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From: NJLM - Municipal Clerks [mailto:njlm-clerks@cityconnections.com]

Sent: Tuesday, June 23, 2009 11:44 AM

To: Lashway, Lisa

Subject: From NJLM - Two Issues

LEAGUE ALERT

Municipal Clerk: Please forward to Mayor and Governing Body.

June 23, 2009

Re: I Newly Updated Publications

Re: II Supreme Court Rules that Curbside
Trash Collection by Municipality for
Apartment Complex is Not Sufficient

Don't Wait! Get Both Newly Updated Publications

Economic Development Primer – 3rd Edition

NJLM has compiled this 3rd Edition to continue providing an updated informational, comprehensive resource to NJ municipalities in sustaining and building their economic base.

2007 Newly Elected Officials Handbook

Provides the basic information which should prove to be useful to elected officials. It contains a directory of League services, a guide to Titles 40 and 40A of the New Jersey Statutes Annotated.

**Please Send This Form Along With Your Voucher, Purchase Order or
Check To:**

222 West State Street – Trenton, NJ 08608

Attention: Becky Wright

<i>Publication</i>	<i>Member Rate</i>	<i>Non-Member Rate</i>	<i># of Books Ordered</i>
Economic Development Primer (3rd Edition)	\$40.00	\$70.00	
2007 – Newly Elected Officials Handbook	\$15.00	\$20.00	

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Thank you for your order. Please direct orders and inquiries to Becky Wright, (609) 695-3481 (ext. 110) at the League Office. Fax # (609) 695-0151.

Note: ONLY municipalities in the State of New Jersey that are dues-paying members of the League may take advantage of the Member Rate.

Re: II. Supreme Court Rules that Curbside Trash Collection by Municipality for Apartment Complex is Not Sufficient

Dear Mayor:

The New Jersey Supreme Court reversed the holding of the Appellate Division today in the case of *Berk-Cohen Associates at Rustic Village, LLC v Town of Clayton* concerning the obligation of a municipality to pick up (or pay for) the collection of trash in an apartment complex.

In this case the town offered the apartment complex the same service offered to other residents as fixed by ordinance, i.e., curbside collection in standard containers on a weekly basis. The apartments rejected that option as inconvenient and unsanitary and sued to collect reimbursement for its contract for dumpster collection.

The Appellate Division ruled in favor of the Town and held that offering the apartments the same form and frequency of trash collection provided to other residential properties was all that was required of the municipality. However, the Supreme Court disagreed and held that, in this situation, reimbursement by the municipality for the dumpster collection used by the complex was necessary under the law.

If you have any questions or concerns about this communication, please contact Deborah M. Kole, staff attorney, at the League, ex. 137, or at dkole@njslom.com The weblink for the decision is: <http://www.judiciary.state.nj.us/opinions/index.htm>

Very truly yours,

William G. Dressel, Jr.
Executive Director

NJLM
222 West State Street
Trenton, NJ 08608