

Bulletin Board

The Builder Connection



A LOOK
AHEAD

A Look
AHEAD 2017

FAME
Awards Recap

Shore Builders
Members Rock IBS!

The Passion
of an Industry

A Recipe for
Membership Success



SHORE BUILDERS
Association of Central NJ, Inc.

Covering Monmouth, Ocean, Mercer, & Middlesex Counties

Contents



Tom Bovino
President - SBACNJ

MOVING AHEAD by Taking a Look Back

by Tom Bovino President - SBACNJ



Last year, we set out on a “road trip” together to explore new ideas and events while strengthening our existing core goals and mission. I am happy to report that 2016 was a very successful and productive year at SBACNJ. Through hard work and increased member participation, we have accomplished a lot together. And for 2017, we have an even busier and exciting year planned. In this issue of Bulletin Board, we will highlight the “road ahead” and provide a brief recap of the road already travelled.

Growing builder / remodeler membership and participation is still a top priority for us this year. Last year, our builder / remodeler membership grew by 14% and we hope to do even better this year. We will continue to try different ideas, some of which are discussed below. One idea discussed is a possible “SBACNJ Parade of Homes” tentatively scheduled for the Spring of 2018. We recently sent out a survey to our builder members to assess builder interest in participation and where the homes and projects would be located for the parade route. Feedback from our builder members is critical to the decision of whether to move forward with this as an event. If you are a builder and received our survey, please take a moment to answer the questions.

Eliminating building inspection and re-inspection delays continues to be my number one goal and priority as President. We made meaningful progress last year and we are optimistic that

our hard work will lead to tangible results in 2017. We will continue to use this issue as a battle cry to recruit new builder members into our Association. I strongly believe that this issue truly exemplifies a “strength in numbers” approach rather than the more prevalent “every man for himself” approach that seems to exist among builders today. We need to do a better job at getting this message out to small custom builders and remodelers struggling with this issue. We could certainly use each member’s help in delivering this message.

During 2016, we achieved incredible success with our Associate Platinum and Master Sponsorship program. This program provided meaningful value to the associate participants and the program has received rave reviews. For 2017, we are sold out of these sponsorships and the demand continues to increase! As builder membership increases, we plan to expand this program. In addition, we are implementing a Builder Sponsorship program.

The goal of this program is to encourage and increase builder participation in everything that we do. In return, builder sponsors will gain the recognition they deserve amongst their peers and industry colleagues. Builder members who are interested should contact Gina McNamara or myself to learn more about this sponsorship program.

Continued >

SAVE THE DATES!

Atlantic Builders Convention
April 5-6
Atlantic City

General Membership Meeting
May 10
General Plumbing Supply Showroom,
Lakewood

Annual Golf Outing
June 19
Jumping Brook Country Club

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President's Report *Continued*

The continued growth and expansion of the Young Professionals Committee was a priority last year and will continue to be for 2017. Since its inception in early 2015, the "Young Guns" now has 63 members. This group provides a forum for our future industry leaders to network and share their experience and knowledge thereby leveraging their membership in our association with their growth in the housing industry at large. Our YPC has played a critical role in the expansion of this committee throughout the State's four local associations as well as NJBA. A recent educational event at the Beach Haus Brewery in Belmar sponsored by the NJBA Young Professionals was a huge success. You can see the event recap here.

In addition, congratulations to our own Region A finalist, Chris Amato, who was recently recognized on the national level at NAHB's First Annual Young Professionals Award Ceremony at the International Builders Show (IBS) in Florida this past January. I would also like to thank Rich Robinson for all his hard work with the NAHB Young Professionals Committee.

Another major accomplishment last year was the charter of the first, and only, Professional Women in Building in New Jersey. Our council, the Professional Women in Building

of the Garden State, is chaired by Shore member Giovanna E. Pergola of Meyers Research. The PWB hit the ground running and quickly established itself as the philanthropic arm of the SBACNJ. During 2016, the council identified several community charities and organized and mobilized our membership into action. Together, we demonstrated time and time again throughout the year, an incredible generosity, compassion and kindness for people and animals in need. Among the organizations that were helped were Northern Ocean County Habitat for Humanity, Monmouth County SPCA, Foodstock and United Way. At IBS, we were received two second place awards at NAHB's PWB Awards Luncheon, one for Innovative Programs & the other for Community Outreach! We are looking forward to growing our PWB membership and expanding its role in our Association. I encourage the women (and men!) of all of our local HBAs in New Jersey to learn more and join our PWB.

With a very important election year upon us, including the race for our next Governor, our goal for 2017 is to increase member awareness in and connection to the political process. We can participate effectively as an Association through our Shore PAC efforts. We encourage

each member to learn and understand the importance of voter engagement. We will rededicate our mission to educate elected officials and to increase their awareness of the issues and regulations that affect our industry. Read the article by Mike Kurpiel to learn more about the importance of supporting Shore PAC.

If you are planning on attending the Atlantic Builders Convention in Atlantic City from April 4th – 6th, please join us at the membership booth. Also, be sure to check out our upcoming events for 2017. Joining is only a small part of this association, but participating is the key to leveraging your membership, increasing your business, and creating lasting business relationships.

My sincere thanks to so many of you who give so much of your time, energy and expertise in helping us make this journey together fun and memorable. As I get older (and rustier), I look in my rearview mirror more often than I did when I was younger. There is a lot of road to contemplate. What I observe is that the memories, the stories and the fun during the sometimes arduous journey is totally more gratifying than actually arriving at the destination. With that in mind, may we never run out of gas!



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Gina McNamara
Shore Builders Association
of Central NJ,
Executive Officer

A Note FROM OUR EO

by Gina McNamara



It seems like so much has happened during the first few months of 2017, and with so much more to come, I'm looking forward to all that our association can accomplish this year. First off, I would like to personally thank every one of our members and colleagues who came out for the Red Cross blood drive hosted by Ferguson in support of my mother, Lily Woolley. I am deeply humbled by everyone's support and generosity.

I am also happy to announce that our sponsor program is completely sold out! We have met our goal of five Platinum and 15 Master Sponsors. I would like to thank our Platinum Sponsors Amboy Bank, Cowan & Guteski & Co., FWH Associates, Ferguson Enterprises, and Giordano, Halleran & Ciesla, as well as our Master Sponsors All American Ford, All County Enterprises, Blackman Plumbing Supply, The Curchin Group, LLC, C&L Sweeping & Pavement Maintenance, EAM Associates, Earle Residential-Commercial Construction, LLC, DW Smith Associates, General Plumbing Supply, James Hardie Building Products, Oceanfirst Bank, Matrix New World Engineering, New Jersey Natural Gas, USI Insurance Services, and Windowrama. Having such dedicated, generous members has enabled our association to move forward on many initiatives, which you've read about in Tom Bovino's article, as well as improvement of existing programs and the introduction of new, exciting events at fun venues.

Our association goals for 2017 continue to be membership, membership, and membership. Welcoming new members through our ambassador program with the membership committee, and following through on the needs and expectations of existing members so that they find enough value to renew after the first year are always our top priorities. I would like to invite anyone attending ABC to consider donating an hour of your time to share your membership experiences with new potential members at the NJBA Business Center Booth. You'll get to talk to new potential members about the benefits of joining. You can sign up by [clicking here](#).

This year is full of amazing events, programs, and opportunities to grow and enhance your business with Shore Builders Association. I'm personally looking forward to working with everyone to further our initiatives, and keep our industry moving forward in 2017.



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A Look AHEAD 2017

by Dr. Kevin Gillen, Senior Research Fellow,
Lindy Institute for Urban Innovation at Drexel University



Dr. Kevin Gillen



Top Questions for the Economy and Housing in 2017. The following questions and answers are excerpts taken from Dr. Gillen's Powerpoint

presentation from our January 19, 2017 Economic Forecast meeting. To download the complete presentation, please [click here](#).

Q1: How much will the economy grow in 2017?

Answer:

In general, NJ has under performed US.
Pre-Recession: 5% and 4% annual growth
Post Recession: 4% and 3% annual growth
For NJ: is 3% the new 4%?

Outlook: tax cuts, tax reform, infrastructure stimulus, energy investment, possible de-regulation are all positive signs.

Q2: How much will jobs grow in 2017?

Answer:

Post-recession, NJ job growth has been less steady than US. Recent dip due to contraction in Atlantic City area.

Outlook: prime working age population is growing, greater labor force participation by millennials as they mature, rebound in energy sector, but outlook for manufacturing is mixed (negative for autos, plus for others).

Wild card: trade policy!

Continued >

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Q3: What will interest rates (and mortgage rates) do in 2017?

Answer:
Interest rates are still near 30-year lows. Recent increase, but still very low by historical standards. Only possible direction is: UP!
But: how much and when?

Outlook: labor market and financial market ended year on high notes, new administration is pro-growth, expectations of continued economic traction. All indicators point towards increases...but how much and when?

Q4: What will housing starts do in 2017?

Answer:
Starts are trending upward, but multi family has exhibited more growth than single-family. Post-recession shift towards renting and urban locations. The ~1.16m starts in 2016 will still be 13th lowest year since 1959. Historic average is 1.5m per year.

Outlook: demographics (i.e. millennials) and economics (growth) favor continued recovery, but will be offset at least partially by higher i-rates and decreased land supply.

Q5: What Will Happen With Foreclosures in 2017?

Answer:
New Jersey's foreclosure rate continues to remain the highest in the country, and has recently trended up. Of the top five counties in NJ with the highest foreclosure rate, four of them are located in South Jersey, with an average foreclosure rate of 1 in every 339 homes. This is well above the statewide average

of 1 in every 597 homes. Is a holdover—hangover? —from the housing bubble: NJ has the longest foreclosure process of any State in the US!

Outlook: Will improve, but will also remain areal obstacle to a full recovery.

Q6: What Will Happen With Inventories in 2017?

Answer:
Inventory down 9.1% YoY and MSI is currently at 4 months. 5-7 MSI is considered a “balanced” market. We are currently in a Seller's Market: Demand>Supply Why? : 1) Conversion of owner-occupied homes to rentals; 2) Many boomers are aging in place and not moving

Outlook: Demographics are against improvement, but market forces favor increase.

Q7: What Will Happen With House Prices in 2017?

Answer:
House prices are recovering, but at a sluggish rate. Pre-recession: 5-7% Post-recession: 3-5% Is 4% the new 6%? NJ is under performing both US and other large metro areas in post-recession period.

Outlook: Low inventory and below-average starts favors further upward pressure on prices, but other fundamentals favor a softening in 2017.

Q8: What Will New Home Sales Do in 2017?

Answer:
New home sales trending upward, but still below historic levels.

Outlook: demographics (i.e. millennials) and momentum favor continued recovery, but face challenges from higher i-rates and decreased land supply.

Economic/Housing Metric	Short-Term	Intermediate-Term	Comments
Economic Growth	👍	???	Pro-growth policies of new administration plus bullishness of financial and housing markets: 2017 growth of 4-5%
Job Growth	👍	???	Although manufacturing and housing will be sluggish, general growth elsewhere will be positive. 2017 will not be as good as 2016, but will still be generally positive.
I-Rates and Mtg. Rates	👎	👎	Historically low rates + economic growth = further hikes. Fed will implement 2-3 hikes in 2017.
Housing Starts	👎	👎	Improvement will continue, but at a modest pace. Demographics and land supply remain problematic. Forecast: 5-10% increase per year for next few years.
Foreclosures	👎	👍	NJ's slow foreclosure process will continue to be an obstacle to recovery, but improvement will continue.
Housing Inventories	👎	👍	Short-term demographics will keep inventories low, but improvements in house prices and foreclosure rate will incentivize many homeowners to sell.
House Prices	👎👍	👍	Increases in 2017, but at a slower pace. 3-5% appreciation in 2017, 4-6% in further years as economy, inventories and demographics improve.
New Home Sales	👎	👍	Continued improvement, but demographics and higher i-rates will be short-term headwinds. 10% increase to ~600k sales.



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Interview with GIOVANNA E. PERGOLA

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Bulletin Board Magazine recently had the pleasure of speaking with Giovanna E. Pergola who is the chairperson of Professional Women in Building Jersey Shore Chapter. The excitement in her voice strongly spoke of empowerment, cooperation, and pride. This effusive conversation left us inspired and ready to be a part of the effort that has touched so many lives in such a short time. Here are her words.

BB: Can you tell us a bit about Professional Women in Building?

GEP: Well, our motto is “Professional Women in Building is dedicated to promoting and supporting all aspects of building and empowering women within the industry.” We received our charter in January of 2016. Since then we have been extremely busy and very active.

BB: Can you tell us about your achievements?

GEP: We are happy to say that we have already won two awards; one for Community Outreach Programs, and we won the 2nd

place award for Innovative Programs. This was an amazing recognition of our efforts, plus we were given money to put towards two scholarships. We now have the wonderful job of coming up with the criteria for each scholarship and of course awarding the scholarships. This was truly exciting for us. It was so empowering to be at the awards table and see so many people from our counsel all around us. We made our mark rather quickly and it was an honor to have that so publicly recognized.

BB: Can you tell us about your message?

GEP: Our message is quite similar to Shore Builders just with a different voice. We have a very strong passion for our philanthropic and educational efforts and that comes through in everything that we do. For example, one of our projects was “Tools for School” with the United Way. We were able to collect school supplies and make backpacks for under privileged children and local families in need. Another example was when we asked our community to bring pet supplies to one of our association events. It was amazing how many people rallied around that. We were able to raise \$1,400 in cash and gift cards as well as 1,100 products

for local animals just by getting the word out. We also participated in National Women’s Build Day and joined forces with Habitat for Humanity. We all took part in the demolition and rebuilding of a deck within the community. What was amazing during this event was how impressed everyone was with how much was accomplished.

BB: How can people get more involved?

GEP: You can join this amazing group by clicking this link.

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Edward P. Rigby, CPA
The Curchin Group, LLC

STATE OF NEW JERSEY Tax Legislative Update For 2017

by Edward P. Rigby, CPA, The Curchin Group, LLC

On October 14, 2016, New Jersey Governor Chris Christie signed into law P.L. 2016, Chapter 57 which included a number of New Jersey tax law changes. In addition to raising the state's petroleum products gross receipts tax, the tax law changes included a reduction in the state's sales tax rate, a phase out of the state's estate tax, and other tax benefits for pension recipients and veterans. The following summarizes the key tax law changes enacted in the October 2016 legislation which impacts New Jersey taxpayers for 2017.

SALES AND USE TAX RATE REDUCTION

New Jersey imposes a state sales tax on retail sales of tangible personal property as well as certain services. The state also imposes a corresponding use tax that applies when a purchaser is not otherwise charged sales tax on taxable products or services (for example, an out of state vendor who sells tangible property to a New Jersey customer and such vendor is not required to register as a sales tax vendor in New Jersey due to lack of business presence or "nexus" in the state). Effective on January 1, 2017, the New Jersey Statute Section 54:32B-3 is amended to reduce the sales (and use tax) tax rate from 7 percent to 6.875 percent. On and after January 1, 2018, the sales tax rate is further reduced to 6.625 percent. The New Jersey Division of Taxation has issued a notice for taxpayers regarding the reduction in the sales tax rates and has updated Form ST-75

Sales Tax Collection Schedule accordingly for the reduced rates. Taxpayers who have been overcharged (retailers using the incorrect higher rate of 7 percent) sales tax may submit a refund claim using Form A-3730.

PHASE OUT OF ESTATE TAX

The New Jersey tax legislative changes increased New Jersey's estate tax exemption from \$675,000 to \$2 million for the estates of decedents dying on or after January 1, 2017, but before January 1, 2018. The New Jersey estate tax will not be imposed on estates of decedents dying on or after January 1, 2018. The New Jersey estate tax is imposed on resident decedents and is not imposed on nonresidents of the state. In addition to the state's estate tax, New Jersey imposes an inheritance tax on the estates of certain resident and nonresident decedents. The law change affected the estate tax only and did not make any changes to the inheritance tax. The inheritance tax is applied to transfers at death of real property and tangible personal property located in New Jersey that was owned by the decedent to certain categories of beneficiaries. Certain categories of beneficiaries such as transfers to a spouse, parent or children are exempt from the tax. Transfers at death to other beneficiaries such as a brother or sister may be subject to the inheritance tax.

Continued >

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For resident decedents, the inheritance tax is also imposed on transfers of intangible property such as corporate stocks and other securities. For resident decedents dying before January 1, 2018, the estate tax would only apply to the extent it exceeded any inheritance tax.

PENSION AND RETIREMENT INCOME EXCLUSION

Current New Jersey gross income tax law allows taxpayers age 62 or older, or disabled, to exclude up to \$20,000 of pension income if joint filers, \$15,000 for single taxpayers, if the taxpayer has gross income for the taxable year of \$100,000 or less. The tax legislative change increases the pension exclusion over a four year period beginning with the 2017 tax year. For 2017, the exclusion amounts are \$40,000 for joint filers, \$30,000 for individual filers, and \$20,000 for married taxpayers filing separately. For 2018, the exclusion amounts are further increased to \$60,000 for joint filers, \$50,000 for individual filers and \$30,000 for married taxpayers filing separately. For 2020, the exclusion amount increases to \$100,000 for married taxpayers filing jointly.

INCREASE TO NEW JERSEY'S EARNED INCOME TAX CREDIT

The New Jersey Earned Income Tax Credit is determined based on the federal earned income tax credit. Prior to 2016, the state provided a refundable earned income tax credit equal to 30 percent of the federal credit amount. The tax law change for New Jersey increases the credit to 35 percent of the federal credit beginning with the 2016 tax year. In general, the federal earned income credit is based on a taxpayer's adjusted gross income (AGI) and earned income.

VETERAN'S PERSONAL EXEMPTION

New Jersey tax law changes for 2017 include a new exemption for veterans up to \$3,000 on their New Jersey individual income tax return.

The exemption is available for all veterans who received honorable discharges or who were released under honorable circumstances from active duty in the Armed Forces of the U.S., a reserve component thereof, or the National Guard of New Jersey in a federal active duty status.

INCREASE IN PETROLEUM PRODUCTS GROSS RECEIPTS TAX

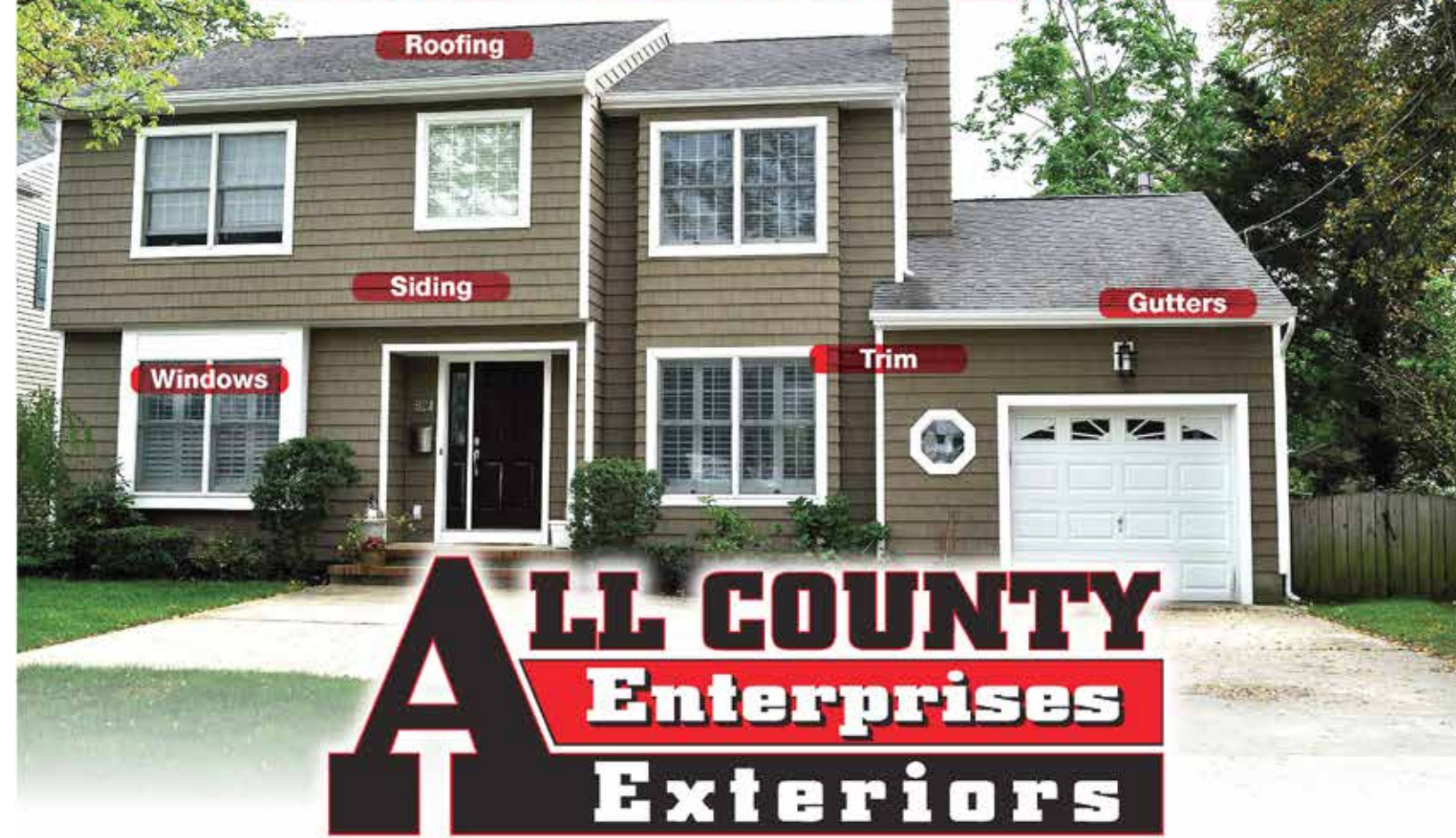
P.L. 2016, Chapter 57 amended the Petroleum Products Gross Receipts Tax Act as part of legislation to support the state's transportation fund. The amendments are effective November 1, 2016. A company that refines and/or distributes highway fuels pays a tax of 12.85 percent on the gross receipts from the first sale of gasoline in New Jersey. The 12.85 percent rate on highway fuel will be converted to a cents-per-gallon rate based on the average retail price per gallon of unleaded regular gasoline in the state and will be adjusted quarterly on July 1, October 1, January 1, and April 1 (the adjusted rates will be reported by the New Jersey Division of Taxation). On November 1, 2016, the tax on gasoline will be 22.6 cents per gallon, plus the additional tax of four cents per gallon. The tax paid by the service station who purchases the gas from the distributor, is passed along as an additional cost to the consumer who purchases gas at the service station. In the case of motor fuels, aviation fuels, and heating fuels (home heating fuels are exempt), the converted tax rate is \$0.04 per gallon. Effective November 1, 2016, companies that refine and/or distribute petroleum products (other than highway fuel and aviation fuel) pay a tax of 7 percent on their gross receipts from the first sale of those products in New Jersey.

Although the state's increase in the petroleum products tax has attracted a great deal of media attention and certainly adds to the cost of transportation for businesses and individual taxpayers, the state's phase out of the estate tax will help the state increase the attractiveness of doing business in New Jersey for business owners. Before the law change, New Jersey's decoupling with the federal estate tax (i.e., the state's conformity with the federal estate tax in effect on December 31, 2001) made New Jersey less competitive from a tax standpoint for attracting business to New Jersey. The phase out of the New Jersey estate tax (but the inheritance tax continues to apply) should help the state in attracting and retaining businesses.

If you have any questions regarding the information discussed in this article, please contact the author, Edward P. Rigby, CPA, The Curchin Group, LLC (732) 747-0500. Ed is a Senior Tax Manager at the firm and has extensive experience advising privately owned companies and business owners on complex business tax matters including mergers and acquisitions of corporations, structuring joint business ventures, and business expansion into new markets, both domestic and international. Also, Ed delivers sophisticated tax planning for companies on day to day operational issues such as capital investment in new business property, manufacturing and construction activities, and investment in research and development.

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Northeast's Largest Building Industry Trade Show **OPENS APRIL 4**

The Northeast's largest building industry trade show is coming to a city near you – Atlantic City, N.J.

The 68th annual Atlantic Builders Convention is scheduled for April 4-6, 2017 at the Golden Nugget and Atlantic City Convention Center in Atlantic City. Hosted by the New Jersey Builders Association, ABC draws approximately 6,500 participants, including residential and commercial builders, developers, remodelers, subcontractors plus a variety of manufacturers, suppliers, and consulting professionals. The convention features hundreds of exhibits showcasing the latest products and services to a large and diverse audience of industry leaders. Attendees gain up-to-date information about

the latest market trends, government policies and technical developments at educational seminars.

In addition, the convention this year will feature a special area on the show floor called the "Green Neighborhood: Your Green Stormwater Infrastructure Resources Center." The area offers builders, contractors, practitioners, and vendors with expertise in green infrastructure an opportunity to show off their products and expertise. The section is a great place for builders and project managers to engage with green infrastructure experts and get free stormwater management advice in rapid-fire consulting sessions.

ABC offers educational opportunities for continuing professional education (CPE) credits which will be available in the following disciplines: AIA - Architects, AICP - Professional Planners, CLE – Attorneys, and CPC - Engineers.

The exhibit floor will be open from 10 a.m. to 4 p.m. April 5 and April 6.

Attendees can take advantage of discounted lodging at the Golden Nugget, Harrah's and the Sheraton. Rates start at \$89. Booth space and sponsorship opportunities are still available.

Visit www.ABCConvention.com or call 609-587-5577 for more information.



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Show at a Glance - Atlantic Builders Convention Conference & Expo: Click here to download a printable copy April 4 – 6, 2017

Tuesday – April 4, 2017

NJBA Annual Board of Directors Meeting & Installation of Officers
 NJBA President's Party – a cocktail party with heavy hors d'oeuvres, stations and open bar
 The "After" Party – the celebration continues with dessert and entertainment

Wednesday – April 5, 2017

AC Convention Center – Registration is Open 9AM – 4PM Registration Open
 Exhibit Show Hours 10AM – 4PM
 Educational Programs ~ (Full or One Day Pass Required)
 NJBA Annual Economic Forecast & Builder Panel
 Booze Cruise and Patio Deck Party ~ (Open to Master Sponsors and Builders Only)
 The "Heaven @ Haven" Club Party ~ (Cover is waived w/ ABC Badge)

Thursday – April 6, 2017

AC Convention Center – Registration is Open 9AM – 4PM Registration Open
 Exhibit Show Hours 10AM – 4PM
 Educational Programs ~ (Full or One Day Pass Required)
 Sales & Marketing Awards Banquet (SAM)

Schedule is tentative and subject to change without notice. Rev. 2.24.17 Click here for event details



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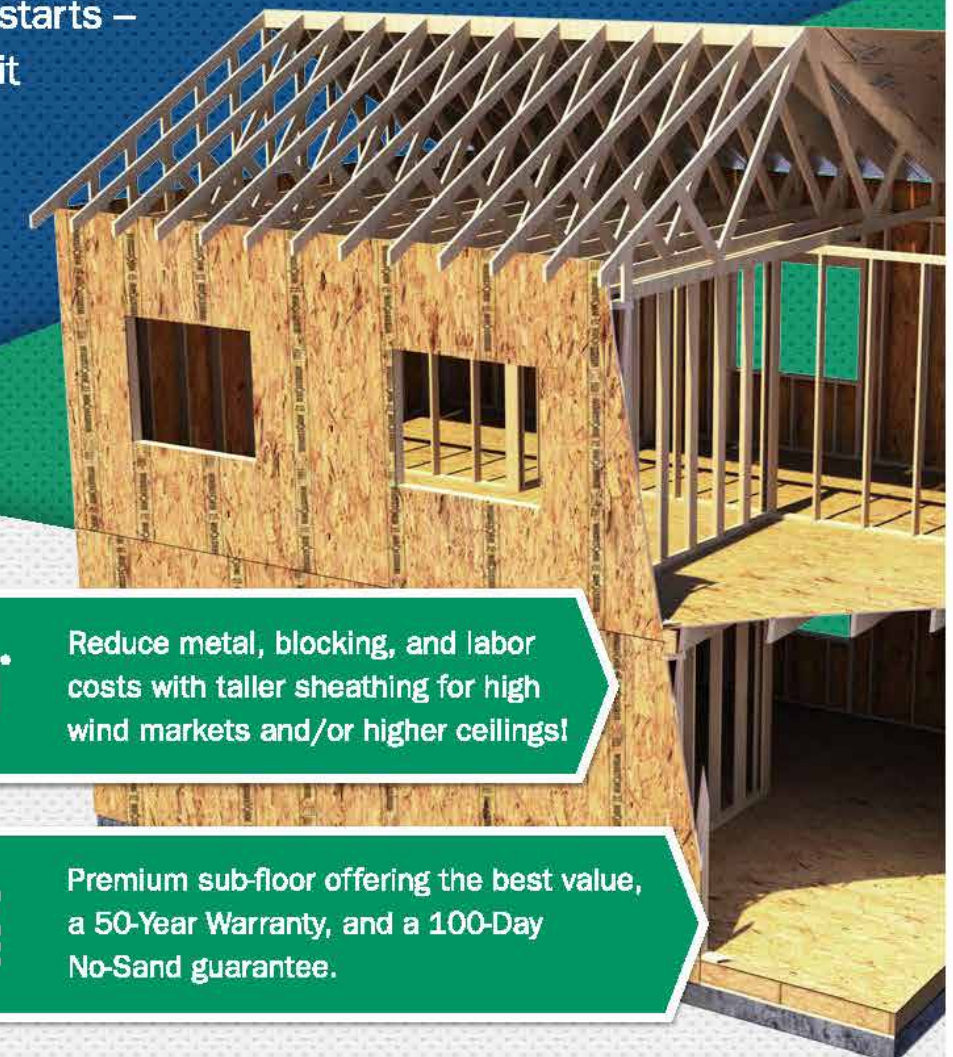
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The Next Generation of Homebuilding Industry Leaders



Our Young Professional Committee, also known as the “Young Guns” is the largest group in the state and one of the largest Young Professional groups in the Country. I want to start by first recognizing one of our founding members, my brother Chris Amato, who was a finalist for the first ever Young Professional of the Year Award last week at the International Builder Show in Orlando. We are proud to recognize his hard work and dedication and to have members like him representing us at the national level. In fact another member of our group, Rich Robinson is now the Vice Chair of the Young Professional Committee at the National Association of Home Builders.

The Young Guns committee at Shore was founded three years ago and from the beginning it has been our mission to focus on the local issues affecting our builders and associates. There are three main projects that the committee has been focused on up to this point.

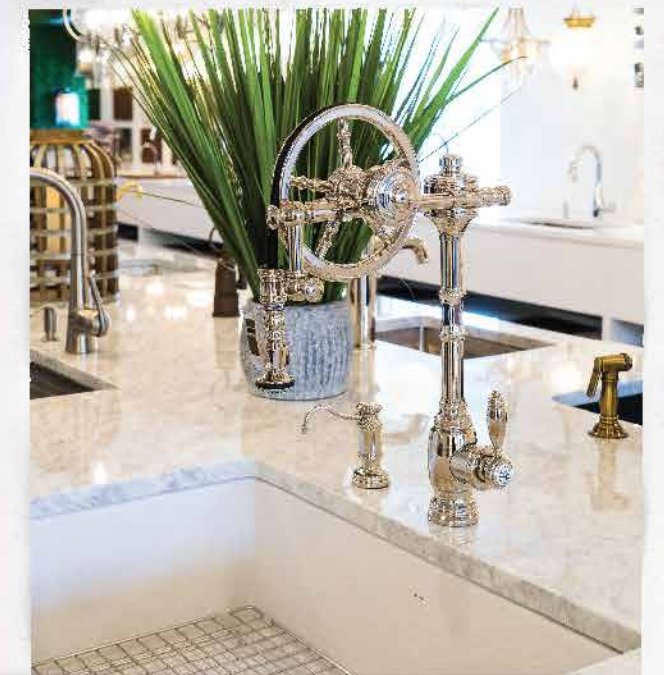
First, We have had two very successful LOCAL PAC fundraisers at the Asbury Pinball Museum. The monies raised at those events stays with the Shore PAC to be used for local issues and candidates that Shore Builders chooses to support.

Second, our group will be hosting a panel discussion on Millennial Home buying with a focus on new construction. Our goal is to increase awareness of Shore Builders within the general public, as well as to provide a forum for educating millennials on the home buying process and to answer their questions. This event will be on April 27th in the evening at the Jumping Brook County Club in Neptune. More information on this event will be available in the near future.

Third, and I believe the most important project we are working on for the future of builder membership in the association, is a builder designation allowing builders members to

distinguish themselves. We seek to create a program that will recognize these designated builders and their commitment to education, investment in the association, and dedication to ethical practices for our industry and to benefit from shared marketing and promotion. This project is long term initiative and we will have more information on it in the coming months.

The Young Guns also hosts Happy Hour Events and informal gatherings on a regular basis to encourage networking and grow the friendships we have with fellow members at Shore. We are looking forward to another great year as a committee in 2017.



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Michael J. Gross is a Partner and Chair, Steven M. Dalton is a Partner of Giordano, Halleran & Ciesla, P.C., Red Bank



Michael Gross



Steve Dalton

“GAP PERIOD” COUNTS IN CALCULATING MUNICIPAL FAIR SHARE OBLIGATION

In a victory for developers and affordable housing proponents, the New Jersey Supreme Court in a January 2017 decision held that municipalities have an obligation to satisfy unmet affordable housing obligations arising from 1999 through 2015, the so-called “gap period.” The Court held that “the need of presently existing low- and moderate-income households formed during the gap period must be captured and included in setting affordable housing obligations for towns...” as there is no basis “that supports disregarding the constitutional obligation to address pent-up affordable housing need for low and moderate income households” that formed during the gap period.

This gap-period need will be captured in a redefined “present need,” which previously only included the calculation of overcrowded and deficient housing units but was expanded by the Court to include the gap-period need component. A contrary result would have inequitably allowed municipalities to write-off affordable housing units that were not previously addressed due to passage of time. Further developments are possible, as the Court welcomed legislative or executive action. Until then, the gap-period will need to be addressed in municipal affordable housing plans.

BUILDERS REMEDY LITIGATION – “TIME OF FILING” RULE

Hollyview Dev. Corp. v. Upper Deerfield

Developers pursuing builders remedy suits under the Mount Laurel doctrine should take care to actively pursue such actions if they intend to take advantage of benefits of the “time of filing” rule. The “time of filing” rule, recognized by earlier decisions, provides that courts will look to the zoning ordinances in effect at the time the developer initially filed its lawsuit, and disregard subsequent municipal actions to achieve compliance after the lawsuit was filed, in evaluating whether a municipality is compliant with its affordable housing obligations.

In an unpublished 2016 decision, the Appellate Division rejected the automatic application of the time of filing rule, and instead looked at the particular facts of the case to determine that application of the time of filing rule was

inappropriate. The builders remedy suit was filed in 1998 and the developer apparently did little to actively pursue the case. Hollyview filed a motion for summary judgment in 2013, claiming that the Township was not compliant with its affordable housing obligations when the case was filed in 1998. The Township argued it took various actions since 1998 to provide for affordable housing and that its actions were not a result of the Hollyview suit. The court stressed the time-of-filing rule is appropriately applied when a municipality takes action to comply with its affordable housing obligations in direct response to a developers suit. However, where a developer “sits on its hands”, and cannot demonstrate that municipal action was taken in response to its suit, the court would not apply the time of filing rule. The court noted the builders remedy is “a reward for the plaintiff who has endured intensive litigation and succeeded in vindicating the Mount Laurel right in the interest of the public.” Given the 15 year delay in the present matter, to court concluded that evaluation of the Township’s compliance with affordable housing obligations should be conducted under the time of decision rule, rather than at the time of filing of the suit.

Hollyview, though not precedential, is instructive on the handling of builders remedy suits and likely will be used by municipalities and builders remedy opponents to argue against automatic application of the time-of-filing rule.

WHEN IT COMES TO REMEDIATION, ALMOST IS NOT GOOD ENOUGH

NJDEP vs. Hood Finishing Products, Inc.

There are times when partial compliance with regulatory requirements is sufficient to establish good faith and avoid an enforcement action and the penalties that often go hand-in-hand with enforcement. Such is not always the case, however, in the context of remedial actions under the New Jersey Department of Environmental Protection (“DEP”) Site Remediation Program. In an unpublished decision captioned NJDEP vs. Hood Finishing Products, Inc., the Court upheld a \$40,500 penalty assessment against Hood Finishing, which took certain steps to comply with remediation obligations under the Industrial Site Recovery Act (“ISRA”) through a filing of a General Information Notice (“GIN”), but failed for nearly 10 years to implement and complete remediation at the site that was the subject of the ISRA case after it ceased its leasehold operations.

ISRA requires notification of the closure of an industrial establishment and completion of remediation as a condition of closing. Environmental remedial statutes, including ISRA, impose joint and several liability on property owners and their tenant operators. In a landlord/tenant scenario, both parties are responsible to the State for ISRA compliance, though parties may seek a determination of responsibility from DEP and DEP will look to the parties’ lease documents to assign primary responsibility. Here, Hood ceased operations and claims to have filed the GIN with DEP in 2003, but did nothing else. The property owner, Berry-Somerset, LLC, notified DEP of the tenant’s cessation of operations by filing a GIN and Preliminary Assessment report in 2004. Berry-Somerset later sold the property without having completed remediation to address environmental conditions that existed.

In response to a petition filed by the purchaser of the property in 2011, DEP determined that Hood and Berry-Somerset were jointly and severally liable, though Hood was primarily responsible for discharges that occurred during its period of operation, and the enforcement action and penalty assessment that was the subject of the court’s decision was only assessed against the former tenant operator, Hood Finishing. Hood later hired an LSRP and conducted remediation in 2013, but its late compliance efforts were not enough to avoid enforcement and the penalty assessment.

This decision demonstrates the importance for parties engaged in industrial operations to take timely action to assure that ISRA is complied with to avoid added costs associated with enforcement actions for failure to timely comply. Property owners with tenant operators who are subject to ISRA or who engage in uses that may have some environmental concerns, but whose operations are not subject to ISRA, should ensure that their lease documents clearly establish responsibility for compliance with ISRA and/or addressing environmental concerns. Landlords should implement protocols and measures in their lease documents to ensure environmental compliance by tenant operators in a timely manner, and establish rights to take independent action and recovery costs from the tenant operator if the land owner must take independent action to address environmental concerns. Developers acquiring parcels with current or prior industrial operations should carefully evaluate ISRA compliance during the due diligence process.

WQMP

DEP adopted amendments to its Water Quality Management Planning (“WQMP”) rules on October 6, 2016, effective November 7, 2016. The amended rules re-establish DEP’s authority to grant amendments of County Water Quality Management Plans and Wastewater Management

Plans on a site specific basis and eliminate provisions of the 2008 version of the rules that mandated the withdrawal of wastewater services areas if the county or municipality with planning authority failed to submit or update water quality / wastewater management plans by required regulatory timeframes. Under DEP’s 2008 WQMP rules, site specific amendments could not be processed if the applicable water quality / wastewater management plan was not current. Subsequent legislation allowed site specific amendments to be processed provided the applicable planning agency adopted or updated a wastewater service area map. That concern is eliminated under the current rules, and interested parties may seek and obtain site specific amendments on a project specific basis.

The amended rules include provisions for habitat suitability determinations (“HSD”) and habitat impact assessments (“HIA”). HSD’s allow an applicant to demonstrate that the exclusion of land from a sewer service area based on designation as an environmentally sensitive area because of designation as threatened or endangered species habitat was erroneous, and the land in question should be included in the sewer service area. The HIA process gives an applicant a mechanism to demonstrate the proposed project will avoid or appropriately minimize or mitigate impacts to protected species habitat, and to include the site in the sewer service area notwithstanding the existence of such habitat. These regulatory provisions will no doubt prove to be useful tools in addressing sewer service for proposed projects given the prevalence of protected species habitat mapped throughout the State under DEP’s Landscape Project mapping.



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INAUGURAL NJBA YOUNG PROFESSIONALS EVENT raises over \$5700 for Leukemia & Lymphoma Society

Georgette Kyriacou, Director of Engineering Consulting at FWH Associates

On Friday, February 24th, over 160 young professionals and building industry leaders met at the Beach Haus Brewery, Belmar, NJ, for an inaugural networking seminar hosted by the newly-formed New Jersey Builders Association (NJBA) Young Professionals Council. Among those in attendance were National Association of Home Builders (NAHB) 3rd Vice Chair Dean Mon, NJBA President Dwight Wesley Pittenger, Esq., and NJBA Officers Michael T. Kurpiel and Corey T. Wescoe. The event raised over \$5700 for the Leukemia and Lymphoma Society.

The seminar portion of the event featured Brian Smiga, founder of TEDx Navesink, who spoke to the young professionals in the audience about the importance of building and cultivating relationships in the industry. Mr. Smiga then moderated a panel of building industry stalwarts Arvo Prima, President of Pr1ma Builders; Anthony Rocco, Division President of Toll Brothers; and Steve Schlageter, Division President of Pulte Homes who shared personal career lessons and best practices.

Georgette Kyriacou, Chair of the NJBA Young Professionals Council, opened the event with a presentation on initiating deeper connections at networking events and encouraged attendees to begin building a network early in their careers. Christopher Amato of CMM Construction concluded the program with a discussion focused on the important role that the Shore Builders Association, NJBA, and NAHB have played in growing his network and industry knowledge. He encouraged all the young professionals in the room to get involved with their local, state, or the national association to help in both their personal and professional growth.

For those in the building industry who are interested in attending the TEDxNavesink IDENTITY talk with Brian Smiga, the event will be held in Asbury Park on Saturday, May 20, 2017. NJBA members are welcome to use code NJBA17 for a discount on their ticket.

For more event photos check out [\[NJBA_YP_BridgingTheGapSeminar_Photos\]](#)



Panelists:

- Arvo Prima, President
Pr1ma Builders
- Anthony Rocco, Division President,
Toll Brothers
- Steve Schlageter, Division President,
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Congratulations to all of the industry award winners!

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- ❑ **ASSOCIATE MEMBERS:** This committee works for the betterment of all associate members. This committee is responsible for the BEAM (Builders Employing Associate Members) Award as well as the SBACNJ and NJBA Associate of the Quarter nominations.
- ❑ **BY-LAWS, POLICIES, PROCEDURES & ETHICS:** This committee has been formed to review and update the SBACNJ bylaws, when necessary, as well as set policy for the betterment of the Association.
- ❑ **GOLF CLASSIC:** This committee meets 6 times per year, beginning in February, to plan the SBACNJ Annual Golf Outing. As a committee member it is important to be available the day of the outing to work as an event volunteer.
- ❑ **LEGAL/LEGISLATIVE & ENVIRONMENTAL:** This committee interfaces with local and state municipalities to maintain good relations, provide exchange information flow, and oppose adverse government regulations on the building industry in Monmouth, Ocean, Middlesex and Mercer Counties. The committee considers challenging ordinances, practices, and policies of municipalities which are harmful to SBACNJ members.
- ❑ **MEMBERSHIP SERVICES AND PROGRAMS:** This committee recruits new members, screen prospective applicants, retains current members as well as conducts new member orientation and special membership drives.
- ❑ **SALES & MARKETING:** This committee promotes professionalism in sales and marketing and further educates the members on the latest ideas available to Builder and Associate members. This committee also plans the Annual FAME (Fabulous Achievement in Marketing Excellence) Awards Banquet. The committee keeps industry views before the public and creates a better public image of the Association and the role it plays in the community.
- ❑ **MARTELL'S:** This committee promotes professionalism in responsible for setting up and running the Builder Dune Buggy Race the evening of Martell's BBQ on the beach. As a committee member it is important to be available the day of the event.
- ❑ **YOUNG PROFESSIONALS:** This committee promotes participation and increases opportunities for young professionals in the building industry by developing interesting programs that provide a forum for networking, continuing education, professional growth, development of leadership skills and access to a professional community.
- ❑ **PROFESSIONAL WOMEN IN BUILDING COUNCIL:** This council is recognized and chartered by NAHB and is dedicated to promoting, enhancing, and supporting home building and women in the home building industry. This council is open to all member companies and their employees. There is a fee of \$50 per member to join the council and is open to men as well.

If you are interested in joining one of the committees or being a member of the Professional Women in Building Council, please contact the SBACNJ Office in Lakewood at 732-364-2828.

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www.njng.com

FAME Awards Recap

by Marge Karahuta

It was another exciting FAME Awards, held on March 2nd at the South Gate Manor in Freehold. With close to 300 industry professionals in attendance, the night was a true celebration of Builders and Associates working together to achieve greatness in sales & marketing.

We would like to highlight a few of the night's winners. Giovanna E. Pergola was this year's recipient of the Outstanding Achievement Award. This is the highest award that an associate can receive and is awarded to a member who goes above and beyond for the association. Giovanna is one of those members whose energy and enthusiasm for the association is endless. She serves on numerous committees and was instrumental in the coordination and charter of the Professional Women in Building of the Garden State. She is the current chair of the NJBA Sales & Marketing Committee and a member of the Atlantic Builders Convention Committee. Congratulations Giovanna!

In addition, we would like to congratulate our individual award winners Ken DeMayo of Walters Homes, Director/VP of Construction of the Year; Jon Parker of Walters Homes, Project Superintendent of the Year; and Sales Team of the Year Matthew-Gaudet Walters, Austin Bocchicchio, & Marissa Grill of Walters Homes.

And Congratulations to the Community of the Year Grand Award Winners: Best Single Family Detached Community Under 30 Homes – K. Hovnanian Homes Tanglewood Estates at Chapel Hill, Best Adult Condo Community –Walters Homes Cornerstone at Barnegat.

Take a look at the complete list of winners in FAME Book of Winners right here.

We would like to thank everyone who entered for awards and attended FAME. Without our sponsors we could not have had such a successful evening, so we would like to once again thank the following companies for their generous support of the FAME Awards:

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We look forward to seeing everyone again next year!



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Shore Builders Members Rock IBS!

Shore Builders Members ROCK IBS!



Shore Builders Congratulates Dean Mon

We would like to extend a huge congratulations to Dean Mon on being elected at IBS to 2017 Third Vice Chair NAHB.

[Read all about it here.](#)



YP Members Rock IBS!

We're so excited that our members were recognized at the NAHB First Annual Young Professionals Award Ceremony. Congratulations to the region A winner Rob Fallone and finalist Chris Amato. Thank you to Rich Robinson for all your hard work with the NAHB Young Professionals Committee.



Shore's PWB Council Receives Awards at IBS

Shore's PWB Council Receives Awards at IBS

Congratulations to our PWB Council on their awards for Innovative Programs & Community Outreach at the IBS PWB Awards Luncheon today!

We are so honored to be recognized!

"THE PASSION OF AN INDUSTRY"

By Michael Kurpiel, CGA, CGP
Business Development & Industry Relations Manager
Universal Supply Company



Michael Kurpiel, CGA, CGP
Business Development &
Industry Relations Manager

We are not democrats. We are not republicans. We are "housers." In order for you to fully grasp the benefit of building industry check your overall political views at the door before you enter. Understanding your legislator's political views, and how they mesh with yours, confirms that he or she has your values in their hearts. Think about these next two questions for a few minutes; what if they didn't have your business, your career, your livelihood in their heart? Suppose you deeply believe in what your incumbent or candidate stands for but you are struggling to keep solvent?

There are quite a few passions one can have but if you are constantly and consistently "looking for business" from your membership, if nothing that was written previously has swayed you, then the one thing you can be passionate about is your job. There is no arguing this point; legislators make law and those laws can alter, redirect or dramatically change the building industry path.

The term "houser" has been utilized quite often to describe a legislator, state or federal, that has the good sense to understand the importance of a healthy home building industry. They don't always side with the HBA's point of view but they support the HBA's position a major portion of the time. These men and women gain our friendship because friends care.

If you're looking on a return on investment, what better return than business opportunities? Does that bring out the passion in you?

I can tell you one thing's for certain and that is that the builder members are very passionate about the politics that will either harm or grow their business. Associates who directly do business with builders are just as passionate about "housers." There are quite a few associates that have services or products that are for both builder and associate use. If it affects builders it will affect associates. If it affects both builder and associate it will affect those "indirect" associates as well. The passion of the building industry is the passion of earning a living; establishing a better way of life and having that living help provide men, women and children with shelter. Food, clothing and shelter are the three most needed necessities in life. The home building and remodeling industry is a noble industry. It builds quality shelter and improves later on that shelter. Most fond memories come from your home, either growing up or later in life. Not only does building create shelter, it helps provide the structure for memories.



If having a career and knowing what you do contributes to providing shelter and the memory making process doesn't make you feel like you are doing something special, it should. That's where your personal passion and advocacy passion blend to form the industry passion. Having that passion within you can give you more clarity to how you can maximize your HBA investment.

What steps can you take to become more engaged in the political arena? Start by investing financially in the political process. No, a second mortgage is not needed but something as little as \$3 a week can have you investing in the process. Attending a committee that discusses proposed legislation can give you valuable insight to where your state or nation's capitol may be heading with your income. Attending a legislative day with your HBA is a great way to talk with legislators and let them know how the proposed bill, or bills, may affect you. Politicians understand the power of passion and how that passion can rally potential "obstacles" or "easier path" to becoming elected or re-elected.

I can get into the specifics on how the process structurally works but it would be best for you to speak to your local or state president/executive officer and find the path that they have decided is best.

The only way you can know for sure is by having a little passion for continuing to earn a living in this industry.

Of course once you have checked your personal politics at the door on the way in.



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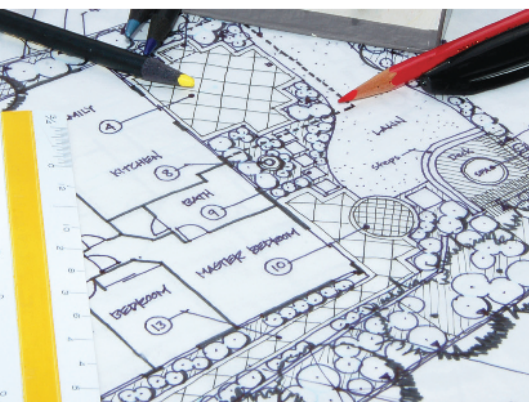
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National News



BUILDING SUCCESS with Happy Home Owners

Happy home owners are the No. 1 referral source for home builders and remodelers. Companies that forget to keep that top of mind are in for a bumpy ride, presenter Ed Earl of Priority One Projects told attendees at an educational session during the 2017 NAHB International Builders's Show.

"Quality construction does not guarantee a happy home owner, because your home owner is going to focus on the construction process rather than the final product," Earl said. "The home owner is part of the project, and [he or she] is the best source of your new business."

We need to communicate effectively and make sure to manage expectations, Earl said.

EXPECTATIONS

It does not matter how many DIY cable shows the average home owner watches, or maybe because of them, the average home owner "doesn't understand construction on a fundamental level. They don't understand it's a process. You can't go and buy a kitchen in a box from Amazon," he said.

Continually managing customers' expectations and ensuring they understand the meaning and impact of change orders will save them a lot of heartache and bad feelings, he said.

“The home owner is part of the project, and [he or she] is the best source of your new business.”

COMMUNICATION

Learn each customer's communication preferences, including which channels and how often. Sometimes it's one long email at the end of the day, or a series of texts throughout the day, and for others it's speaking by phone. Make sure you find a method that works for the customer.

No matter what the form of communication, document everything. "A group text is great for a lot of conversations and a way to get husbands and wives on the same page, but make sure you get a screenshot of the conversation and put it in your records," He said. Investing in a cloud-based construction management system is a great customer service tool because your home owner can log in and see the progress, view photos and see what's on the schedule. Audio recordings of IBS education sessions, like Building Happy Home Owners, can be purchased on nahb.org.



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SHORE BUILDERS
Association of Central NJ, Inc.

2017 CALENDAR OF EVENTS

April 5-6 Annual FAME Awards – 6pm
Atlantic City

May 10 General Membership Meeting – 6pm
General Plumbing Supply Showroom, Lakewood

June 19 Annual Golf Outing – 1:15 Shotgun Start
Jumping Brook Country Club

July 20 Annual BBQ on the Beach & Builder Dune Buggy Race
Martel's Tiki Bar, Pt. Pleasant Beach

*August 2017 Local BPAC Fundraiser – 6—8pm
Silverball Pinball Museum, Asbury Park

September 13 General Membership Meeting—6pm
Jumping Brook Country Club, Neptune

*October 11, 2017 General Membership Meeting
To Be Determined

November 8, 2017 General Membership Meeting—6pm
Ferguson Showroom, Lakewood

*December 6, 2017 Annual Installation & Holiday Party – 6pm
To Be Determined

*Date and location is subject to change.

A Recipe for MEMBERSHIP SUCCESS

by Suzzane Kronenfeld, Gloria Nilson & Co. Real Estate



Suzzane Kronenfeld

how do I get started? Like any venture, you'll get out of it what you put into it. If you've chosen a career within the homebuilding industry, the HBA will provide you with the opportunity to meet like-minded building professionals.

Ingredients

One of the first ingredients to make this recipe a success is to join a committee. What is your passion: Sales and Marketing, Membership/Associates, Legal Legislative, Young Professionals Group or Professional Women in Building (which by the way is not for women only!) Want to have fun and love to golf? Then the Golf Committee is waiting for you. Be mindful of the time commitment so you can fit the meetings into your schedule and avoid burnout. Joining a committee helps you expand your networking and also have others see you in a leadership light.

Don't forget to add in monthly general membership meetings and events...

Mix and Mingle

Attend your general membership meetings. Remember you only have once chance to make a first impression. Network, meet people, engage in conversation, learn about others and have others learn about you. Make sure you have honed your "elevator" speech. Networking opens up the world to you

Prep Time

Congratulations on becoming a member of Shore Builders you've taken the first step to a successful membership! How much time is needed to make the most of my membership and

and that's where business takes hold. The success of networking doesn't come from the "sale", it comes from the continuity of the relationship.

Servings

You have a three in one membership at Shore Builders (local) which includes membership at the New Jersey Builders Association (state) and the National Association of Home Builders (national). You have at your disposal a vast supply of fellow members who are looking to network as well as a wealth of information about representation/advocacy, publications and information, technical assistance for industry related issues as well as leadership opportunities.

Directions

New members will be introduced at the first meeting they attend. You will have a "New Member" ribbon attached to your name tag. Talk to as many people as you can. You never know who they know and can introduce you do. And don't be shy-everyone was "new" at one time! Looking forward to meeting all of you!

Yield

Mix all of these ingredients together to yield a successful membership with many years of enjoyment, participation and growth at Shore Builders

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