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March 19, 2021

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Municipal Clerks: Please forward to your Mayor, Governing Body and Department Heads.

To assist in providing guidance and information we have created a [COVID-19 resource page](#). We will continue to update the page as we get pertinent information and include announcements in our Daily Updates.

I. State Issues

a. COVID-19 Weekly Update

This week the Governor noted that Thursday marked one year since the closure of schools and the transition to all-remote learning. During his remarks the Governor stated that, "Come September, it is our complete expectation that every school will be open, and every student and educator will be safely in their classrooms for full time, in-person instruction for the 2021-2022 academic year."

As a reminder, today the limits on indoor and outdoor gatherings as well as indoor capacity limits for restaurants, gyms, health clubs, recreation facilities, and personal care businesses have increased.

COVID Data

For March 19, 2021:

- 3,738 new positive cases for a total of 758,470 confirmed cases
- 27 new confirmed deaths for a total of 21,588 confirmed deaths
- The rate of transmission is at 1.06
- 890 cases linked to 188 school outbreaks since August
- 3,303,734 vaccine doses have been administered, including 2,201,788 first doses and 1,100,974 second doses. 50% have been Moderna, 48% Pfizer, and 2% J&J.

Vaccine Information

The Governor noted that on Monday the state has crossed the threshold of 3 million vaccinations with 1.1 million people who are now fully vaccinated, either because they receive their second dose of these vaccines, or because they have received their single dose of the Johnson & Johnson vaccine. The state is roughly at 45% of the initial goal to have 70% of New Jersey adult population vaccinated.

It was also announced that CVS, Walgreens, and Rite Aid are each reserving appointments for and prioritizing educators and childcare workers. The State has also set aside a minimum of 10,000 doses each week for seniors aged 65 and older with Walmart. The State's call center has been reaching out to seniors on the waiting list to help them make an appointment.

The State hotline 855-568-0545 continues to assist residents, with live agents from 8:00 a.m. to 8:00 p.m., in getting information on how to register, as well as how to schedule vaccine appointments as people become eligible. The agents remind residents that there is no out of pocket expense to get vaccinated and that the two vaccines are not interchangeable.

The State continues to encourage the general public to [pre-register for eligibility for the vaccine online](#). Individuals will be permitted to input their personal, contact, health insurance, and demographic information. Those who are immediately eligible based on screening questions will be able to schedule an appointment.

Executive Orders

[Executive Order 231](#): Extending the public health emergency by an additional 30 days.

[Executive Order 232](#): Permitting outdoor interstate youth sports competitions as well as allowing school-based club and recreational programs to host outdoor interstate youth sports competitions outside of New Jersey. Attendees at outdoor sports competitions will be limited to players, coaches, and officials and up to two parents or guardians per participating athlete. No additional spectators or attendees will be allowed.

Unemployment Information

The Department of Labor announced for the week ending March 13 the [initial weekly unemployment claims](#) increased by 402 to 10,242 for the week. As part of the American Rescue Plan unemployment federal benefits have been extended through September 4 and the \$300 weekly supplemental unemployment benefit will continue.

Contact: Lori Buckelew, Assistant Executive Director, lbuckelew@njlm.org, 609-695-3481

x112.

b. Legislation Advancing Creating a Local Part of PERS

Senate President Sweeney has introduced legislation ([S-3522](#)) that would divide the Public Employees' Retirement System (PERS) into two parts. A State Part for State employees and a Local Part for all other employees. The Senate President has indicated that he is advancing this legislation as a mean of protecting the local part of the PERS from being co-mingled with the State.

The legislation creates a seven-member board comprised of three management representatives, three labor representatives, and one member determined by the board. The board would operate the retirement system and direct policies and investments to achieve and maintain the full funding. This legislation is similar to the legislation that separated the Police and Fire Retirement System except for the control of investments and that management has an equal representation on the board. The board representation and other changes were made at our request to an earlier draft of the bill.

The Local Part PERS Board would be given the authority to formulate and establish, amend, modify, or repeal, such policies as it may deem necessary and proper to govern the methods, practices, or procedures for investment, reinvestment, purchase, sale, or exchange transactions to be followed by the Division of Investments.

We have been working with Senate President's office along with New Jersey Association of Counties (NJAC), New Jersey Municipal Managers Association (NJMMA), and Government Finance Officers Association of New Jersey (GFOA) on this legislation. Senate President Sweeney incorporated many of our suggestions in the proposed legislation. The Legislation has been introduced and is before the Senate State Government Committee on Monday.

Please consider adopting the [sample resolution](#) expressing support and reach out to your Senator and Assembly representatives urging them to support this legislation to preserve the structure and integrity of the more solvent local part of the PERS.

Contact: Lori Buckelew, Assistant Executive Director, lbuckelew@njlm.org, 609-695-3481 x112.

c. Cannabis Briefing Available

On Thursday, March 18 we held a second free briefing on the new Cannabis law. The briefing is now available for you to [view](#). For more information and resources on the new cannabis legislation please visit the League's [cannabis resource page](#).

Contacts:

- Lori Buckelew, Assistant Executive Director, lbuckelew@njlm.org, 609-695-3481, x112.
- Frank Marshall, Esq., Associate General Counsel, fmarshall@njlm.org, 609-695-3481, x137.

d. Legislature Introduces Bills to Appropriate CARES Act Money to

Economic Development Authority

New Jersey Legislators have proposed four bills that appropriate moneys in the current fiscal year from the Federal Coronavirus Aid, Relief and Economic Security (CARES) Act to the NJ Economic Development Authority (EDA) to support arts and culture, microbusinesses, restaurants, and food shelters throughout the public health crisis.

Read more about it in the [League's recent blog post](#).

Contact: Paul Penna, Legislative Analyst, ppenna@njlm.org, 609 695-3481, x110.

e. NJ Supreme Court Declines to Hear Case Regarding OPMA Challenge

The New Jersey Supreme Court denied certification in [Schwartz v. Princeton Board of Education](#) this week a case in which the League participated in as *amicus* in partnership with the NJ School Boards Association. This case involved a challenge to the use of an electronic voting system at a public body's meeting and whether such use violated the Open Public Meetings Act (OPMA). In denying certification, the Court upholds the favorable decision from the Appellate Division which found no violation of OPMA. For more details on this case please see the League's [recent blog post](#).

Contact: Frank Marshall, Esq., Associate General Counsel, fmarshall@njlm.org, 609-695-3481, x137.

f. Legislation Seeks to Create Special Needs Registry for Emergencies

On March 17, the Assembly Homeland Security and State Preparedness Committee took testimony on [A-1173](#) but did not release the bill. The League supports this legislation as it would require the Office of Emergency Telecommunications Services in the Office of Information Technology to establish a central registry of residents with special needs who require additional assistance during emergencies. The Registry would be voluntary for special needs residents.

The registry would not be disclosable under the Open Public Records Act (OPRA), and would provide local emergency response agencies with access to the information in order to attain a list of residents with special needs that have registered with the central registry and that reside in the agency's jurisdiction. Those agencies could then use the information collected for the central registry to assist residents with special needs when responding to 9-1-1 calls and other emergencies.

Contact: Andrew LaFevre, Legislative Analyst, alafevre@njlm.org, 609-695-3481, x116.

g. Committee Approves Bill Exempting Certain Housing from Zoning

Legislation ([A-3326](#)) which would allow hospitals to construct, rehabilitate or remediate housing, in order to provide wrap-around services for individuals who are homeless or housing insecure was recently approved by an Assembly Committee. While efforts to house and provide health care to the homeless are laudable, A-3326 would also provide an unnecessarily broad exemption to local zoning and land use regulations – which could all development of housing in unsuitable location, putting the health and safety of our communities at risk. Because of this the League opposes this bill, as currently drafted.

The League has, however, been in contact with the bill's sponsors to express these concerns and offer alternative solutions. We are hopeful that these concerns will be considered and amendments can be made to ensure the health and safety of our communities. For more information please see the League's [recent blog post](#).

Contact: Frank Marshall, Esq., Associate General Counsel, fmarshall@njlm.org, 609-695-3481, x137.

h. Recap of Legislative Actions: Week of March 14

During the week, various Assembly and Senate committees held hearings and considered numerous pieces of legislation this week. Please see our recent [blog post](#) providing a recap of the municipal issues considered by the legislature this week.

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II. Federal Issues

a. The House Announces Federal Community Projects Process

The House Appropriations Chair Rep. Rosa DeLauro [announced that they will be accepting Members of Congress' requests for Community Project Funding](#) in appropriations bills for the upcoming 2022 fiscal year. This announcement is the first move in the 117th Congress to open up the process for the reincarnated Congressional "earmark" funding process.

Additionally, the House Committee on Transportation and Infrastructure Committee Chair Peter DeFazio (D-OR) and Chair of the Subcommittee on Highways and Transit Eleanor Holmes Norton (D-DC) [announced the Committee will provide an opportunity](#) for Members of Congress to submit requests for highway and transit project designations under a new formal process. Project submissions will likely be due by April by Members of Congress and will be done in conjunction with the reauthorization of the FAST Act.

The FAST Act is due in Committee by May and is anticipated to be before Congress by September. The total of project designations may be around 3-6% of the transportation bill, but we will know more soon.

The 117th Congress has written a new set of rules that would allow them to go after key priorities, like COVID-19 relief, climate, as well as revive Congressionally directed spending on projects – known as "earmarks."

This is a new opportunity, although with a quick timeline, for municipal project funding. More details will be forthcoming but we would suggest you start planning now. Congress members must provide evidence of community support as one of the compelling factors in their decision to select the requested projects.

There will be specific guardrails to prevent excesses that occurred prior to the elimination of earmarks about 15 years ago. They include: Congress members must submit written

request, which will be posted online, early public disclosure, ban on for-profit recipients, a cap on overall funding at no more than 1 percent of discretionary spending, and congress members are limited to 10 request, although the number of projects that receive funding will be less than that.

The committee will require the Government Accountability Office to audit a sample of enacted community project funding and report to Congress.

The League's partner, the National League of Cities has a guide for [Transportation Project Designations Process and Timeline](#) that are a good reference point. Further guidance will be provided as it is available. In the meantime, we strongly suggest you review this funding opportunity with your Administrator, Engineer, and Public Works Department to plan what funding for transportation projects you would like to request as well as reach out to your congressional representatives.

Contact: Paul Penna, Legislative Analyst, ppenna@njlm.org, 609 695-3481, x110.

III. 2020 Annual League Conference

a. Print Your CEU Certificates from the 2020 NJLM Virtual Conference

The tracking system from the 2020 NJLM Virtual Conference is now open. To print your certificates visit the [Tracking System webpage](#).

The system will be available until **May 1, 2021**.

b. It's Not Too Late!

We hope that the NJLM Virtual Conference allowed you to look back and forward on the challenges of the day, be it the COVID-19 pandemic, social and restorative justice or how to balance the competing interests in preparing for your 2021 budget. While we hope to be back in-person in Atlantic City in 2021, the virtual conference offers a unique benefit. The content of the approximately 80 programs and 145 virtual exhibitor booths will be available on-demand through October 31, 2021.

Anyone who is registered can simply log in to [the Conference website](#) to view any of the programs or visit any of the exhibitor booths. And for those who did not attend, it's not too late. We will continue to accept [registrations](#) for access to the Conference site. Those who register now will not be able to apply for CEUs but will have full access to all programs and exhibit booths. And please continue to visit the exhibitors who chose to support the 105th Annual Conference by stopping by their booths. You can contact exhibitors directly with any questions or comments by simply using the "Request Information" button on each booth. This will generate an automatic email to the exhibitor and they will contact you with a reply.

IV. Also of Interest

a. Expanded Earned Income Tax Credit Program

On national Earned Income Tax Credit Awareness Day, the New Jersey Department of Treasury launched a statewide awareness campaign to encourage eligible taxpayers to take advantage of New Jersey's expanded program. Beginning with the 2020 tax filing New Jersey's Earned Income Tax Credit (NJEITC) is increasing to 40% of the federal credit an average of \$882 as well as lowering the minimum age eligibility for EITC from 25 to 21 years of age.

Treasury has created a wide range of [promotional materials that can be found online](#) for any partners looking to help raise awareness about the NJEITC. More information on NJEITC including eligibility is available at the New Jersey Earned Income Tax Credit [website](#).

b. Women at Work Virtual Conference

On Thursday, March 25, [GFOA of NJ](#) is holding its [Women at Work Virtual Conference](#) from 9:00 a.m. to 12:30 p.m. It is an interactive workshop designed to inspire and empower women with actionable strategies to: Communicate with Confidence, Build A Network of Allies and Advocates, and Evict Their "Imposter" and Realize Their Potential. CEUs have been approved. Businesses can showcase their goods and services in between sessions.

[Details can be found on the registration page](#). This event is hosted by Jennifer Willey, CEO, of Wet Cement and sponsored by Primepoint HRMS & Payroll.



New Jersey State League of Municipalities

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