultural character of certain lands and to encourage efficient provision of public services, including sewer and water. They are enforced in a variety of ways, the most effective being:</p> <ul style="list-style-type: none"> ◆ municipalities refusing to plan, budget for or extend municipal services outside the urban growth boundary; ◆ state authorities refusing to provide financial assistance for infrastructure improvements beyond the urban growth boundary other than to maintain pre-existing facilities or; ◆ intergovernmental agreements.

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boundary (UGB) designation process. They are: Connecticut, Florida, Georgia, Hawaii, Maine, Maryland, New Jersey, Oregon, Vermont and Washington. These growth boundaries are drawn around areas where projected population growth will be directed, and beyond which only limited growth is likely to occur.

Most of the states that have initiated such programs have used Oregon as their model. In Oregon's 15 years of experience, the UGB concept has proven to be an effective tool in controlling the costs of public facilities and services, preserving farmland from sprawl, improving coordination among local governments and creating predictability in the land development process.

Concurrency

Concurrency is a concept that has become a key component of several of the state programs reviewed, especially in Florida. It is a mechanism for guiding development whereby public facilities and services needed to support development are to be available concurrent with the impacts of the development.

- ◆ *Capital improvements/budgeting:* All of the states with enacted statewide planning programs address the issue of concurrency, the provision and/or expansion of adequate infrastructure and public services in pace with development. Several states — Georgia, Maine, Oregon, Rhode Island, Vermont and Washington — list "concurrency" as one of their statewide goals.

Florida's concurrency provision is unique. While Florida also lists concurrency as one of its statewide goals, at its center is the requirement that, before a development permit is issued, the local

government must ensure that the proposed development will not erode minimum standards for levels of service provided by infrastructure facilities.

Under this program, the local comprehensive plan must contain a Concurrency Management System (with level-of-service standards) to establish a mechanism that ensures that public facilities and services needed to support development are available as its impacts occur. Local governments must also adopt level-of-service standards for public facilities and services located within the jurisdiction.

In New Jersey, the issue of concurrency is addressed much differently. The State Planning Act calls for the State Plan to "promote development and redevelopment in a manner consistent with sound planning and where infrastructure can be provided at private expense or with reasonable expenditures of public funds."

The remaining states -Connecticut, Delaware, Hawaii, Maryland, and New Hampshire - incorporate the concurrency provision in other areas of their planning programs, with most requiring local governments to address it in their local comprehensive plans.

Statewide Planning -- The New Jersey Perspective

While no two programs are the same, most of the states that embrace statewide planning have adopted various aspects and techniques of programs in other states to respond to their own needs and circumstances. In doing so, they have developed innovative approaches to planning and growth management that are being used as examples for the states that are now contemplating statewide initiatives.

New Jersey's program is similar to others, in that it incorporates many of the same concepts, while differing in its approach. As New Jersey enters a new era of planning, and as the state planning process matures, we find ourselves facing some familiar challenges -- how do we ensure compact development and "manage" sprawl (*compact development*); how do we ensure coordinated and consistent planning takes place at all levels (coordination & consistency); and, how do we ensure the availability and cost efficiency of infrastructure to meet the existing and future needs of the nation's most densely populated state (*concurrency*).

To address these and other challenges, it is important that we continue to seek out new ways of thinking about statewide planning and growth management. Using these issues as a basis for review, we must re-examine our efforts, highlighting strengths and weaknesses, while also looking for those features of other state planning programs that might prove useful to New Jersey's state planning process.

This OSPlanning Memo was written by Nichole Purcell, Research Planner, and edited by consultant Gail Friedman. The full report, Statewide Planning for Development and Redevelopment in the United States, is available from the Office of State Planning as Technical Reference Document #113. The report is also on the Internet at <http://www.state.nj.us/osp/spus.htm>.

For more information, including a list of selected references, you can reach Mrs. Purcell by phone at 609-633-9647, or by E-mail at purcell_n@tre.state.nj.us.

Comparison of New Jersey and Other Statewide Planning Programs

OTHER STATES with planning programs	New Jersey
In each state, one department or division of state government administers or oversees the program. These bodies develop policies, review local plans for consistency and provide technical and financial assistance to localities.	In New Jersey, the State Planning Commission (SPC) is appointed by the Governor and made up of state agency heads, Governor's Office representatives, local government representatives and public members. It prepares and adopts the State Plan; sets policies for areas of growth, agriculture and conservation; prepares infrastructure needs assessments; and negotiates cross-acceptance of the Plan with counties and municipalities.
STATE AGENCY ROLE	
All state agencies <i>with authority affecting land use</i> must submit plans and/or reports showing how their programs and activities will address the goals in the state plan. In addition, many of the state agency plans must be consistent with local and regional plans.	In 1995 and 1996, Governor Whitman directed all state agencies to prepare and submit reports detailing their activities and programs in implementing the State Plan, as well as State Agency Functional Plans and investment consistency.
COORDINATION MECHANISMS	
Many of the programs are designed to work either "top-down" (state initiated), or "bottom-up" (locally initiated). Programs in Florida and Hawaii, for example, are designed as "top-down," bureaucratically controlled approaches, with the state taking an active role in reviewing and approving local plans. Delaware, Georgia, Maine, Maryland, New Hampshire, Oregon, Rhode Island and Washington emphasize planning at the local level - "bottom-up" - placing local governments in the forefront of the process.	New Jersey's "cross-acceptance" approach is collaborative, rather than top-down or bottom-up. The players are brought together to negotiate the policies and regulatory principles that will affect the location and types of development and infrastructure. Negotiating cross-acceptance has become the driving force of the SPC's activities.
REGIONAL ROLE	
Several of the states have strong regional planning bodies that prepare regional plans, review local plans for consistency and assist local governments in developing and implementing growth-management programs (Connecticut, Florida, Georgia, Maine, New Hampshire, Rhode Island, Vermont, and Washington).	Counties are the designated mediating bodies for cross-acceptance. They provide technical assistance to local governments, coordinate the responses of local governments to the State Plan and prepare a report to the SPC.
LOCAL ROLE	
In the majority of states, all cities and counties must prepare comprehensive plans. These plans must be consistent with the statewide plan, regional plans and plans of adjacent municipalities. Most of the states also require that municipal zoning and subdivision regulations be consistent with state goals and policies.	There is no requirement for local plan consistency with state goals. Local governments participate in the cross-acceptance process and respond to State Plan map designations and proposed state policies. Local governments may voluntarily submit plans to the Office of State Planning (OSP) for consistency review.
MONITORING & EVALUATION -- INDICATORS	
Several states have established indicator programs that inform their statewide planning processes and gauge progress in implementing the goals and objectives of the program (Connecticut, Florida, Oregon, Maine, and Vermont).	A number of state departments are developing indicators to measure progress in meeting their respective goals. As required in the State Planning Act, the Office of State Planning is developing a set of indicators to measure progress in achieving the goals of the State Plan.
INCENTIVES FOR PLANNING	
Most of the states offer financial and/or technical assistance to local governments to do planning. Much of the financial assistance is provided in the form of grants to local governments for developing and maintaining comprehensive plans that are consistent with state guidelines.	New Jersey engages local governments voluntarily in negotiating processes, offering the incentive that their preferences may be expressed in the final State Plan. State agencies also provide limited financial incentives to municipalities for projects or programs that implement the goals and objectives of the State Plan. Although local governments are not required to change their own plans to comply with the State Plan, many are likely to do so. The OSP and the SPC provide technical and research assistance to local and county governments.



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